

**THE
LAKE CITY
MUNICIPAL
CODE**

Prepared by the
**MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE**
in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

May 1996

Change 4, November 17, 2005

CITY OF LAKE CITY, TENNESSEE

MAYOR

V. E. Wilson

VICE MAYOR

Clarence Houck

COUNCIL MEMBERS

Phillip Ray Duncan
Michael L. Lovely
Timothy L. Sharp

RECORDER

Jean Hayton

PREFACE

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

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

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

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

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

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

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

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

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

Steve Lobertini
Codification Specialist

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

Section 9

Ordinances

All ordinances of the city shall begin with the words, "Be it enacted by the Board of Mayor and Council of the City of Lake City," and shall close with the words, "the welfare of the city requiring it."

Every ordinance shall be passed on two different days in open session, and not less than one week shall elapse between the first and second readings. Only the caption of ordinances shall be required to be read.

An ordinance shall not take effect until fifteen (15) days after final passage, except in the case of an emergency ordinance. An emergency ordinance must contain the statement that an emergency exists, and shall become effective upon the date of its final passage. The unanimous vote of all the members of the board present and voting shall be required to pass an emergency ordinance. No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall be passed as an emergency ordinance.

Every ordinance upon its final passage shall be signed by the mayor and countersigned by the recorder, and by the recorder entered into an ordinance book which shall be filed and preserved in the office of the recorder.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND COUNCIL.
2. MAYOR.
3. RECORDER.
4. CITY ADMINISTRATOR.
5. SERVICE DIRECTOR.
6. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND COUNCIL²

SECTION

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

1-101. Time and place of regular meetings. The board of mayor and council shall hold regular meetings at 7:00 P.M. on the third (3rd) Thursday of each month at the city hall.

When, in his or their opinion, the urgency of city business requires, the mayor, acting mayor, or a majority of the board may call a special meeting of the

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: § 7.

Qualifications: § 5.

Term of office: § 5.

Vacancy in office: § 6.

board upon giving twenty-four (24) hours written notice thereof to all of the councilpersons, the city attorney, and other officials required to attend, provided that such notice shall be signed by the calling party or parties and shall state the matters to be considered or the nature of business to be transacted by the board at such meeting. (Ord. #351, May 1994)

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and council, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1968 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and council 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. (1968 Code, § 1-103, modified)

1-104. Compensation of council. The council members shall be entitled to receive compensation in the amount of fifty dollars (\$50.00) per month, for the upcoming term beginning on the first Thursday in December following the election in November 1994 and shall not be changed during the four year term.

The council members shall not be paid, nor be entitled to receive compensation for more than one meeting in any one month nor be paid, or entitled to receive compensation for any meeting unless they are present and in actual attendance at said meeting. Meetings as defined herein shall include both regular and legally called meetings. (Ord. #350, May 1994)

CHAPTER 2

MAYOR¹

SECTION

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

1-203. Compensation.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all municipal fiscal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his responsibilities. (1968 Code, § 1-201)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and council. (1968 Code, § 1-202)

1-203. Compensation. The mayor shall be entitled to receive compensation in the amount of one hundred dollars (\$100.00) per month, for the upcoming term beginning on the first Thursday in December following the election in November 1994 and shall not be changed during the four year term.

The mayor shall not be paid, nor be entitled to receive compensation for more than one meeting in any one month nor be paid, or entitled to receive compensation for any meeting unless he is present and in actual attendance at said meeting. Meetings as defined herein shall include both regular and legally called meetings. (Ord. #350, May 1994)

¹Charter references

Compensation: § 7.

Duties and powers: § 10.

Qualifications: § 5.

Term of office: § 5.

Vacancy in office: § 6.

Veto power: § 10.

CHAPTER 3

RECORDER¹

SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

1-303. To perform general administrative duties, etc.

1-301. To be bonded. The recorder shall be bonded in such amount as the board of mayor and council may from time to time prescribe. (1968 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and council and shall preserve the original copy of all ordinances in a separate ordinance book. (1968 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and council and for the city which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. (1968 Code, § 1-303)

¹Charter reference: § 12.

CHAPTER 4

CITY ADMINISTRATOR

SECTION

- 1-401. Office of city administrator created.
- 1-402. Residence.
- 1-403. Vacancy in office of, or absence of.
- 1-404. Departmental cooperation.
- 1-405. Duties of the administrator.
- 1-406. Removal.

1-401. Office of city administrator created. There is hereby created the office of City Administrator for the City of Lake City. The board of mayor and council shall by majority vote, appoint and fix the salary and term of office of said administrator. The administrator shall be responsible to and shall report to the Board of Mayor and Council of Lake City. The administrator shall be selected solely on the basis of training, experience, and other administrative qualifications. Minimum qualifications shall include a college degree or ten (10) years experience in municipal management, public administration, business administration, or planning. The administrator shall give full time to the duties of the office. (1968 Code, § 1-1401)

1-402. Residence. Residence in the city at the time of appointment of a city administrator shall not be required as a condition of the appointment, but within ninety (90) days after reporting for work, the city administrator must establish residence in the immediate vicinity of the City of Lake City. (1968 Code, § 1-1402)

1-403. Vacancy in office of, or absence of. During temporary absences, or disability of the administrator, the board of mayor and council may appoint an acting administrator. (1968 Code, § 1-1403)

1-404. 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 efficiently, economically, and harmoniously. (1968 Code, § 1-1404)

1-405. Duties of the administrator. It shall be the duty of the administrator to supervise and coordinate all administrative activities of each department under the board of mayor and council. The administrator shall be responsible to and shall report to the board of mayor and council. The administrator also shall have the following duties with respect to the administration of affairs of the city under the board of mayor and council:

(1) To make recommendations to the board of mayor and 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 board of mayor and 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 and insurance coverage as required.

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

(4) To advise and recommend the personnel employment needs of the city to the board of mayor and council, and to maintain personnel files on all city employees.

(5) To demote, suspend, dismiss any employee of the city who is responsible to the board. Any such action may be appealed by the affected employee to the board of mayor and council within 30 days after the action is taken.

(6) To act as purchasing agent for the city and to purchase all materials, supplies, and equipment for the proper conduct of the city's business, subject to the policies, rules and regulations established by the board of mayor and council.

(7) To prepare and submit the annual budget and capital program to the board of mayor and council.

(8) To approve all proposed expenditures and prevent the incurring of any obligation without such approval and unless funds are available for the expenditures.

(9) To keep the board of mayor and council fully advised as to the financial condition and future needs of the city and make such recommendations to the board concerning the affairs of the city as he or she deems desirable.

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

(11) To attend all meetings of the board of mayor and council and to attend the meeting of all municipal boards, commissions, and committees as the administrator deems necessary or upon their request.

(12) To attend and participate in conferences, seminars, training, and related assemblies and events related to the functions of municipal administration subject to the approval of the board of mayor and council.

(13) To serve as Grants Administrator for Lake City, to become knowledgeable in applicable federal, state, and private grants and to assist in such applications. The administrator shall keep adequate and accurate records related to such applications and the receipt and expenditure of funds.

(14) To perform other duties as may be required of the administrator by resolution of the board of mayor and council. (1968 Code, § 1-1405)

1-406. Removal. The city administrator shall serve at the pleasure of the board of mayor and council, and may be removed only by a majority vote of the board of mayor and council. (1968 Code, § 1-1406)

CHAPTER 5

SERVICE DIRECTOR

SECTION

1-501. Creation of office of service director.

1-502. Powers and duties of service director.

1-501. Creation of office of service director. There is hereby created and established the office of service director in and for the City of Lake City. The service director shall report to the mayor and board of council. Except for the purposes of inquiry, the mayor and each council member shall take up all matters pertaining to the functions enumerated in this chapter solely through the service director. Neither the mayor nor individual council members shall give orders to the service director's subordinates or otherwise interfere with the day to day operation of the functions under the supervision of the service director. (1968 Code, § 1-1201)

1-502. Powers and duties of service director. (1) The service director shall have supervision over construction, maintenance, and clearing of all streets, alleys, and storm sewers now open or which may hereafter be opened;

(2) Supervision of all work done on, in, and under streets, alleys and other public ways by anyone other than the City of Lake City;

(3) Supervision over the Lake City water and sewer system;

(4) Supervision of the refuse collection system of the city;

(5) Supervision of all public building and grounds and public activities;

(6) Supervision of the Lake City code enforcement program excluding the safety department.

(7) The service director shall act as purchasing agent subject to the policies, rules and regulations established by the mayor and board of council;

(8) Make recommendations to the mayor and board of council on the employment, dismissal, promotion or demotion of any employee under his supervision;

(9) See that all of the city's vehicles and equipment are properly maintained;

(10) Perform such other functions as may be assigned by the mayor and board of council. (1968 Code, § 1-1202)

CHAPTER 6

CODE OF ETHICS¹

SECTION

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

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.

1-601. Applicability. This chapter is the code of ethics for personnel of the City of Lake City. 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. The words "municipal" and "city" or "City of Lake City" include these separate entities. (as added by Ord. #437, Dec. 2006)

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

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

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

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grand-parent(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. #437, Dec. 2006)

1-603. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (as added by Ord. #437, Dec. 2006)

1-604. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the

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

official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #437, Dec. 2006)

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

(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. #437, Dec. 2006)

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

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #437, Dec. 2006)

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

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the board of mayor and city council to be in the best interests of the city. (as added by Ord. #437, Dec. 2006)

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

(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. (as added by Ord. #437, Dec. 2006)

1-609. Outside employment. A full-time employee may not accept any outside employment without written authorization from the mayor. (as added by Ord. #437, Dec. 2006)

1-610. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city 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 board of mayor and city council 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's board of mayor and council, the city council 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 city council determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the board of mayor and council.

(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. #437, Dec. 2006)

1-611. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the board of mayor and city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #437, Dec. 2006)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. PARKS AND RECREATION COMMISSION.

CHAPTER 1

PARKS AND RECREATION COMMISSION

SECTION

2-101. Created, purposes generally.

2-102. Composition; appointment of members; terms and eligibility for office.

2-103. Powers, duties, and responsibilities.

2-101. Created, purposes generally. There is hereby created and established a Parks and Recreation Commission for the City of Lake City, Tennessee, for the regulation and control of the operation and maintenance of the city's park and recreation programs and facilities. (1968 Code, § 1-1501)

2-102. Composition; appointment of members; terms and eligibility for office. The parks and recreation commission shall be comprised of five (5) members elected by the board of mayor and council by a majority vote upon nomination by the mayor. The membership of the commission shall include a minimum of two (2) local residents and two (2) members of city council and three (3) local residents.

The members appointed from the city council shall serve a two (2) year term, and shall be eligible to serve no more than two (2) consecutive full terms on the commission. Should such appointee's membership on the board expire, their term upon the commission shall also expire on the same date. The basis for selection of members shall be as follows:

(1) Interest in recreational growth and recreational programs within the City of Lake City and Anderson County;

(2) Availability of time to devote to the parks and recreation commission;

(3) Willingness to accept the responsibilities and duties in connection herewith; and

(4) Ability to perform the required duties. (1968 Code, § 1-1502, as amended by Ord. #365, Oct. 2000)

2-103. Powers, duties, and responsibilities. (1) Master plan. It shall be the duty of the parks and recreation commission to develop a comprehensive master plan that addresses all aspects of the city's parks and

recreational programs, including but not limited to the acquisition and development of physical facilities. The approval of the board of mayor and council shall be required prior to any acquisition of real property.

(2) Schedule of fees and charges. The parks and recreation commission shall provide basic services such as neighborhood playgrounds, jogging trails, walking trails, and bicycle trails to all citizens free of charge, and shall also take precautions so that no person will be denied an opportunity to use any park or recreational facility by reason of poverty. The commission shall not modify or repeal any fees or charges set or adopted by the board of mayor and council.

(3) Regulatory authority. The parks and recreation commission shall have the power to promulgate rules and regulations governing the use of and participation in the city's parks, recreational facilities, and recreational programs.

(4) By-laws. The parks and recreation commission is empowered to adopt by-laws relating to:

- (a) The method of selection and duties of its officers;
- (b) The regular schedule, time and place of its meetings;
- (c) Such other matters as may be deemed appropriate under

this chapter.

(5) Citizen participation. The parks and recreation commission is directed to solicit the opinion of and to work closely with members of the general public, as well as other public and private organizations interested in parks and recreational activities and programs.

(6) Additional duties. The parks and recreation commission shall perform such other duties as the board of mayor and council may from time to time require. (1968 Code, § 1-1503, as amended by Ord. #365, Oct. 2000)

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.

3-101. City judge. The officer designated pursuant to the city charter to handle judicial matters within the city shall preside over the city court, and shall be known as the city judge. (1968 Code, § 1-501)

¹Charter reference: § 16.

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines and costs.
- 3-203. Disposition and report of fines 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 as required by the city charter. (1968 Code, § 1-502)

3-202. Imposition of fines and costs. All fines and costs shall be imposed and recorded by the city judge on the city court docket in open court. (1968 Code, § 1-508)

3-203. Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of mayor and council a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1968 Code, § 1-511)

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. (1968 Code, § 1-512)

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. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1968 Code, § 1-506)

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 The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1968 Code, § 1-503)

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. (1968 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1968 Code, § 1-505)

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. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1968 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, in accordance with the provisions of the city charter, appeal to the next term of the circuit court.¹ (1968 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe 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 and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1968 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY.
2. VACATION AND SICK LEAVE.
3. MISCELLANEOUS PERSONNEL REGULATIONS.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
5. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

SOCIAL SECURITY

SECTION

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Lake City, Tennessee to provide for all eligible employees and officials 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. 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. (1968 Code, § 1-701)

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. (1968 Code, § 1-702)

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. (1968 Code, § 1-703)

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. (1968 Code, § 1-704)

4-105. Records and reports to be made. The municipality shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1968 Code, § 1-705)

4-106. Exclusions. 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. (1968 Code, § 1-706)

CHAPTER 2**VACATION AND SICK LEAVE****SECTION**

- 4-201. Applicability of chapter.
- 4-202. Vacation leave.
- 4-203. Sick leave, accumulative leave and personal leave.
- 4-204. Leave records.
- 4-205. Paid holidays.
- 4-206. Occupational disability leave and compensation.

4-201. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (1968 Code, § 1-801)

4-202. Vacation leave. All regular 40 hour week employees shall be granted vacation time based upon the following schedule:

1 thru 4 years	80 hours
5 thru 9 years	120 hours
10 years or more	160 hours

All regular 48 hour week employees shall be granted vacation time based upon the following schedule:

1 thru 4 years	96 hours
5 thru 9 years	144 hours
10 years or more	192 hours

All employees that work a 24-hour duty shift and are off 48 hours shall be granted vacation time based upon the following schedule:

1 thru 4 years	112 hours
5 thru 9 years	168 hours
10 years or more	224 hours

All vacation leave shall be taken at a time approved by the department supervisor(s) and shall be scheduled two weeks in advance unless an emergency exists. A new employee must have completed one (1) full year of service before he/she is eligible for any vacation. Vacation leave must be taken within one year after it is earned, except the following hours may be carried forward to the next year:

40 hour employee	40 hours
48 hour employee	48 hours
48 hour shift	56 hours

At no time shall any employee carry forward more than one (1) week of vacation to the next calendar.

All employees must use one week of vacation per year. Eligible employees may be granted pay in lieu of vacation for all but one week of vacation providing the department head and the mayor agree that it would be in the best interest of the employee and the city. (1968 Code, § 1-802, as amended by Ord. #416, Nov. 2003)

4-203. Sick leave, accumulative leave and personal leave. For each calendar month of full and continuous employment by the city, each employee shall be entitled to full pay for one (1) day of sick leave, not to exceed eight hours. This sick leave shall be cumulative for an indefinite period of time. Said employee must notify his/her supervisor or office personnel prior to exercising his or her sick leave. Each calendar year an employee will be entitled to use up to three (3) days in no less than two hour increments, without a written statement from a licensed physician. Only one day or eight hours will be charged for employees working a 12 or a 24 hour shift. Any sick leave granted or paid beyond the three days per calendar year will require a written statement from a licensed physician or surgeon as to the illness of the employee.

When an employee is on sick leave without a written statement from a licensed physician or surgeon the following rules will apply:

First day without written statement from a licensed physician or surgeon will result in a verbal reprimand with memo to employee personnel file.

Second day without written statement from a licensed physician or surgeon will result in a written reprimand. Any employee who receives two written reprimands within one year will receive three days off without pay.

Third day off without written statement from a licensed physician will be subject to termination.

Where payment is due an employee under the workmen's compensation law, the amount received from workmen's compensation shall be deducted from the allowances provided for above.

A total of three (3) personal days can be taken with pay in event a death occurs in the immediate family. Immediate family members consist of mother, father, wife or husband, brother, sister, children, mother-in-law or father-in-law. (1968 Code, § 1-803, as amended by Ord. #415, Nov. 2003)

4-204. Leave records. The recorder shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leave taken.

Sick leave records shall be recorded as follows:

All 24 hour shifts of leave shall be recorded as 3 eight hour days of sick leave.

All 12 hour shifts of leave shall be recorded as 1 1/2 days of sick leave.

All 8 hour shifts of leave shall be recorded as 1 day of sick leave. (1968 Code, § 1-804)

4-205. Paid holidays. All regular employees shall be paid for the following holidays: New Year's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, the fourth Thursday and Friday in November, and Christmas Day. When such holidays fall on Saturday, they shall be observed on the preceding Friday; when they fall on Sunday, they shall be observed on the following Monday. If it is necessary for any employee to work on these holidays, compensation shall be given in lieu of the holiday.

The benefits set out herein shall apply to all present and future regular employees of the City of Lake City. Part-time or temporary employees are not eligible for any fringe benefits. (Ord. #346, July 1993)

4-206. Occupational disability leave and compensation. The City of Lake City will abide by the most current Workman's Compensation laws and not pay any wages to the employee other than sick leave or vacation pay while employee is off from work. (1968 Code, § 1-806)

CHAPTER 3

MISCELLANEOUS PERSONNEL REGULATIONS

SECTION

4-301. Business dealings.

4-302. [Repealed.]

4-303. [Repealed.]

4-304. Political activity.

4-305. [Repealed.]

4-306. [Repealed.]

4-307. Strikes and unions.

4-308. Manner of paying personnel.

4-309. Hiring, dismissal and suspension of city employees.

4-310. Nepotism.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the city. (1968 Code, § 1-901)

4-302. [Repealed.] (1968 Code, § 1-902, as repealed by Ord. #437, Dec. 2006)

4-303. [Repealed.] (1968 Code, § 1-903, as repealed by Ord. #437, Dec. 2006)

4-304. Political activity. Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1968 Code, § 1-904, modified)

4-305. [Repealed.] (1968 Code, § 1-905, as repealed by Ord. #437, Dec. 2006)

4-306. [Repealed.] (1968 Code, § 1-906, as repealed by Ord. #437, Dec. 2006)

4-307. Strikes and unions. No municipal officer or employee shall participate in any strike against the city, nor shall he join, be a member of, or

solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1968 Code, § 1-907)

4-308. Manner of paying personnel. (1) All wages, salaries, fees, and other emoluments owing to the officers and employees of the city shall be paid by check drawn upon the lawful depository of city funds.

(2) Subject to the provisions of title 4, chapter 1 and title 6, chapter 1, of the Lake City Municipal Code, the city recorder is hereby authorized and it is made his duty to draw and issue all checks for the payment of wages, salaries, fees, and other emoluments owing to the officers and employees of the city.

(3) All salaried officers and employees of the city shall be paid by check drawn and issued by the city recorder in such amounts and at such intervals as shall from time to time be lawfully determined and fixed by the board.

(4) All hourly wage employees of the city shall be paid by check drawn and issued by the city recorder, but no hourly payroll account or claim, or any part thereof, shall be paid unless such expenditure shall have been lawfully authorized by the board and approved by the head of the department for which the indebtedness was incurred. Whenever any claim for wages due shall be presented to the recorder he shall have power to require evidence that the amount claimed is justly due and is in conformity to law and ordinance, and for that purpose he may summons before him any officer, agent, or employee of any department of the municipality, of any other person, and examine him upon oath or affirmation relative thereto. The recorder and the head of the department concerned and their sureties shall be liable to the municipality for all loss or damage sustained by the city by reason of the corrupt approval of any such claim.

(5) All other officers and employees of the city shall be paid by check drawn and issued by the city recorder in such amounts and at such times as may be lawfully authorized and approved by the board.

(6) All checks drawn and issued by the recorder for the payment of wages, salaries, fees, and other emoluments to officers and employees of the city shall indicate on the face thereof that they have been drawn and issued for such purposes and shall be honored if signed by the recorder.

(7) The city recorder may designate his clerk to draw and issue checks for the payment of wages, salaries, fees, and other emoluments to city officers and employees with the same effect as if signed by the city recorder; such designation to be in writing, approved by the board, and filed with the mayor, the treasurer, and the depository of city funds. Any such designation may be revoked by the recorder by filing copies of the revocation with the mayor, the treasurer, and the depository of city funds.

(8) Overtime wages shall be paid to hourly employees for all hours worked in excess of eight (8) hours in one (1) day or forty (40) hours in one (1) week at the rate of one and one-half times the straight-time earnings but only when authorized by the superintendent or foreman and approved by the service

director or department chairman. In no case shall overtime wages be paid unless properly authorized. (1968 Code, § 1-908)

4-309. Hiring, dismissal and suspension of city employees. Except for police officers and paid firemen, who must serve a 60-day probationary period, all other employees shall serve a 30-day probationary period, including part-time employees. The service director is the designated individual to place employees on the payroll for probationary periods, however, in the absence of a service director, the department chairman or the mayor may place employees on the payroll. At no time shall any employee be hired without the mayor's approval. After an employee has served the probationary period stated above, he/she shall be considered for regular or part-time employment upon recommendation by the department superintendent, or chief of police who will submit an application along with the proper personnel records, to the board of mayor and council at a regular or special called meeting. Said employee can only be regularly hired by a majority vote of the board of mayor and council. Police officers must be at least 21 years of age; all other employees must be at least 18 years of age.

In addition to the above, a superintendent or foreman or the chief of police, with the approval of the department chairman, may hire temporary employees for a particular job or for a department in case of sickness or absenteeism when such employment is not expected to exceed thirty (30) days.

No one shall be employed as a regular employee of the City of Lake City while serving as a regular or full-time employee with another employer.

In the absence of a service director, the superintendent, foreman, or chief of police, with the approval of the department chairman or mayor, may suspend an employee for any of the following reasons: unsatisfactory work, failure to carry out orders, unauthorized absenteeism, reporting to work while under the influence of alcohol or drugs, consuming alcohol or drugs while on the job, or noncompliance with the Lake City Municipal Code. The reason for such action must be in writing and be presented to the board of mayor and council at the next board meeting. Said employee may request a hearing before the board of mayor and council within thirty (30) days. If said employee does not request a hearing, he shall be terminated. The board of mayor and council may suspend or dismiss an employee for any of the above reasons or for any reason it deems reasonable and necessary. (1968 Code, § 1-909)

4-310. Nepotism. (1) Prohibited. Any relative whether a relative by blood or marriage, of a councilman or mayor, city manager, city recorder, city attorney or city service director shall not be considered or hired for any full-time or regular part-time employment with the City of Lake City. Any person already in the employment of the city upon the effective date of this section shall not be allowed to transfer to any position in which a relative, as defined in this

section, would have a direct reporting or supervisory relationship with the employee.

(2) Definitions. (a) The term "relative" shall include the job applicant's or employee's spouse, child, step-child, parent, step-mother, mother-in-law, step-father, father-in-law, brother, step-brother, sister, step-sister, brother-in-law, sister-in-law.

(b) The term "reporting or supervisory relationship" means a relationship in which there is a superior and a subordinate, and the supervisor has the authority to assign work to, and require from the subordinate, and to make other decisions and recommendations related to the work environment of the subordinate. (1968 Code, § 1-910)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-401. Title.
- 4-402. Purpose.
- 4-403. Coverage.
- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding the program.

4-401. Title. This section shall provide authority for establishing and administering the occupational safety and health program plan for the employees of the City of Lake City. (1968 Code, § 1-1101, as replaced by Ord. #413, Sept. 2003)

4-402. Purpose. The City of Lake City, in electing to update their established program plan will maintain an effective occupational safety and health program 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) Continual analysis of the worksite to identify all hazards and potential hazards;
 - (c) Development and maintenance of methods for preventing or controlling existing or potential hazards; and
 - (d) Training of 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) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) Consult with the State 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, 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 the health standards, and provide for education and notification of all employees of the existence of this program. (1968 Code, § 1-1102, as replaced by Ord. #413, Sept.2003)

4-403. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Lake City shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Lake City whether part-time for full-time, seasonal or permanent. (1968 Code, § 1-1102, as replaced by Ord. #413, Sept. 2003)

4-404. Standards authorized. The occupational safety and health standards adopted by the City of Lake City 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). (1968 Code, § 1-1102, as replaced by Ord. #413, Sept. 2003)

4-405. Variances from standards authorized. The City of Lake City may, upon written application of the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Lake City shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the city manager or city recorder shall be deemed sufficient notice to employees. (1968 Code, § 1-1102, as replaced by Ord. #413, Sept. 2003)

4-406. Administration. For the purposes of this chapter, the public works director or his or her designee, is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the OSHA program. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (as added by Ord. #413, Sept. 2003)

4-407. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the city council. (as added by Ord. #413, Sept. 2003)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-501. Title.

4-502. Travel regulations.

4-503. Travel reimbursement rate schedules.

4-504. Administrative procedures.

4-501. Title. This chapter shall be known as and may be cited as the City of Lake City Travel Policy chapter. The purpose of this chapter and referenced regulations is to bring the city into compliance with Pub. Acts 1993, ch. 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law." This chapter is intended to provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #347, July 1993)

4-502. Travel regulations. The chief administrative officer of the city or his or her designee shall be responsible for the enforcement of these travel regulations.

(1) The term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler under this chapter.

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

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

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

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

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

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

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

(b) Actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances. Expenses considered excessive won't be allowed.

(7) Claims of five dollars (\$5) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #347, July 1993)

4-503. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #347, July 1993)

4-504. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder. (Ord. #347, July 1993)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES GENERALLY.
4. WHOLESALE BEER TAX.
5. SALES TAX.
6. ROOM OCCUPANCY TAX.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depository for city funds.

5-101. Official depository for city funds. The First National Bank of Lake City, Tennessee, is hereby designated as the official depository for all city funds. (1968 Code, § 6-601)

¹Charter reference: § 17.

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. Assessments.

5-202. When due and payable.

5-203. When delinquent--penalty and interest.

5-201. Assessments. Until such time as the board of mayor and council shall appoint a city tax assessor the City of Lake City shall use the same assessments of property within the corporate limits as Anderson County uses. (1968 Code, § 6-101)

5-202. When due and payable.¹ Taxes levied by the City of Lake City against real property shall become due and payable annually on the date prescribed in the city's charter. (1968 Code, § 6-102)

5-203. When delinquent--penalty and interest.² Real property taxes shall become delinquent and subject to penalty and interest in accordance with the provisions of the state law.³ (1968 Code, § 6-103)

¹State law references

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

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.

³Charter 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
(continued...)

CHAPTER 3

PRIVILEGE TAXES GENERALLY

SECTION

5-301. Tax levied.

5-302. License required.

5-303. "Business Tax Act" implemented.

5-301. 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. (1968 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the City of Lake City without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1968 Code, § 6-302)

5-303. "Business Tax Act" implemented. The taxes provided for in the state's "Business Tax Act" are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the City of Lake City at the rates and in the manner prescribed by the said act. (1968 Code, § 6-303)

(...continued)

- 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 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the City of Lake City of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1968 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 5

SALES TAX

SECTION

- 5-501. Sales tax levied.
- 5-502. Approval of voters required.
- 5-503. Collection of tax.
- 5-504. Suits for recovery of illegally assessed or collected tax.
- 5-505. Notice of chapter.

5-501. Sales tax levied.¹ As authorized by Pub. Acts 1963, ch. 329, there is levied a tax in the same manner and on the same privileges subject to the "Retailers' Sales Tax Act" under Tennessee Code Annotated, title 67, chapter 6, as the same may be amended, which are exercised in Lake City, Tennessee. The tax is levied on all such privileges at a rate of one-half (1/2) of the rates levied in the "Retailers' Sales Tax Act" codified in Tennessee Code Annotated, title 67, chapter 6, and on farm and industrial machinery and on water sold to or used by manufacturers at the rate of one-half of 1%.

(1) Beginning July 1, 1983, the local sales tax at the present rate in effect in the municipality shall apply to the first six hundred sixty-seven dollars (\$667.00) on the sale or use of any single article of personal property; beginning on July 1, 1984, to the first eight hundred eighty-nine dollars (\$889.00) on the sale or use of any single article of personal property; and beginning on July 1, 1985, to the first one thousand one hundred dollars (\$1,100.00) on the sale or use of any single article of personal property.

(2) Any five dollars (\$5.00) or seven and one-half dollar (\$7.50) tax limit on the sale or use of any single article of personal property in effect at present in the municipality is hereby removed.

(3) Future increases in the base beginning on the dates above specified shall be automatic and shall not require further action of the governing body.

(4) Nothing herein contained shall be deemed to permit an increase in the local sales tax rate heretofore in effect in the municipality.

(5) There is excepted from the tax levied by this chapter the sale, purchase, use, consumption or distribution of electric power or energy, or natural or artificial gas, or coal and fuel oil.

(6) Penalties and interest for delinquencies shall be the same as provided in Tennessee Code Annotated, § 67-6-516. (1968 Code, § 6-501)

¹See the footnote to § 5-502 for references to ordinances increasing the local sales tax.

5-502. Approval of voters required. If a majority of those voting in the election required by Pub. Acts 1963, ch. 329, § 5, vote for the ordinance,¹ collection of the tax levied by this chapter shall begin on the first day of the month occurring thirty (30) or more days after the county election commission makes its official canvass of the election returns. (1968 Code, § 6-502)

5-503. Collection of tax. It having been determined by the Department of Revenue of the State of Tennessee that it is feasible for this tax to be collected by that department, said determination being evidenced by "Local Option Sales and Use Tax Rules and Regulations" heretofore promulgated by the Department of Revenue, the department shall collect such tax concurrently with the collection of the state tax in the same manner as the state tax is collected in accordance with rules and regulations promulgated by said department. The mayor is hereby authorized to contract with the Department of Revenue for the collection of the tax by the department, and to provide in said contract that the department may deduct from the tax collected a reasonable amount or percentage to cover the expense of the administration and collection of said tax. (1968 Code, § 6-503)

5-504. Suits for recovery of illegally assessed or collected tax. In the event the tax is collected by the Department of Revenue, suits for the recovery of any tax illegally assessed or collected shall be brought against the mayor. (1968 Code, § 6-504)

5-505. Notice of chapter. A copy of this chapter shall be transmitted to the said Department of Revenue and shall be published one time in a newspaper of general circulation in the City of Lake City, Tennessee. (1968 Code, § 6-505)

¹The original ordinance was approved by the voters on March 12, 1968.

An ordinance increasing the local sales tax rate was approved by the voters on August 3, 1978. See Ord. #235, of record in the recorder's office.

Another ordinance increasing the local sales tax rate was also approved by the voters on July 21, 1987. See Ord. #306, of record in the recorder's office.

CHAPTER 6

ROOM OCCUPANCY TAX

SECTION

- 5-601. Definitions.
- 5-602. Tax levied.
- 5-603. Collection of tax.
- 5-604. Tax to be remitted to recorder.
- 5-605. Tax not to be assumed by operator.
- 5-606. Failure to collect, remit, or pay tax.
- 5-607. Records to be kept.
- 5-608. Supplemental powers, duties, and remedies of recorder and taxpayers.
- 5-609. Disposition by city of tax proceeds.
- 5-610. Tax is in addition to all others.

5-601. Definitions. As used in this chapter, unless a different meaning clearly appears from the context, the following definitions shall apply:

(1) "Person" means any individual, firm, partnership, joint venture association, social club, fraternal organization, joint stock company, corporation, estate trust, business, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(2) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(3) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings, or accommodations in any hotel.

(4) "Transient" means any person who exercises occupancy or is entitled to occupancy for any room, lodgings, or accommodations in a hotel for a period of less than ninety (90) continuous days.

(5) "Consideration" means the consideration charged whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom, whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complementary from the operator and no consideration is charged to or received from any person.

(6) "Operator" means the person operating the hotel whether as owner, lessee or otherwise. (1968 Code, § 6-701)

5-602. Tax levied. Pursuant to the provisions of Priv. Acts 1985, ch. 59, there is hereby levied on the occupancy in any hotel of each transient a privilege tax of 5% of the consideration charged by the operator. (1968 Code, § 6-702, as amended by Ord. #407, June 2003)

5-603. Collection of tax. Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel, such invoice to be given directly or transmitted to the transient, and shall be collected by such operator from the transient and remitted to the city recorder. (1968 Code, § 6-703)

5-604. Tax to be remitted to recorder. The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms to the city recorder not later than the 20th day of each month next following collection from the transient. (1968 Code, § 6-704)

5-605. Tax not to be assumed by operator. No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded. (1968 Code, § 6-705)

5-606. Failure to collect, remit, or pay tax. Taxes collected by an operator which are not remitted to the city recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of six percent (6%) per annum, and in addition for penalty of one-half percent (1/2 of 1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal to a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). The fine levied herein shall be applicable to each individual transaction involving lodging services paid by a customer to the operator in those cases when the operator fails or refuses to pay the tax payable to the city recorder. (1968 Code, § 6-706)

5-607. Records to be kept. It shall be the duty of every operator liable for the collection and payment to the municipality of any tax levied under this chapter to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose collection and payment to the municipality he may have been liable, which records the city recorder shall have the right to inspect at all reasonable times. (1968 Code, § 6-707)

5-608. Supplemental powers, duties, and remedies of recorder and taxpayers. In administering and enforcing the provisions of this Act, the

city recorder shall have as additional powers the power and duties with respect to collection of taxes provided in Tennessee Code Annotated, title 67, or otherwise provided by law. Upon any claim or illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, § 67-1-911, it being the intent that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under this chapter; provided, the city recorder shall possess those powers and duties as provided in Tennessee Code Annotated, § 67-1-707, with respect to the adjustment and settlement with taxpayers of all errors of taxes collected by him under this chapter and to direct the refunding of the same. Notice of any tax paid under protest shall be given to the city recorder, and suit for recovery shall be brought against him. (1968 Code, § 6-708)

5-609. Disposition by city of tax proceeds. The proceeds from the tax levied herein shall be retained by the municipality and appropriated by the legislative body of Lake City, with no more than eighty (80) percent of the generated revenue going into the general fund and the remainder into a tourism, special projects and programs account. This account shall be under the general management of the city administrator with expenditures budgeted authorized and approved by the legislative body of Lake City in the traditional manner of their handling the municipalities various funds and accounts. (1968 Code, § 6-709)

5-610. Tax is in addition to all others. The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied. (1968 Code, § 6-710)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1

POLICE AND ARREST¹

SECTION

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance in making arrests.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.
- 6-108. Citations in lieu of arrest in non-traffic cases.
- 6-109. Summonses in lieu of arrest.
- 6-110. Police chief to have authority.

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. (1968 Code, § 1-401)

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. (1968 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and council shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1968 Code, § 1-403)

¹Municipal code reference

Issuance of traffic citations, etc.: title 15, chapter 7.

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

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1968 Code, § 1-404)

6-105. Policemen may require assistance in making arrests. It shall be unlawful for any male person to willfully refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1968 Code, § 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1968 Code, § 1-406)

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1968 Code, § 1-407)

6-108. Citations in lieu of arrest in non-traffic cases. Pursuant to Tennessee Code Annotated, § 7-63-101 et seq., the board of mayor and council appoints the fire chief in the fire department and the code enforcement officer in the building department special police officers having the authority to issue citations in lieu of arrest. The fire chief in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances. The code enforcement officer in the building department shall have the authority to issue citations in lieu of arrest 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. (1968 Code, § 1-408)

6-109. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated, § 7-63-201 et seq., which authorized the board of mayor and council 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 code enforcement officer to issue ordinance summonses in those areas. These enforcement officers 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.

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 § 6-108 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. (1968 Code, § 1-409)

6-110. Police chief to have authority. In the absence of a code enforcement officer, the police chief has the above authority. (1968 Code, § 1-410)

CHAPTER 2

WORKHOUSE

SECTION

6-201. Establishment, designation, and purpose of workhouse.

6-202. Authority to commit to workhouse; prisoner entitlements.

6-203. Prisoners to be worked.

6-204. Chief of police to be superintendent.

6-201. Establishment, designation, and purpose of workhouse.

There is hereby established a city workhouse for the City of Lake City. The city jail is designated as the workhouse. It shall be used for the housing, confinement, and incarceration of persons owing fines which have been assessed against said persons by any official of said city having authority and power to assess and fix fines for the violation of a city ordinance. (1968 Code, § 1-601)

6-202. Authority to commit to workhouse; prisoner entitlements.

Any person presiding over the city court of the City of Lake City shall have authority to commit and place in the workhouse any person owing to the City of Lake City any fine which has not been paid in full or properly secured. Each person committed to the workhouse shall be entitled to receive, as credit toward the payment of his fines, the sum of two dollars (\$2.00) for each twenty-four (24) hour period spent in the workhouse. Each person committed to the workhouse shall be furnished three (3) meals on each day he furnishes labor to the city. (1968 Code, § 1-602)

6-203. Prisoners to be worked.

Prisoners of the workhouse may be assigned to any of the various city departments in which labor is performed. The person in charge of overseeing labor in the department to which a prisoner is assigned shall have authority to direct and prescribe the labor to be performed by the prisoner. The overseer shall be given custody of the prisoner at the workhouse at the starting of the work day and shall return him to the workhouse at the end of the work day. (1968 Code, § 1-603)

6-204. Chief of police to be superintendent.

The chief of police of the City of Lake City is hereby designated as the superintendent of the workhouse and shall be in full charge and control of same and shall operate same in such a manner as to properly and effectively effectuate the purposes herein set out. (1968 Code, § 1-604)

TITLE 7**FIRE PROTECTION AND FIREWORKS¹****CHAPTER**

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

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

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as described in § 12-102 of this code. (1968 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. Definitions.
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Appeals.
- 7-208. Penalties.
- 7-209. Testing and marking of hydrants.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,² 1994 edition with 1995 revisions, as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included herein as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1968 Code, § 7-201, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. (1968 Code, § 7-202)

7-203. Definitions. (1) Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Lake City, Tennessee.

¹Municipal code reference
Building, utility and housing codes: title 12.

²Copies of this code are available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.

(2) Wherever the term "Corporation Counsel" is used in the fire prevention code herein adopted, it shall be held to mean the city attorney for the City of Lake City, Tennessee.

(3) Wherever the term "Bureau of Fire Prevention" is used in the fire prevention code herein adopted, it shall be held to mean the fire department.

(4) Wherever the term "Chief of the Bureau of Fire Prevention" is used in the fire prevention code herein adopted, it shall be held to mean the chief of the fire department. (1968 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials are prohibited, are hereby declared to be the first fire district as set out in § 12-102 of this code.

The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the first fire district as set out in § 12-102 of this code.

The limits referred to in § 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the first fire district as set out in § 12-102 of this code.

The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the first fire district as set out in § 12-102 of this code. (1968 Code, § 7-204)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1968 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the board of mayor and council 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 council. (1968 Code, § 7-206)

7-207. Appeals. Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued, the applicant may appeal from the decision of the chief of the fire department to the board of mayor and council

within thirty (30) days from the date of the decision appealed. (1968 Code, § 7-206.1)

7-208. Penalties. Any person who shall violate any of the provisions of the fire prevention code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specification or plans submitted and approved thereunder, or any certificates or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the board of mayor and council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of an offense, punishable, in the same manner as are other offenses, under the general penalty clause for the municipal code. Provided, that the imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. Provided further, that 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. (1968 Code, § 7-208)

7-209. Testing and marking of hydrants. NFPA 291, fire flow testing and marking of hydrants, is hereby adopted by reference and incorporated into this code as if it were set out at length herein and shall be controlling with the corporate limits. (Ord. #348, Nov. 1993)

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. Tenure and compensation of members.
- 7-306. Chief responsible for training and maintenance.
- 7-307. Chief to be assistant to state officer.
- 7-308. Fire hydrant standards.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and 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 physically-fit subordinate officers and firemen as the board of mayor and council shall appoint. (1968 Code, § 7-301)

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. (1968 Code, § 7-302)

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. (1968 Code, § 7-303)

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

¹Municipal code reference

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

to the commissioner of public safety once each month, and at the end of the year a detailed annual report shall be made. (1968 Code, § 7-304)

7-305. Tenure and compensation of members. The chief and all other personnel in the fire department shall hold office so long as their conduct and efficiency are satisfactory to the board of mayor and council. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend without pay any member of the fire department for up to thirty (30) days when he deems such action to be necessary for the good of the department.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and council may from time to time prescribe. (1968 Code, § 7-305)

7-306. Chief responsible for training and maintenance. The chief of the fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1968 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1968 Code, § 7-308)

7-308. Fire hydrant standards. Water mains and fire hydrants shall be installed in such a manner to provide adequate fire flows. All water mains shall be at least six inches in diameter. However, larger mains shall be installed when necessary to insure that a minimum of 500 gpm at 20 psi residential pressure is available at all fire hydrants. Based on the color coding system adopted in § 7-209, all "red" fire hydrants shall not be used for connecting a fire department pumper except in those instances where, in the judgement of the senior fire officer on the scene, there is an imminent threat to life. (Ord. #348, Nov. 1993)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Equipment to be used only within corporate limits generally.

7-401. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on city property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless expressly authorized in writing by the board of mayor and council. (1968 Code, § 7-307)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Permits, necessity; regulations; display; nontransferable.
- 7-502. Business licenses not replaced by permit.
- 7-503. Application fee, duration of permit.
- 7-504. Responsibility for fireworks display.
- 7-505. Disposal of unfired fireworks.
- 7-506. Seizure of fireworks.
- 7-507. Storage, location and display of fireworks; protection of fuses.
- 7-508. Manufacture, sale of explosives is prohibited.
- 7-509. Exceptions.
- 7-510. Age limitations.
- 7-511. Fired fireworks.

7-501. Permits, necessity; regulations; display; nontransferable.

It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into the City of Lake City, except as herein provided any item of fireworks, without first having secured the required applicable permits as a manufacture, distributor, wholesaler or retailer, from the City of Lake City, Planning Commission, and the state fire marshal, possession of said permits being hereby made a condition prerequisite to manufacturing, selling or offering for sale, shipping or causing to be shipped any fireworks into the City of Lake City, except as herein provided. Permits are not transferable. (1968 Code, § 7-401, as replaced by Ord. #398, Nov. 2001)

7-502. Business licenses not replaced by permit. The issuance of the permit herein required by the City of Lake City shall not replace or relieve by any person, state, county or municipal business licenses as now or hereafter provided by law. (1968 Code, § 7-402, as replaced by Ord. #398, Nov. 2001)

7-503. Application fee, duration of permit. The application fee for the permit provided in § 7-501 shall be set by the board of mayor and council and shall be required for each application. The permit shall be valid for twelve (12) months.

(1) The fireworks permit may be issued after approval of the site plan or land use plan, by the planning commission that the property meets or exceeds the requirements for that zoning district and that the building meets minimum standards for the safe storage of fireworks.

(2) The structure has at least a four hour fire rating.

(3) The applicant is a state licensed retailer.

(4) Certification by the fire chief and the property maintenance officer that the operation meets minimum fire codes for safe operation. (1968 Code, § 7-403, as replaced by Ord. #398, Nov. 2001)

7-504. Responsibility for fireworks display. The permittee shall be held responsible 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. (1968 Code, § 7-404)

7-505. 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. (1968 Code, § 7-405)

7-506. Seizure of fireworks. The chief of the fire department or any police having knowledge thereof shall seize, take, remove, or cause to be removed at the expense of the owner of all stocks or fireworks offered or exposed for sale, stored, or held in violation of this chapter. (1968 Code, § 7-406)

7-507. Storage, location and display of fireworks; protection of fuses. Placing, storing, locating, or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes, within fifty (50) feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "fireworks-no smoking" in letters not less than four (4) inches high. No fireworks shall be sold at retail at any location where paints, oils, or varnishes are for sale or use, unless such paints, oils, or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline, or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property. (1968 Code, § 7-407, as replaced by Ord. #398, Nov. 2001)

7-508. Manufacture, sale of explosives is prohibited. The manufacture of explosives is prohibited within the corporate limits of the city. It shall be unlawful for any person to store, offer for sale, sell, or activate any explosive device without proper notification of the chiefs of the police and fire departments and without first obtaining a city permit. The chiefs of the fire and police departments shall seize, take, remove, or cause to be removed at the expense of the owner any devices that, in their opinion, pose a hazard, or that is held in violation of the code. (1968 Code, § 7-408)

7-509. Exceptions. Nothing in this chapter shall be construed to prohibit 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. (1968 Code, § 7-409)

7-510. Age limitations. Fireworks will not be sold to anyone under age 18. (1968 Code, § 7-410)

7-511. Fired fireworks. Fireworks will not be shot where they will cause a public nuisance. (1968 Code, § 7-411)

TITLE 8**ALCOHOLIC BEVERAGES¹****CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1**INTOXICATING LIQUORS****SECTION**

8-101. Prohibited generally.

8-101. Prohibited generally. Except when he is acting pursuant to authority of an exemption provided in the state law², it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within the City of Lake City. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1968 Code, § 2-101)

¹State law reference
Tennessee Code Annotated, title 57.

²State law reference
Tennessee Code Annotated, title 39, chapter 17.

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer business lawful but subject to regulation.
- 8-202. Beer board created.
- 8-203. Permit required for engaging in beer business.
- 8-204. Classes of permits.
- 8-205. Application for permit; requirements as to applicants; regulations to be followed.
- 8-206. Revocation of permit; suspension of permit; hearing; action of beer board final.
- 8-207. Issuance of permits to hotels, clubs, etc.
- 8-208. License fee.
- 8-209. Display of permit.
- 8-210. Permits not transferable.
- 8-211. Sales to intoxicated persons prohibited; partitions, where required; proper sanitary facilities required.
- 8-212. Retail premises--to be on street level with glass front.
- 8-213. Retail premises--curtains, blinds, etc., prohibited.
- 8-214. Retail premises--all sales to be on ground floor--exceptions.
- 8-215. Wholesalers--one place of business--exceptions.
- 8-216. Wholesalers, etc.--deliveries to holders of retail beer permits.
- 8-217. Privilege tax.
- 8-218. Minors--fraudulent evidence of age, etc.--misdemeanor.
- 8-219. Hours of sale.
- 8-220. Sanitation for premises covered by on-premises permit.
- 8-221. Civil penalty in lieu of suspension.
- 8-222. Employees liable for violations.
- 8-223. Transfer, forfeiture, or abandonment of business.
- 8-224. Beer establishments selling on election day.

8-201. Beer business lawful but subject to regulation. It shall be lawful to transport, store, sell, distribute, possess, receive, or manufacture beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee, or any other beverages of like alcoholic content, within the corporate limits of the City of

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).

Lake City, Tennessee, subject to all the regulations, limitations, and restrictions hereinafter provided, and subject to the rules and regulations promulgated by authorized public officials or boards. (1968 Code, § 2-201)

8-202. Beer board created. There is hereby created a board of seven (7) members, consisting of and constituted by the members of the board of mayor and council of the City of Lake City, to serve as a beer board. The beer board shall meet and shall be considered as in session for the purposes set out in this chapter in the performance of its duties as a beer board at all regular, adjourned, and called meetings of the board of mayor and council and shall at said meetings consider any business properly before it as a beer board. (1968 Code, § 2-202)

8-203. Permit required for engaging in beer business. It is unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to T.C.A., § 57-5-101 (b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Lake City. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. (Ord. #349, Feb. 1994)

8-204. Classes of permits. There shall be three classes of permits issued under this chapter.

(1) Class A. An off-premises only permit to any person or legal organization engaged in the sale of such beverages where they are not to be consumed by the purchaser or his guests upon the premises of such seller. This class shall also include beer wholesalers. There shall be no more than twelve (12) Class A permits issued and in force at any one time.

(2) Class B. An on-premises only permit to any person or legal organization engaged in the sale of such beverages where they are consumed by the purchaser or his guests upon the premises of the seller, and where 51% or more of the total sales of the business consists of sales of such beverages. There shall be no more than three (3) Class B permits issued and in force at any one time.

(3) Class C. An on-premises only permit to any person or legal organization engaged in the sale of such beverages where they are consumed by the purchaser or his guests upon the premises of the seller, and where 51% or more of the total sales of such business consists of sales of food for consumption on the premises. There shall be no more than three (3) Class C permits issued and in force at any one time.

No permit shall be issued to sell any beverage coming with the provisions of this chapter:

- (a) In violation of any provisions of state law.
- (b) In violation of the zoning ordinances of the City of Lake City.
- (c) Where such sales will cause congestion of traffic, interference with schools, churches, or other places of public gathering, or will otherwise interfere with the public health or safety. The judgment of the beer board on such matters will be final except as the same is subject to review at law. (1968 Code, § 2-204, as amended by Ord. #389, June 2000)

8-205. Application for permit; requirements as to applicants; regulations to be followed. Before any permit is issued by the beer board, the applicant therefor shall file with the beer board a sworn petition in writing on forms prescribed by and furnished by the board, and shall establish the following:

- (1) That the applicant is a citizen of the United States, or if a syndicate or association, that all the members thereof are citizens of the United States.
- (2) The location of the premises at which the business shall be conducted.
- (3) The owner or owners of such premises.
- (4) That no person will be employed in the storage, sale, or manufacture of such beverages except those who are citizens of the United States and are eighteen (18) years of age or older.
- (5) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to such applicant.
- (6) That the applicant has never had a permit revoked or suspended which had been issued by any municipality, county, or other issuing authority.
- (7) That no sale of such beverages will be made except in accordance with the permit granted.
- (8) That if the application is for a permit to sell, not for consumption on the premises, that no sale will be made for consumption on the premises, and that no consumption will be allowed on the premises thereof.
- (9) That no sale will be made to minors and that the applicant will not permit minors or disorderly persons to loiter in or around the place of business.
- (10) The beer board may require the applicant to secure a certificate or a statement from the health officer that the premises which the application covers meets the requirements of § 8-220.
- (11) No dancing shall be allowed on the premises.

(12) That applicant will not allow any liquor with alcoholic content greater than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee, to be consumed on his premises.

(13) That neither the applicant nor any person employed or to be employed by him in such distribution or sale of such beverage has ever been convicted of any violation of the laws against prohibition, sale, manufacture, or transportation of intoxicating liquor, or of any crime involving moral turpitude within the past ten (10) years.

(14) That the applicant will conduct the business in person, for himself, or if he is acting as agent, the applicant shall state the person, firm, corporation, syndicate, association, or joint stock companies for whom and only for whom the applicant intends to act. (1968 Code, § 2-205, modified)

8-206. Revocation of permit; suspension of permit; hearing; action of beer board final. All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of the state beer act or any of the provisions of this chapter, including the provisions of § 8-205.

The beer board is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be revoked for the violation of the provisions of this chapter or the provisions of the state beer act.

Complaints filed against any permit holder for the purpose of suspending or revoking his permit shall be made in writing and filed with the board. When the board shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or any of the provisions of the state beer act, the board is authorized, in its discretion, to notify the permittee of said violation and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violation. The notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the police department of the City of Lake City. The notice shall be served upon the permittee at least five (5) days before the date of the hearing. At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit. The action of the board in all such hearings shall be final subject only to review by the court as provided in the state beer act. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location until the expiration of one (1) year from the date said revocation becomes final. (1968 Code, § 2-206)

8-207. Issuance of permits to hotels, clubs, etc. It shall be lawful for the beer board to issue a permit for the sale of any beverage coming within the

provisions of this chapter to hotels, clubs, or lodges, subject to the limitations and restrictions contained in the state law, and the rules and regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit provided by this chapter. (1968 Code, § 2-207)

8-208. License fee. Each applicant granted a permit to sell any beverage coming within the provisions of this chapter shall, before engaging in such sale, secure a license from the city recorder of the City of Lake City, Tennessee. (1968 Code, § 2-208)

8-209. Display of permit. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (1968 Code, § 2-209)

8-210. Permits not transferable. Permits issued under the provisions of this chapter are not transferable, either as to the location or to a successor by purchase or otherwise of the business for which the permit was issued. In either case, a new permit is required in the manner provided herein. (1968 Code, § 2-210)

8-211. Sales to intoxicated persons prohibited; partitions, where required; proper sanitary facilities required. It shall be unlawful and it is declared to be a misdemeanor for any person, firm, corporation, or association engaged in the business regulated hereunder, to make, or to permit to be made, any sale or distribution of such beverage to persons intoxicated; to sell or distribute such beverage to persons who are feeble minded, insane, or otherwise mentally incapacitated; to fail to provide proper sanitary facilities where such beverage is permitted to be consumed on the premises; or to sell or distribute such beverage at any place where pool or billiards are played, unless the sale or distribution of such beverage is made in the front of such room or place where a partition wall separates the place from the pool or billiard parlor. (1968 Code, § 2-211)

8-212. Retail premises--to be on street level with glass front. No license to permit the retail sale or distribution of beverages coming within the provisions of this chapter shall be issued for the operation of any place except one on street level and with so much of the front enclosed in glass and of such design that the interior can be easily seen from the sidewalk or street in front of such place. (1968 Code, § 2-212)

8-213. Retail premises--curtains, blinds, etc., prohibited. All places where beverages regulated by this chapter are sold shall be well lighted inside and no curtains, drapes, shades, blinds, screens, or other thing shall be used in any place or on any window so as to hinder a clear and unobstructed view of the

whole interior of such place from any point on the sidewalk or street in front of such place. (1968 Code, § 2-213)

8-214. Retail premises--all sales to be on ground floor--exceptions.

In any building or on any premises where the retail sale of beverages coming within the provisions of this chapter is permitted, no alcoholic beverage shall be sold, served, or consumed in any basement room or room other than on the ground floor, excepting hotel bedrooms. (1968 Code, § 2-214)

8-215. Wholesalers--one place of business--exceptions.

No wholesaler of alcoholic beverages regulated herein shall maintain more than one (1) place of business. However, the beer board, in its discretion, may issue a special permit to any distributor to allow said distributor to store beer in a warehouse or building apart from the building from which the business is conducted. In addition, such distributors are authorized to store draft beer, for refrigeration purposes only, in one additional ice house or refrigeration plant under the following conditions:

(1) For the purpose of this chapter, any employee of such ice house or refrigeration plant who may be in any manner connected with the sale or distribution of beer stored therein shall be deemed to be an employee of the wholesaler or distributor when beer is so stored, and any violation of this chapter or any provisions of the beer law by such employees shall be deemed to be a violation by said wholesaler or distributor.

(2) Except sales from trucks from duly authorized salesmen, or as otherwise provided herein, no beer shall be transferred from, sold in, stored in, brought to rest in, sold from, possessed in, receipted for at, manufactured, wholesaled, or distributed from any other place, building, or location, except from said building, place, or location set out and called for in the wholesaler's, distributor's, or manufacturer's beer permit, and/or said ice house or refrigeration plant, and that no beer shall be transferred to a retailer or any other purchaser except from the location called for in said wholesaler's, distributor's, or manufacturer's beer permit, and/or said ice house or refrigeration plant, by any wholesaler, distributor, or manufacturer, their salesmen or authorized representatives. (1968 Code, § 2-215)

8-216. Wholesalers, etc.--deliveries to holders of retail beer permits. It shall be unlawful for any wholesaler, distributor, or manufacturer of beer, or any of their salesmen or representatives, to sell or deliver beer enroute, or from delivery vehicles, to any persons other than the holders of valid retail beer permits, and it shall be the duty of such wholesalers, distributors, or manufacturers, their salesmen or representatives, to ascertain whether or not such purchaser is a holder of a valid retail beer permit. (1968 Code, § 2-216)

8-217. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994 and each successive January 1 to the City of Lake City, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #349, Feb. 1994)

8-218. Minors--fraudulent evidence of age, etc.--misdemeanor.

(1) It shall be unlawful for any minor to purchase or attempt to purchase any beverage regulated hereunder, and it shall be unlawful for any minor to possess any such beverage upon the premises of an on-premises permittee.

(2) It shall be unlawful for any minor to present or offer to any permittee, his agent, or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase or otherwise procuring or attempting to procure such beverage.

(3) Any minor who acts in violation of any one or more of the provisions of this section shall be deemed guilty of a misdemeanor and if eighteen (18) years of age, or more, shall, upon conviction, be subject to a fine under the general penalty clause for this code; if seventeen (17) years of age, or less, he shall be taken before the juvenile judge for appropriate disposition. (1968 Code, § 2-218)

8-219. Hours of sale. It shall be a misdemeanor for any person or legal organization issued a Class A off-premises only permit to sell or distribute such beverages regulated hereunder within the corporate limits of the City of Lake City outside the hours of 6:00 A.M. to 1:00 A.M. Monday through Sunday, and between the hours of 12:00 Noon Sunday to 1:00 A.M. Monday. No sales shall be allowed between the hours of 1:00 A.M. Sunday to 12:00 Noon Sunday.

It shall be a misdemeanor for any person or legal organization issued a Class B or Class C on-premises only permit to sell, consume, or distribute such beverages regulated hereunder within the corporate limits of the City of Lake City outside the hours of 8:00 A.M. to 1:00 A.M. Monday through Sunday, no sales, distribution, or consumption between the hours of 1:00 A.M. Sunday to 8:00 A.M. Monday. (1968 Code, § 2-219)

8-220. Sanitation for premises covered by on-premises permit.

Any person holding a permit under this chapter for sale for consumption on the premises shall keep and maintain the premises in a clean and sanitary condition, the requirements of which shall be the equivalent of that required for a rating of Class "B" or better, as established by the Tennessee State

Department of Conservation, Division of Hotel and Restaurant Inspections. The city health officer or any properly authorized person is hereby authorized to enter the premises of any on-premises permittee, at all reasonable hours, for the making of such inspections as may be necessary. The determination of the sanitary conditions is solely a question for the City of Lake City. (1968 Code, § 2-220)

8-221. 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 \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 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. (Ord. #349, Feb. 1994)

8-222. Employees liable for violations. Any employee of any permittee, both retailer and wholesaler, who violates the provisions of this chapter or any provision of the state beer act while so employed by such permittee shall be guilty of a misdemeanor which shall be punishable by a fine under the general penalty clause for this code. (1968 Code, § 2-222)

8-223. Transfer, forfeiture, or abandonment of business. Any permit issued by the beer board under the provisions of this chapter shall be surrendered by the permit holder to said board upon any manner of transfer, forfeiture, or abandonment by the permit holder of the business or premises for which the permit was issued.

Any permit holder who in any manner transfers, forfeits, or abandons the business or premises for which the permit was issued and who fails to surrender said permit to the beer board within thirty (30) days thereafter shall be deemed by law to have surrendered said permit in compliance with this section and shall not thereafter be entitled to engage in the business of storing, selling, distributing, or manufacturing any beverage coming within the provisions of this chapter, at the same location, unless and until a new permit is issued in the manner provided herein. (1968 Code, § 2-223)

8-224. Beer establishments selling on election day. The hours during which beer can be sold on an election day are governed by the rules established in § 8-219 and subject to the limitations and restrictions contained in the state law. (1968 Code, § 2-224)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. POOL ROOMS.
5. CABLE TELEVISION.
6. ADULT-ORIENTED ESTABLISHMENTS.
7. OUTDOOR STORAGE AND DISPLAY OF MERCHANDISE; SIDEWALK SALES, GARAGE SALES AND YARD SALES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. "Going out of business" sales.
9-102. Carnivals and fairs.
9-103. Pinball machines.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1968 Code, § 5-102)

9-102. Carnivals and fairs. A carnival or fair is defined to be any show, display, or exhibition wherein and whereby concessions, sideshows, games of chance, gambling devices, purported games of skill, and/or other similar activities are operated or offered to the public for private gain. A carnival or fair is hereby declared to be a nuisance when operated or located within the corporate limits and is, therefore, prohibited. It shall be unlawful for any person to locate or operate or attempt to locate or operate any carnival or fair or any activity connected therewith within the corporate limits. (1968 Code, § 5-101)

¹Municipal code references

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

9-103. Pinball machines. No owner, operator, manager or person in charge of any restaurant, cafe, filling station, beer tavern, hotel, motel, drug store, or any other store, establishment, place of business or otherwise, or any employee therein, shall allow any person under the age of eighteen (18) years to play or operate on such premises any pinball machine or any game of miniature football, golf, baseball, or any other miniature game, whether made playable by a mechanical device or otherwise, or whether the charge for playing is collected by mechanical device or otherwise.

It shall be the duty of such owner, operator, manager, person in charge, or employee to ascertain or determine the age of any such player, and ignorance of the age or mis-information relative thereto shall not excuse any such owner, operator, manager, person in charge or employee. (1968 Code, § 5-103)

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

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

9-201. Permit required. It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1968 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1968 Code, § 5-202)

9-203. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.

¹Municipal code reference
Privilege taxes: title 5.

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

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

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

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

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

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

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the City of Lake City to cover the cost of investigating the facts stated therein. (1968 Code, § 5-203)

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

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1968 Code, § 5-204)

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

delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1968 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the City of Lake City in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the City of Lake City and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1968 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1968 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1968 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1968 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1968 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and council after notice and hearing, for any of the following causes:

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1968 Code, § 5-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1968 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1968 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

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

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1968 Code, § 5-301)

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

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1968 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and council if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1968 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1968 Code, § 5-304)

CHAPTER 4

POOL ROOMS¹

SECTION

9-401. Hours of operation regulated.

9-402. Minors to be kept out; exception.

9-401. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time outside the hours of 11:00 A.M. to 12:00 P.M. Monday thru Saturday, and between the hours of 12:00 Noon Sunday to 12:00 Midnight Sunday. (1968 Code, § 5-501)

9-402. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1968 Code, § 5-502)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 5

CABLE TELEVISION

SECTION

9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television service shall be furnished to the City of Lake City and its inhabitants under franchise as the board of mayor and council shall grant. The rights, powers, duties and obligations of the City of Lake City and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #243 and Ord. #255, in the office of the city recorder.

CHAPTER 6

ADULT-ORIENTED ESTABLISHMENTS

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. Application for permit.
- 9-607. Standards for issuance of permit.
- 9-608. Fees.
- 9-609. Display of license or permit.
- 9-610. Renewal of license or permit.
- 9-611. Revocation of license or permit.
- 9-612. Hours of operation.
- 9-613. Responsibilities of the operator.
- 9-614. Prohibitions and unlawful sexual acts.
- 9-615. Penalties and prosecution.
- 9-616. Invalidity of part.
- 9-617, et seq. Reserved.

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) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(2) "Adult bookstore" means an establishment having as a substantial or significant portion of its stock and trade in books, films, video cassettes, compact discs, computer software, computer generated images or text, or

magazines and other periodicals or publications or reproductions of any kind which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein.

(3) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting materials having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by any means by patrons therein.

(4) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by any means by patrons therein.

(5) "Adult cabaret" is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders and/or any other employee or independent contractor, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering. Adult cabarets shall include commercial establishments, which feature entertainment of an erotic nature including exotic dancers, table dancers, private dancers, strippers, male or female impersonators, or similar entertainers.

(6) "Board of mayor and council" means the Board of Mayor and Council of the City of Lake City, Tennessee.

(7) "Employee" means any and all persons, including independent contractors, who work in or at or render any services, directly related to the operation of an adult-oriented establishment.

(8) "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

(9) "Adult-entertainment" means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD ROM generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type which has a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas,

removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(10) "Operator" means any person, partnership, corporation, or entity of any type or character operating, conducting or maintaining an adult-oriented establishment.

(11) "Specified sexual activities" means:

(a) Human genitals in a state of actual or simulated sexual stimulation or arousal;

(b) Acts or simulated acts of human masturbation, sexual intercourse or sodomy;

(c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(12) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(i) Human genitals, pubic region;

(ii) Buttocks;

(iii) Female breasts below a point immediately above the top of the areola; and

(b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered. (as added by Ord. #405, Aug. 2002)

9-602. License required. (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the City of Lake City without first obtaining a license to operate issued by the City of Lake City.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for them.

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

(4) It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

(5) All existing adult-oriented establishments 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-day period, then such existing adult-oriented establishment shall cease operations.

(6) No license may be issued for any location unless the premises are lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with. (as added by Ord. #405, Aug. 2002)

9-603. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the Police Chief of the City of Lake City. 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.

(2) The application for a license shall be upon a form provided by the police chief. An applicant for a license including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five (5) percent of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business (including but not limited to all holders of any interest in land of members of any limited liability company) shall furnish the following information under oath:

- (a) Name and addresses, including all aliases.
- (b) Written proof that the individual(s) is at least eighteen (18) years of age.
- (c) All residential addresses of the applicant(s) for the past three (3) years.
- (d) The applicants' height, weight, color of eyes and hair.
- (e) The business, occupation or employment of the applicant(s) for five (5) years immediately proceeding the date of the application.
- (f) Whether the applicant(s) previously operated in this or any other county, city or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
- (g) All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- (h) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of each applicant.
- (i) The address of the adult-oriented establishment to be operated by the applicant(s).
- (j) The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.
- (k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.
- (l) The length of time each applicant has been a resident of the City of Lake City, or its environs, immediately preceding the date of the application.

(m) If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and address of the registered agent and the name and address of each member of the limited liability entity.

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

(o) All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address phone number, and representative's name.

(p) Evidence in form deemed sufficient to the mayor and city council that the location for the proposed adult-oriented establishment complies with all requirements of the zoning ordinances as now existing or hereafter amended.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Lake City 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 advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending consideration of the required special use-zoning permit by the board of mayor and council.

(4) 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. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of mayor and council at which time the applicant may present evidence as to why his/her license should not be denied. The board shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the hearing. If any application for an adult-oriented establishment license is denied by the board of mayor and council and no agreement is reached with the applicant concerning the basis for denial, the city attorney shall institute suit for declaratory judgment in the Chancery Court of Anderson or Campbell County, Tennessee, within five (5) days of the date of any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation

required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the police chief. (as added by Ord. #405, Aug. 2002)

9-604. Standards for issuance of license. (1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:

(i) The applicant shall be at least eighteen (18) years of age.

(ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) The applicant shall not have been found to have previously violated this chapter within five (5) years immediately proceeding the date of the application.

(b) If the applicant is a corporation:

(i) All officers, directors and stockholders required to be named under § 9-502 shall be at least eighteen (18) years of age.

(ii) No officer, director or stockholders required to be named under § 9-502 shall have been found to have previously violated this chapter within five (5) years immediately proceeding the date of application.

(c) If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:

(i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.

(ii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(2) No license shall be issued unless the Lake City Police Department has investigated the applicant's qualifications to be licensed. The results of that

investigation shall be filed in writing with the police chief no later than twenty (20) days after the date of the application. (as added by Ord. #405, Aug. 2002)

9-605. Permit required. In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the police chief. (as added by Ord. #405, Aug. 2002)

9-606. Application for permit. (1) Any person desiring to secure a permit shall make application to the police chief. 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.

(2) The application for a permit shall be upon a form provided by the police chief. An applicant for a permit shall furnish the following information under oath:

- (a) Name and address, including all aliases.
- (b) Written proof that the individual is at least eighteen (18) years of age.
- (c) All residential addresses of the applicant for the past three (3) years.
- (d) The applicant's height, weight, color of eyes, and hair.
- (e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
- (f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.
- (g) All criminal statutes, whether federal, state or city ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- (h) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.
- (i) The length of time the applicant has been a resident of the City of Lake City, or its environs, immediately preceding the date of the application.

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

(3) Within ten (10) days of receiving the results of the investigation conducted by the Lake City Police Department, the police chief shall notify the applicant that his application is granted, denied, or held for further

investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the police chief shall advise the applicant in writing whether the application is granted or denied.

(4) 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. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of mayor and council at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the police chief. (as added by Ord. #405, Aug. 2002)

9-607. Standards for issuance of permit. (1) To receive a permit as an employee or entertainer, an applicant must meet the following standards:

(a) The applicant shall be at least eighteen (18) years of age.

(b) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature (including violation of similar adult-oriented establishment laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application.

(c) The applicant shall not have been found to violate any provisions of this chapter within five (5) years immediately preceding the date of the application.

(2) No permit shall be issued until the City of Lake City Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the police chief not later than twenty (20) days after the date of the application. (as added by Ord. #405, Aug. 2002)

9-608. Fees. (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 (½) 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 (½) of the fee shall be returned. (as added by Ord. #405, Aug. 2002)

9-609. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the City of Lake City Police Department, or any person designated by the board of mayor and council. (as added by Ord. #405, Aug. 2002)

9-610. Renewal of license or permit. (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. 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 board of mayor and council.

(2) 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 ($\frac{1}{2}$) of the total fees collected shall be returned.

(3) If the City of Lake City Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the police chief.

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the permit 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 employee. The application for renewal shall be upon 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 board of mayor and council.

(5) A permit renewal fee of one hundred dollars (\$100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars (\$50.00) shall be assessed against the applicant who

files for renewal less than sixty-(60) days before the license expires. If the application is denied one-half (½) of the fee shall be returned.

(6) If the City of Lake City Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the police chief. (as added by Ord. #405, Aug. 2002)

9-611. Revocation of license or permit. (1) The police chief shall revoke a license or permit for any of the following reasons:

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

(b) 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; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the city council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(c) The operator or employee becomes ineligible to obtain a license or permit.

(d) Any cost or fee required to be paid by this chapter is not paid.

(e) An operator employs an employee who does not have a permit or provide space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.

(f) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

(g) Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.

(h) Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold.

(i) Any operator allows continuing violations of the rules and regulations of the Anderson County or the Campbell County Health Department.

(j) Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.

(k) Any minor is found to be loitering about or frequenting the premises.

(2) The police chief, before revoking or suspending any license or permit, shall give the operator or employee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the board of mayor and council, at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest in a non-individual operator's license shall automatically and immediately revoke the license held by the operator. Such license shall thereby become null and void.

(4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license. (as added by Ord. #405, Aug. 2002)

9-612. Hours of operation. (1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Mondays through Saturdays, and between the hours of 1:00 A.M. and 12:00 P.M. on Sundays.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the City of Lake City Police Department, the Anderson County Sheriff's Department or the Campbell County Sheriff's Department, or such other person as the board of mayor and council designate. (as added by Ord. #405, Aug. 2002)

9-613. Responsibilities of the operator. (1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the board of mayor and council. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of the employees available immediately for inspection by police upon demand of a member of the Lake City Police Department at all reasonable times.

(3) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(4) An operator shall be responsible for the conduct of all employees and/or entertainers while on the licensed premises and any act or omission of any employees and/or entertainer constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(5) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the Lake City Police Department at all reasonable times.

(6) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(7) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures of other types of adult entertainment.

(8) The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.

(9) No operator, entertainer, or employee of an adult-oriented establishment shall demand or collect all or any portion of a fee for entertainment before its completion.

(10) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

This Adult-Oriented Establishment is regulated by the Lake City Municipal Code. Entertainers are:

1. Not permitted to engage in any type of sexual conduct;
2. Not permitted to expose their sex organs;
3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion. (as added by Ord. #405, Aug. 2002)

9-614. Prohibitions and unlawful sexual acts. (1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or

entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress, or fondle his or her breasts, buttocks, anus or genitals of any other person.

(3) No operator, entertainer, or employee shall encourage or permit any other person upon the premises to touch, caress, or fondle his or her breasts, buttocks, anus or genitals of any other person.

(4) No operator, entertainer, employee, or customer shall be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, breasts or buttocks of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer; employee or customer.

(5) No entertainer, employee or customer shall be permitted to have any physical contact with any other on the premises during any performance and all performances shall only occur upon a stage at least eighteen (18") inches above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer. (as added by Ord. #405, Aug. 2002)

9-615. Penalties and prosecution. (1) Any person, partnership, corporation, or other business entity who 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.

(2) 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. #405, Aug. 2002)

9-616. 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 so declared unconstitutional, and shall not affect any other section, clause or provision of this chapter. (as added by Ord. #405, Aug. 2002)

9-617, et seq. Reserved. (as added by Ord. #405, Aug. 2002)

CHAPTER 7

OUTDOOR STORAGE AND DISPLAY OF MERCHANDISE; SIDEWALK SALES, GARAGE SALES AND YARD SALES

SECTION

9-701. Definitions.

9-702. Sales unlawful except in accordance with chapter.

9-703. Exemptions.

9-704. Restrictions.

9-705. Violation declared nuisance; enforcement; penalties.

9-701. Definitions. The following terms, wherever used or referred to in this chapter, shall have the following meanings unless a different meaning appears in the content.

(1) "Person" shall be defined as any individual, partnership, merchant, association, corporation, limited liability company, or entity of any kind or nature.

(2) "Sale" or "sales" shall mean the sale or any offer to sell and/or the exterior display or storage for the purpose of conducting or promoting the sale to the public, at wholesale or retail, or in any manner, of any goods, wares, and/or merchandise of any and all kinds or description on hand or in stock or on the premises.

(3) "Sidewalk sale" shall mean a special sales event or promotion conducted by a merchant in a commercial zone whereby merchandise may lawfully be displayed, as limited herein, upon the public sidewalks in a manner so as not to obstruct passage of pedestrians upon the public sidewalks of the city.

(4) "Yard sale" or "garage sale" shall mean a sale of miscellaneous merchandise, conducted in a manner as otherwise permitted by this chapter, or private residential premises by an individual or individual persons. (as added by Ord. #414, Oct. 2003)

9-702. Sales unlawful except in accordance with chapter. It shall be unlawful for any "person" to conduct any sidewalk sale, yard sale, garage sale, tent sale or to allow any exterior sale or storage of goods, merchandise, products or inventory held, promoted or displayed except in accordance with the permissive provisions of this chapter. (as added by Ord. #414, Oct. 2003)

9-703. Exemptions. The provisions of this chapter, related solely to the outdoor storage and/or display of merchandise, shall not apply to or affect the following persons, entities, business, circumstances, or activities:

(1) Persons acting pursuant to an order or process of a court of competent jurisdiction;

- (2) Persons acting in accordance with their powers or duties as public officers, such as sheriffs, marshals or police officials;
- (3) Duly licensed auctioneers, selling at public auction;
- (4) Sellers of operating and operational trucks, automobiles, motorcycles, recreational vehicles, trailers, tractors, farm equipment, riding lawn mowers and the like, so long as such item and/or merchandise is not stored or displayed in such a way as to obstruct the views of motorists on or entering on or exiting from any public streets or right-of-way, nor stored or displayed any closer than five (5) feet from the public right-of-way and provided that no inoperable, partially dismantled and/or junked automobile, tractor, boat, farming equipment, etc. shall be stored, displayed or offered for sale in violation of any other provision of this chapter or of any other provision of the City of Lake City Code;
- (5) Sellers of new building materials;
- (6) Sellers of live shrubbery, flowers and landscaping plants. (as added by Ord. #414, Oct. 2003)

9-704. Restrictions. There shall be no outdoor storage or display of goods, products, inventory or merchandise for sale in the City of Lake City except as expressly permitted by this chapter.

(1) No person shall conduct any sidewalk sale, garage sale, yard sale or tent sale in the City of Lake City except in accordance with the permissive provisions of this chapter.

(2) No persons shall conduct more than one (1) yard sale, garage sale or sidewalk sale, at any residence address, during any calendar month. All merchandise must be removed from the site at the end of each day or stored in permanent type building.

(3) There shall be no more than two (2) tent and/or other temporary structure sales at any one business address, during any calendar year, with each sale to be no more than fifteen (1) days duration, although two such sales may run consecutively. No such sale shall be conducted unless the person intending to conduct such sale shall by mail and/or by telephone and/or in person give prior notice to and register the date, time, duration and location with the codes enforcement officer or the property maintenance officer. There shall be no tent or temporary structure sales on residential property.

(4) All goods, wares, or merchandise related to any "sidewalk sale" shall be removed from the public sidewalk(s) not later than 6:00 P.M. of each and every day.

(5) Except for temporary display of merchandise during a sidewalk sale which shall not obstruct or block the sidewalk and which shall leave at least eight feet (8') of unobstructed space on the sidewalk, there shall be no temporary or other storage of merchandise, goods, products, or inventory on the public sidewalks or on the public rights-of-way at any time or under any circumstance.

(6) During lawful business hours and when actually open for business, any person, business or entity which is otherwise lawfully operating in a commercial zone, as otherwise provided in the City of Lake City Zoning Ordinance(s) may display and offer for sale otherwise lawful merchandise outside the building(s) located upon the premises so long as the same shall be displayed and/or offered for sale on the private property of such person or business operating thereon and not on the public right-of-way, and no person shall display or store such merchandise outside of the building premises at any time when such business is not actually open for business to the public. (as added by Ord. #414, Oct. 2003)

9-705. Violation declared nuisance; enforcement; penalties. To conduct any sale herein defined without registering the same and/or in any manner not permitted by this chapter, or to violate any other provisions of this chapter with respect to the outdoor sale or storage of goods, wares, merchandise or inventory is hereby declared to be a misdemeanor and a public nuisance, and, for the purpose of the enforcement of this chapter, the code enforcement or property maintenance officer is hereby authorized to cause the city attorney to file a bill in a court of proper jurisdiction to enjoin such person(s) from continuing to conduct any such sale(s). Additionally, any person violating the provisions of this chapter shall be subject to a civil penalty up to and including \$50.00 for each violation, with each day of violation constituting a separate offense. (as added by Ord. #414, Oct. 2003)

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

1. IN GENERAL.
2. DOGS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. 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.
- 10-108. Inspections of premises.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1968 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1968 Code, § 3-102)

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. (1968 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.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1968 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. (1968 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1968 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the board of mayor and 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 board of mayor and council.

The pound keeper shall collect from each person claiming an impounded animal or fowl a reasonable fee to cover the costs of impoundment and maintenance. (1968 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1968 Code, § 3-108)

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 to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.

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) or other applicable law. (1968 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. (1968 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large in any street, alley or unenclosed area of land within the corporate limits. A dog shall not be deemed to be running at large if it is accompanied by its owner or a responsible person has it strictly under his control. (1968 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to reasonably provide for the protection of other animals and persons. (1968 Code, § 3-204)

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. (1968 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any

¹State law reference

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

reason suspected of being infected with rabies, the health officer or chief of police may cause such dog to be confined or isolated for such time as he reasonably deems necessary to determine if such dog is rabid. (1968 Code, § 3-206)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
7. 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 unless the place has a beer permit and license for on premises consumption. (1968 Code, § 10-229)

11-102. Minors in beer places. (See § 8-218 in this code.) (1968 Code, § 10-222)

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**FORTUNE TELLING, ETC.****SECTION**

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1968 Code, § 10-235, modified)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing the peace.

11-302. Disturbing public worship.

11-303. Anti-noise regulations.

11-301. Disturbing the peace. It shall be unlawful and a misdemeanor for any person within the city to wilfully disturb the public peace, by insolent, offensive, or boisterous conduct or carriage, or by loud or unusual noise, or by vulgar, profane, or offensive language, calculated to provoke a breach of the peace, or by assaulting, striking, or fighting another. Also, whosoever shall knowingly permit any such conduct in or upon any house or premises occupied by him, so that others in the vicinity are, or may be, disturbed thereby, shall be deemed to be guilty of a breach of the peace. (1968 Code, § 10-201)

11-302. Disturbing public worship. It shall be unlawful and a misdemeanor for any person in this city to molest, disturb, or interrupt any congregation assembled for religious services by making a noise, or by rude or indecent behavior, or by profane discourse within the place of worship, or near the same. (1968 Code, § 10-202)

11-303. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

(a) **Blowing horns.** The sounding of any horn or signal device on any automobile, motorcycle, bus, 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 person in the vicinity.

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

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

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

(i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent

to any school, institution of learning, church, or court while the same is in session.

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

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1968 Code, § 10-234)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

- 11-401. Escape from custody or confinement.
- 11-402. Impersonating a government officer or employee.
- 11-403. False emergency alarms.
- 11-404. Resisting or interfering with an officer.
- 11-405. Coercing people not to work.

11-401. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the City of Lake City to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1968 Code, § 10-209)

11-402. Impersonating a government officer or employee. No person other than an official police officer of the City of Lake City shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1968 Code, § 10-211)

11-403. 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. (1968 Code, § 10-217)

11-404. Resisting or interfering with an officer. It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the City of Lake City while such officer or employee is performing or attempting to perform his municipal duties. (1968 Code, § 10-210)

11-405. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1968 Code, § 10-231)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Air rifles, etc.

11-502. Throwing missiles.

11-503. Discharge of firearms.

11-501. Air rifles, etc. It shall be unlawful for any person in the City of Lake City to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method.

Any relative, parent, or other person furnishing, purchasing for, or assisting in providing the instrument which is used by any juvenile in violation of this section shall be deemed guilty of a violation of this section and in violation of same. (1968 Code, § 10-213)

11-502. 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. (1968 Code, § 10-214)

11-503. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1968 Code, § 10-212, modified)

CHAPTER 6

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

- 11-601. Trespassing.
- 11-602. Trespassing on trains.
- 11-603. Malicious mischief.
- 11-604. Interference with traffic.

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

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave. (1968 Code, § 10-226)

11-602. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1968 Code, § 10-221)

11-603. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him, or to trespass upon the private property, buildings, homes, or premises of another without the knowledge, permission, and consent of the owner or occupant of said building, home, or premises. (1968 Code, § 10-225)

11-604. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1968 Code, § 10-233)

CHAPTER 7

MISCELLANEOUS

SECTION

11-701. Abandoned refrigerators, etc.

11-702. Caves, wells, cisterns, etc.

11-703. Posting notices, etc.

11-704. Curfew for minors.

11-705. Wearing masks.

11-701. 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. (1968 Code, § 10-223)

11-702. 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. (1968 Code, § 10-232)

11-703. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1968 Code, § 10-227)

11-704. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 10:00 P.M. unless upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. It shall also be unlawful for any parent, guardian, or other person having the legal custody of any person under eighteen (18) years of age, to allow or permit any such child, ward, or other person under such age, while in his or her legal custody, to go or be upon any of the streets or other public places within the corporate limits of the City of Lake City, Tennessee, after the hour of 10:00 P.M., unless there exists a reasonable necessity therefor, or unless such minor person is accompanied by a parent, guardian, or other person having legal custody of such minor person, or unless such minor person is in the performance of an errand or duty directed by such parent, guardian, or other person having the legal care and custody of such minor, or unless the employment of such minor requires and necessitates said minor being upon said streets or other public places after said hour of 10:00 P.M. (1968 Code, § 10-224)

11-705. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1968 Code, § 10-236)

TITLE 12**BUILDING, UTILITY, ETC. CODES****CHAPTER**

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. HOUSING CODE.
6. MODEL ENERGY CODE.

CHAPTER 1**BUILDING CODE¹****SECTION**

- 12-101. Building code adopted.
12-102. Modifications.
12-103. Available in recorder's office.
12-104. Violations.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code², 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1968 Code, § 4-101, modified)

12-102. Modifications. (1) Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed

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 Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

to be a reference to the board of mayor and council. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the board of mayor and council shall have appointed or designated to administer and enforce the provisions of the building code.

(2) Appendix B, B101 of the building code is amended in its entirety to read as follows:

B101 Permit Fees

1. When the floor area does not exceed 1,000 square feet for new construction and additions a fee of \$25.00 shall be charged. There is no fee for less than 100 square feet unless an inspection is required in which case a \$5.00 fee for each inspection shall be charged, not to exceed \$20.00.

2. For all Floor Area from 1,000 to 3,000 square feet, an additional fee of \$3.00 per 100 square feet or fraction thereof shall be charged.

3. For all floor area greater than 3,000 square feet an additional fee of \$4.00 per 100 square feet or fraction thereof shall be charged.

4. No permit fee shall be charged for alterations and modifications which do not require an inspection; for minor renovation work which does not require an inspection there is a \$5.00 fee for each inspection not to exceed \$20.00. For substantial renovation involving over 1,000 square feet of floor area, or a change in use of the structure, an additional fee \$3.00 per 100 square feet or fraction thereof shall be charged.

5. For the moving of a building or structure, the fee shall be \$50.00.

(3) Section 107 of the building code is hereby deleted.

(4) The fire district boundaries are hereby established and shall include all area or areas described on the official Lake City Zoning Map as being General Business District, Highway Business Districts, and/or Industrial Districts. It shall also be declared that boundaries of the fire district shall change in direction and location as the boundaries of the General Business Districts, Highway Business Districts, and Industrial Business Districts, change in direction and location on the official Lake City Zoning Map. The fire district boundaries shall also include all General Business Districts, Highway Business Districts, and/or Industrial Districts, which shall be established in the future and described on the official Lake City Zoning Map as such.

All areas of the City of Lake City, Tennessee, not bounded by the above described line shall be known as the second fire district as referred to in the building code. (1968 Code, § 4-102)

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 with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1968 Code, § 4-103, modified)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1968 Code, § 4-104)

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Violations.

12-201. Plumbing code adopted. Pursuant to 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 municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code,² 1994 edition with 1995 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1968 Code, § 4-201, modified)

12-202. Modifications. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of mayor and council.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the board of mayor and council to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted. (1968 Code, § 4-202)

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 with the above modifications has been placed on file in the recorder's office and shall

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) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

be kept there for the use and inspection of the public. (1968 Code, § 4-203, modified)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1968 Code, § 4-204)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in recorder's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations.
- 12-305. Enforcement.
- 12-306. Fees.

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,² 1996 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1968 Code, § 4-301, modified)

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. (1968 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within the City of Lake 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. (1968 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 such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1968 Code, § 4-304)

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

²Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

12-305. Enforcement. The electrical inspector shall be such person as the board of mayor and 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. (1968 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1968 Code, § 4-306)

CHAPTER 4

GAS CODE¹

SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-412. Nonliability.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the City of Lake City and may be cited as such.

The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the board of mayor and council.

(2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1968 Code, § 4-401)

12-402. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of

¹Municipal code reference

Gas system administration: title 19, chapter 2.

consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,¹ 1994 edition with 1996 revisions, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code and its revisions shall be kept on file in the office of the city recorder for the use and inspection of the public. (1968 Code, § 4-402, modified)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1968 Code, § 4-403)

12-404. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of \$10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the city recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city recorder; provided, however, any license obtained after the 1st day of July of any year shall be computed at the rate of one-half (1/2) of the annual fee.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in

¹Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1968 Code, § 4-404)

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the board of mayor and council and the compensation for such office shall be determined by the board. (1968 Code, § 4-405)

12-406. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1968 Code, § 4-406)

12-407. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the inspector may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1968 Code, § 4-407)

12-408. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1968 Code, § 4-408)

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1968 Code, § 4-409)

12-410. Fees. (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspection) shall be \$1.50 for one to five outlets, inclusive, and \$0.50 for each outlet above five.

(2) The fees for inspecting conversion burners, floor furnances, boilers, or central heating plants shall be \$1.50 for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be \$1.00 for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of \$1.00 shall be made for each such return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1968 Code, § 4-410)

12-411. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be

revoked, or both fine and revocation of license may be imposed. (1968 Code, § 4-411)

12-412. Nonliability. This chapter shall not be construed as imposing upon the City of Lake City any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the city, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1968 Code, § 4-412)

CHAPTER 5

HOUSING CODE

SECTION

- 12-501. Housing code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations.

12-501. Housing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,¹ 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1968 Code, § 4-501, modified)

12-502. Modifications. Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the board of mayor and council to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of mayor and council. Section 108 of the housing code is deleted. (1968 Code, § 4-502)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1968 Code, § 4-503, modified)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1968 Code, § 4-504)

¹Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 6

MODEL ENERGY CODE¹

SECTION

- 12-601. Model energy code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violation and penalty.

12-601. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code² 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

12-602. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Lake City. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and council shall have appointed or designated to administer and enforce the provisions of the energy code.

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

¹State law reference

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

Municipal code references

Fire protection, fireworks, and explosives: title 7.

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 Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041.

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-604. Violation and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKED VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Public nuisances.
- 13-107. Automobile graveyards.
- 13-108. Removal of vegetation and debris from certain lots.
- 13-109. Penalty.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of mayor and council shall appoint or designate to administer and enforce health and sanitation regulations within the City of Lake City. (1968 Code, § 8-501)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1968 Code, § 8-504)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1968 Code, § 8-505)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-211.

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1968 Code, § 8-506)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1968 Code, § 8-507)

13-106. Public nuisances. When the board of mayor and council declares by resolution, after public notice and hearing, that any existing structure or condition, without reasonable cause, adversely affects the public health, safety, welfare, or happiness, such structure or condition shall be deemed to be a public nuisance. The recorder shall thereupon deliver or send a copy of such resolution to the person or persons responsible for such nuisance and order its abatement within a specified reasonable period of time. It shall be unlawful for any person to fail to comply with such an order. Furthermore, upon the failure of any person to comply with the recorder's order, the board of mayor and council may direct the abatement of such nuisance and assess the resulting costs against the offender and/or any property which may be involved. (1968 Code, § 8-508)

13-107. Automobile graveyards. (1) 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. The term "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.

(2) No person shall own or maintain any "automobile graveyard" within the city until he shall receive a permit so to do from the city recorder. The city recorder shall issue a permit to any applicant whose premises comply with the requirements of this and all other applicable ordinances of the city upon payment of an annual permit fee of \$50.00. Any permit so issued may be revoked by the city recorder for failure to comply with any requirement of this section. However, charges shall be preferred in writing by the recorder and served upon the permittee and he shall be given the right to be heard as to why his license should not be revoked.

Any person aggrieved by the city recorder's action relative to the issuance or revocation of an "automobile graveyard" permit may appeal to the city governing body which shall hold a hearing and decide whether or not the city

recorder's action was reasonable. Based upon its findings at such hearing the city governing body shall affirm or reverse the city recorder's action.

(3) All "automobile graveyards" within the city shall be operated and maintained subject to the following regulations:

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

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

(c) Such "automobile graveyards" shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

(4) Except for "automobile graveyards" in existence at the time this section becomes effective, no "automobile graveyards" shall be permitted within 1,000 feet of any U. S. Highway, 500 feet of any state route, and 100 feet of any city street.

(5) Any owner and/or operator of an "automobile graveyard" in existence at the time this section becomes effective shall have sixty (60) days in which to get a permit or remove the offending vehicles.

(6) Any person owning or maintaining an "automobile graveyard" in violation of any provision of this section shall be punishable by a fine of not more than fifty dollars (\$50.00) for each offense. Each day any violation continues shall constitute a separate offense. (1968 Code, § 8-509)

13-108. Removal of vegetation and debris from certain lots. The board of mayor and council hereby elects to avail itself of the authority granted by Pub. Acts 1988, ch. 564, (TCA 6-54-113) to remove certain vegetation and debris from certain lots and to charge the costs as lien on the property. The code enforcement officer/building inspector is hereby designated as the "appropriate department or person" to make such determinations, give such notices and orders, and to take such actions as are authorized and provided for by the law. Hearings, as authorized by the law, shall be before the code enforcement officer/building inspector. (1968 Code, § 8-512)

13-109. Penalty. Upon conviction for violation of any provisions of this chapter relating to miscellaneous property maintenance regulations as described herein or in permitting or allowing such violation to exist, such violator shall be punished by a fine not to exceed fifty (\$50.00) dollars and each day that such violation shall continue after the time for correction of violation as herein provided, shall constitute a separate offense. (as added by Ord. #418, March 2004)

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.

13-201. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and council finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city and, therefore, ordains as follows. (1968 Code, § 4-601)

13-202. Definitions. (1) "Municipality" shall mean the City of Lake City, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

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

(4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

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

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (1968 Code, § 4-602)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (1968 Code, § 4-603)

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (1968 Code, § 4-604)

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed

fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (1968 Code, § 4-605)

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (1968 Code, § 4-606)

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (1968 Code, § 4-607)

13-208. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which such costs were incurred. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Anderson or Campbell County, Tennessee, by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court, provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Lake City to define and declare nuisances and to cause their removal or abatement by summary proceedings or as otherwise may be provided by the charter or ordinances of the city. (1968 Code, § 4-608)

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Lake City; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness. (1968 Code, § 4-609)

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper of general circulation in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Anderson or Campbell County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1968 Code, § 4-610)

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (1968 Code, § 4-611)

13-212. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1968 Code, § 4-612)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the

enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (1968 Code, § 4-613)

CHAPTER 3

JUNKED VEHICLES

SECTION

13-301. Definitions.

13-302. Location or presence of junked vehicles within the city deemed public nuisance exceptions.

13-303. Removal of junked vehicles required.

13-304. Notification and authority.

13-305. Authority to enforce.

13-306. Nuisances on public thoroughfares.

13-307. Penalty.

13-301. Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

(1) "Antique." Any vehicle over 25 years old.

(2) "Demolisher." Any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle a motor vehicle.

(3) "Junked vehicle." Any vehicle, which is wrecked, dismantled, partially dismantled, or discarded.

(4) "Person." Any person or individual firms or organization, partnership, association, corporation or company of any kind.

(5) "Shall." The word "shall" is mandatory and not merely directory.

(6) "Vehicle." Any machine propelled other than by human power which is designed to travel along the ground by use of wheels, treads, runners, or slides, and transports persons, or property and shall include, and not be limited to automobiles, trucks/trailers, motorcycles, tractors, mobile homes or motor homes. (As added by Ord. #367, Nov. 1998)

13-302. Location or presence of junked vehicles within the city deemed public nuisance exceptions. The location or presence of any junked vehicle or junked vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City of Lake City, shall be deemed a public nuisance, and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his or their vehicle or vehicles on property, or to allow or permit the same to be placed, located, maintained or exist upon his or their own real property; provided that this section shall not apply to:

(1) Any vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned dragstrips or raceways.

(2) Any antique retained and maintained by the owner for collection purposes other than for salvage or for transportation. Such vehicle shall be

maintained in operable condition and at the discretion of the authority with jurisdiction be required to comply with § 13-302(3) or this chapter.

(3) Any junked vehicle kept within a building where it will not be visible from the street;

(4) Any junked vehicle in an appropriate storage place or depository maintained at a location designated and approved by the City of Lake City. (As added by Ord. #367, Nov. 1998)

13-303. Removal of junked vehicles required. (1) The accumulation and storage of one or more such vehicles in violation of the provisions of this chapter shall constitute rubbish and unsightly debris and a nuisance and may be detrimental to the health, safety and general welfare of the inhabitants of the City of Lake City.

(2) It shall be the duty of the registered owner of such vehicle and shall also be the duty of the person in charge of control of the property upon which such junked vehicle is located, whether owner, tenant, occupant, lessee, or otherwise, to remove the vehicle to a place of lawful storage or to have the vehicle housed within a building where it will not be visible from a public right of way. (As added by Ord. #367, Nov. 1998)

13-304. Notification and authority. (1) Whenever any such public nuisance exists on occupied or unoccupied, commercial, residential, private or public property within the City of Lake City, the owner or owners of said property shall be notified by the person authorized by the City of Lake City to act as their agent, to have the vehicle removed and stored. The notification shall be in writing, specify the public nuisance and its location, specify any corrective measures that can be taken, and state that compliance must be provided within ten (10) days of receipts of the notification.

(2) The notification shall be served upon the owner or owners of said premises by serving them personally or by sending said notice by certified mail, return receipt requested. If the owner or owners of the premises fail to or refuse to comply with the order of the authorized agent of the City of Lake City within a ten (10) period after notification, such failure or refusal to remove the nuisance shall be subject to the penalties provided within this chapter.

(3) If the owner or owners of the vehicle or premises upon which the junked vehicle lies fail or refuse to comply with the order of the authorized agent of the city within a ten (10) day period after notification, the authorized agent may enter upon said property, take possession of junked vehicle or vehicles and remove the same from said property. Upon completion of such removal, any reasonable costs incurred, plus 15 percent for inspection and other incidental costs for correction purposes, shall be paid by the owner or owners of said property to the City of Lake City and said costs shall be billed to said owner or owners accordingly. If the bill is not fully paid to the city within sixty (60) days after receipts of the bill, a ten (10) percent penalty shall be added to the balance due. The costs and penalty shall be placed on the tax roll of the City of Lake

City as a lien upon the property and collected in the same manner as other city taxes are collected. (As added by Ord. #367, Nov. 1998)

13-305. Authority to enforce. The authorized agent for the City of Lake City may enter upon private property for the purposes specified in the ordinance in order to examine vehicles or parts thereof, obtain information as to identity of vehicle(s) and remove or cause to remove the vehicle or parts of a vehicle declared a public nuisance. (As added by Ord. #367, Nov. 1998)

13-306. Nuisances on public thoroughfares. Nothing in this chapter shall affect other ordinances or procedures that allow for the removal of vehicles left on public property or which constitute obstruction to traffic within the city. (As added by Ord. #367, Nov. 1998)

13-307. Penalty. Upon conviction for violation of any provisions of this chapter relating to the maintaining of a public nuisance as described herein or in permitting or allowing such public nuisance to exist, such violator shall be punished by a fine not to exceed fifty (50) dollars and each day that such nuisance shall continue after the time for removal as herein provided shall constitute a separate offense. (As added by Ord. #367, Nov. 1998)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. [DELETED.]

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
- 14-102. Organization, rules, staff and finances.
- 14-103. Powers and duties.

14-101. Creation and membership. In order to guide and accomplish a coordinated and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, a municipal planning commission is hereby created and established as authorized by Tennessee Code Annotated, § 13-4-101. The membership of said commission shall be organized as follows:

The municipal planning commission shall consist of five (5) members. One of the members shall be the mayor of the City of Lake City. One shall be a member of the board of mayor and council, selected by said board, and the three (3) remaining members shall be citizens appointed by the mayor and ratified by the board. The terms of the three (3) appointive members shall be for three (3) years, excepting that in the appointment of the first municipal planning commission, one (1) of the three (3) members shall be appointed for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. Any vacancy in the appointive membership shall be filled for the unexpired term by the mayor, with the approval of the board, who shall have the authority to remove any appointive member with the consent of counsel. The terms of the mayor and the member selected from the board of mayor and council shall run concurrently with their membership on the board of mayor and council. All members shall serve without compensation. (1968 Code, § 11-101)

14-102. Organization, rules, staff and finances. The municipal planning commission shall elect its chairman from among its appointive members. The term of chairman shall be one (1) year, with eligibility for

re-election. The commission shall adopt rules for transactions, findings, and determinations, and shall keep a record of its proceedings which record shall be a public record to be filed with the city recorder. The commission may appoint such employees and staff as it may deem necessary for its work, and may contract with city planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the board of mayor and council. (1968 Code, § 11-102)

14-103. Powers and duties. From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules and procedure, then said commission shall have all the powers, duties, and responsibilities as set forth in Tennessee Pub. Acts 1935, chapter 34, chapter 44, and chapter 45, or other acts relating to the duties and powers of municipal planning commissions adopted subsequent thereto. (1968 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 Lake City shall be governed by Ordinance Number 203, titled "Zoning Ordinance, Lake City, Tennessee," and any amendments thereto.¹

¹Ordinance No. 203, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

[DELETED]

This chapter was deleted by Ord. #392, Feb. 2001, and Ord. #403, April 2002.

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, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.
- 15-113. Driving through funerals or other processions.

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.

- 15-114. 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. Damaging pavements.
- 15-122. Bicycle riders, etc.
- 15-123. Accidents to be reported, etc.
- 15-124. Overtaking and passing school bus.
- 15-125. Failure to provide proof of automobile insurance.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1968 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1968 Code, § 9-106)

15-103. Reckless driving.¹ Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1968 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1968 Code, § 9-109)

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.

¹State law reference

See Tennessee Code Annotated, §§ 55-50-501--55-50-503 for provisions on operator's or chauffeur's licenses.

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

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1968 Code, § 9-110)

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

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1968 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1968 Code, § 9-112)

15-108. Miscellaneous traffic-control signs, etc.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 state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1968 Code, § 9-113)

15-109. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and

¹Municipal code references

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

Highways,¹ 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. This section shall not be construed as being mandatory but is merely directive. (1968 Code, § 9-114)

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1968 Code, § 9-115)

15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1968 Code, § 9-116)

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. (1968 Code, § 9-117)

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. (1968 Code, § 9-118)

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. (1968 Code, § 9-120)

¹This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.

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. (1968 Code, § 9-121)

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. (1968 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1968 Code, § 9-123)

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. (1968 Code, § 9-124)

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." (1968 Code, § 9-125)

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. (1968 Code, § 9-126)

15-121. Damaging pavements. No person shall operate upon any street of the city any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1968 Code, § 9-119)

15-122. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor scooter 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, or motor scooters.

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

No bicycle, motorcycle, or motor scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

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

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

No person shall operate or ride upon any motorcycle, motorbike, or motor scooter unless such person is equipped with and wearing on the head a safety helmet with a secured chin strap and suspension lining, which said helmet shall conform to the type and design manufactured for the use of the operators and riders of such motor vehicles. (1968 Code, § 9-127)

15-123. Accidents to be reported, etc. Pursuant to the provisions of Tennessee Code Annotated, §§ 55-10-307 and 55-10-308, there be, and is hereby adopted, the provisions of these sections, or parts of sections, of the Tennessee Code Annotated, set out hereinafter by reference, and as fully and completely

as same may apply to municipalities, and with the same meaning, force and application, as if same were copied verbatim herein, to wit:

T.C.A. § 55-10-101. Accidents involving death or personal injury.

T.C.A. § 55-10-102. Accidents involving damage to vehicles.

T.C.A. § 55-10-103. Duty to give information and render aid.

T.C.A. § 55-10-104. Duty upon striking unattended vehicle.

T.C.A. § 55-10-105. Duty upon striking fixtures upon highway.

T.C.A. § 55-10-106. Immediate notice of accident.

Any person failing to comply with any requirement set out in the above sections, as same apply under the circumstances, shall be guilty of a misdemeanor. (1968 Code, § 9-128)

15-124. Overtaking and passing school bus. The driver of a motor vehicle upon a highway or street upon meeting or overtaking from either direction any school bus which has stopped on the highway or street for the purpose of receiving or discharging any children, shall stop the vehicle before reaching such school bus and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or visual signals are no longer actuated. (1968 Code, § 9-129)

15-125. Failure to provide proof of automobile insurance.

(1) Compliance with financial responsibility law required. (a) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(b) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(c) For the purposes of this section, "financial responsibility" means:

(i) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55 has been issued;

(ii) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(iii) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(2) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(3) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #402, April 2002)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1968 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 park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 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 safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1968 Code, § 9-103)

¹Municipal code reference

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

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1968 Code, § 9-104)

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. (1968 Code, § 9-105)

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.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1968 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1968 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 at a rate of speed in excess of fifteen (15) miles per hour when passing a school during recess or while children are going to or leaving school during its opening or closing hours. (1968 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the city. (1968 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

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

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

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1968 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. (1968 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 the intersection of the center line of the two roadways. (1968 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. (1968 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1968 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, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.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 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. (1968 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1968 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. (1968 Code, § 9-403)

¹Municipal code reference

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

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

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1968 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1968 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1968 Code, § 9-406)

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

- (1) Green alone, or "Go":
 - (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- (2) Steady yellow alone, or "Caution":
 - (a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
 - (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

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

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

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

(4) Steady red with green arrow:

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

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

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1968 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. (1968 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 city, such signals shall apply as follows:

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

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1968 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. (1968 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. Regulation by parking meters.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. Presumption with respect to illegal parking.

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

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

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1968 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1968 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. (1968 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the city, 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 painted yellow or red by the city. (1968 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 city as a loading and unloading zone. (1968 Code, § 9-505)

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the city, between the hours of 7:00 A.M. and 7:00 P.M., on all days except Sundays and holidays declared by the board of mayor and council, parking shall be regulated by parking meters where the same have been installed by the city. The presumption shall be that all installed parking meters were lawfully installed by the city. (1968 Code, § 9-506)

15-607. Lawful parking in parking meterspaces. Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (1968 Code, § 9-507)

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

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (1968 Code, § 9-508)

15-609. Unlawful to occupy more than one parking meter space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (1968 Code, § 9-509)

15-610. Unlawful to deface or tamper with meters. It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1968 Code, § 9-510)

15-611. Unlawful to deposit slugs in meters. It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1968 Code, § 9-511)

15-612. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1968 Code, § 9-512)

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 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. (1968 Code, § 9-601)

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. (1968 Code, § 9-602)

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 ten (10) days during the hours and at a place specified in the citation. (1968 Code, § 9-603, modified)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of

¹State law reference

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

traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost of one dollar (\$1.00) per day shall also be charged. (1968 Code, § 9-604)

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. (1968 Code, § 9-605)

15-706. Deposit of license in lieu of bail. Pursuant to Tennessee Code Annotated, §§ 55-50-801 through 55-50-805, whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Department of Safety, State of Tennessee, 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 municipal ordinance regulating traffic, except those the violation of which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, said 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 in answer to any such charge before said court.

All city officers and employees shall comply fully with the requirements of Tennessee Code Annotated, §§ 55-50-801 through 55-50-805, and any implementing orders of the Department of Safety, State of Tennessee. (1968 Code, § 9-606)

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

(b) Other parking violations. For other parking violations, the offender may similarly waive his right to a judicial hearing and have the charges disposed of out of court but the fines shall be three dollars (\$3.00) within ten (10) days and five dollars (\$5.00) thereafter. (1968 Code, § 9-603, modified)

TITLE 16**STREETS AND SIDEWALKS, ETC¹****CHAPTER**

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
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 restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades regulated.
- 16-111. Operation of trains regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Encroachment on the channel of Coal Creek.
- 16-115. Use of public owned buildings, land, service, facilities, equipment, supplies, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1968 Code, § 12-201)

16-102. Trees projecting over streets, etc., regulated It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet. (1968 Code, § 12-202)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, 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. (1968 Code, § 12-203)

16-104. Projecting signs and awnings, etc., restricted.

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1968 Code, § 12-204)

16-105. Banners and signs across streets and alleys restricted.

It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and council. (1968 Code, § 12-205)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1968 Code, § 12-206)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1968 Code, § 12-207)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1968 Code, § 12-208)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1968 Code, § 12-209)

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or

¹Municipal code reference

Building code: title 12, chapter 1.

exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1968 Code, § 12-210)

16-111. Operation of trains regulated. It shall be unlawful for any person, persons, firm, syndicate, or corporation or their employees or agents to blow or cause to be blown or otherwise operate or cause to be operated, any whistle, horn, or other noise-making device used in giving warnings or signals, when same are used in connection with the operation of any train or other vehicle being propelled and operated along and upon the railroad tracks within the corporate limits of the City of Lake City. Provided, however, that said whistles or horns may be blown or sounded in such manner and at such times as will conform strictly to the provisions of the state statutes and railroad company regulations governing and controlling the blowing of train whistles at road and street crossings and for signals.

It shall also be unlawful and a misdemeanor for any persons, firm, syndicate, corporation or company, their agents or employees to stop or cause to be stopped, any train or other vehicle upon a road or street crossing for a longer period than fifteen (15) minutes at any one time, so as to stop, hinder, or hamper the regular movement of traffic across said railroad tracks or track. (1968 Code, § 12-211, modified)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as 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. (1968 Code, § 12-212)

16-113. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1968 Code, § 12-213)

16-114. Encroachment on the channel of Coal Creek. It shall be unlawful to encroach on the channel of Coal Creek or the banks thereof by the erection of structures, by filling or excavating, or by causing any obstruction or interference with the operation and maintenance of the Coal Creek Channel Improvement Project, unless a permit duly approved by the Corps of Engineers, U. S. Army Engineer District, Nashville, has been granted by the City of Lake City authorizing such encroachment. (1968 Code, § 12-214)

16-115. Use of public owned buildings, land, services, facilities, equipment, supplies, etc. No property owned by the City of Lake City or under their control will be used for private or commercial purposes. An exception can be made for recreational areas where upon permission will be given by the board of mayor and council or recreation committee for schools, civic organizations, public functions etc.

This includes employees, individuals, firms, corporations, etc. who, desire to use such public owned facilities, etc. (1968 Code, § 12-215)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

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

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business and said permit shall be retroactive to the date when the work was begun. (1968 Code, § 12-101)

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

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).

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1968 Code, § 12-102)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1968 Code, § 12-103)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the 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 recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1968 Code, § 12-104)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1968 Code, § 12-105)

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 said 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 by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association,

or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the 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. (1968 Code, § 12-106)

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 recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1968 Code, § 12-107)

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 recorder. (1968 Code, § 12-108)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the 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. (1968 Code, § 12-109)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (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. (1968 Code, § 12-110)

CHAPTER 3

STREET NAMES AND PROPERTY NUMBERS

SECTION

- 16-301. System of street naming and property numbering adopted.
- 16-302. Change of street names; index to be kept.
- 16-303. New streets.
- 16-304. How properties to be numbered.
- 16-305. Maintenance of numbering system; approval of proposed street names.

16-301. System of street naming and property numbering adopted. An official system of street names and a uniform system of numbering properties and principal buildings, as shown on the map entitled "Street Name and Property Numbering System," which is filed in the office of the city recorder, is hereby adopted for use in the City of Lake City, Tennessee. This map, with all the explanatory matter thereon, is hereby adopted and made a part of this chapter. (1968 Code, § 12-301)

16-302. Change of street names; index to be kept. Names of the streets in the City of Lake City shall remain as shown on said map unless officially changed by specific ordinance passed subsequent to this date. Further, an index of official street names is to be kept on record in the office of the city record. (1968 Code, § 12-302)

16-303. New streets. No new streets shall be accepted by the city nor municipal improvements made therein until such streets have been named. If new streets are extensions of existing streets, the existing names shall be continued, and if not extensions, names recorded shall not duplicate or closely approximate names already assigned. (1968 Code, § 12-303)

16-304. How properties to be numbered. (1) All properties or parcels of land within the corporate limits of Lake City, Tennessee, shall hereafter be identified by reference to the uniform numbering system adopted herein. All existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within three (3) months from date of passage of these provisions.

(2) A separate number shall be assigned according to the interval designated in the following schedule and as indicated on the map of record in the recorder's office:

- (a) Within commercial zones, a separate number shall be assigned for each twenty-five (25) feet of front footage.
- (b) In the remaining area, a separate number shall be assigned for each fifty (50) feet of front footage.

(3) 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 (1) occupant, each separate front entrance of such principal building shall bear a separate number.

(4) Numerals indicating the official number for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. (1968 Code, § 12-304)

16-305. Maintenance of numbering system; approval of proposed street names. The city recorder shall be responsible for maintaining the numbering system. Proposed street names must be approved by the Lake City Municipal Planning Commission. If not approved by the planning commission they must be approved by a majority of the entire membership of the Lake City mayor and council. (1968 Code, § 12-305)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection fees.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Controlled burn permits.
- 17-110. Unauthorized agents using containers.
- 17-111. Refuse generated by private enterprise.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1968 Code, § 8-101)

17-102. Premises to be kept clean. All persons within the City of Lake City are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1968 Code, § 8-102)

17-103. Storage. (1) Each owner, occupant, or other responsible person using or occupying any building or other premises within the city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, water proof, rodent and insect proof. Containers having ragged or sharp edges or other defects must be promptly replaced. Individual (can-type)

¹Municipal code reference

Property maintenance regulations: title 13.

containers shall be no larger than twenty-five inches in diameter and thirty inches in height (commonly known as thirty-five gallon containers). All individual (can-type) containers shall be made of galvanized or plastic material and shall be kept water tight at all times. The sanitation department may grant waivers in cases of hardship. Disposable containers for such refuse shall be cardboard cartons, plastic bags, or moisture resistant paper bags and containers shall have tops, ties, or other means of preventing spillage, scattering or blowing away of the solid waste, and be moisture proof and kept dry and be of sufficient strength to contain the solid waste without spillage during handling. They shall not exceed in size the approximate capacity of a thirty-five gallon regulation solid waste container which is considered the maximum size for manual lifting by a collector. Fifty-five gallon drums are specifically prohibited from use as containers for solid waste. No refuse shall be placed in refuse containers until such refuse has been drained of all free liquids.

(2) Large accumulations of magazines and newspapers shall be bundled and securely tied.

(3) Tree trimmings, hedge clippings, and similar material shall be cut to a length not to exceed four feet and shall be securely tied in individual bundles weighing no more than forty pounds each and being no more than two feet thick before being deposited for collection, provided it does not create an amount of solid refuse substantially greater than normal, so as to require the collector to make an extra trip to remove such solid refuse. (1968 Code, § 8-103)

17-104. Location of containers. Where alleys are used by the city's refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city's refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the 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. (1968 Code, § 8-104)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1968 Code, § 8-105)

17-106. Collection fees. Solid waste collection shall be made regularly in accordance with an announced schedule. The following monthly fees are established for the removal or disposal of solid waste:

(1) Residential customers shall have one (1) pick-up per week at the curb, at the rate of ten dollars (\$10.00) per month.

(2) Small commercial customers shall be only those requiring sanitation services with a limit of two (2) thirty-five (35) gallon containers, one (1) pick-up per week, at the rate of thirty-one dollars (31) per month.

(3) There shall be no collection of solid waste for large or medium class commercial garbage, within the city limits of Lake City.

(4) Each apartment unit shall have one (1) pick-up per week at the residential rate of ten dollars (\$10.00) per month. (Ord. #356, July 1995, as amended by Ord. #370, June 1998; Ord. #385, Aug. 1999; Ord. #375, Feb. 2000; and Ord. #420, June 2004, as replaced by Ord. #432, June 2006)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1968 Code, § 8-107)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and council is expressly prohibited. (1968 Code, § 8-108)

17-109. Controlled burn permits. There shall be no open burning without first obtaining a permit. The permit may be granted in person from a firefighter from the fire department after an on site inspection. There is no fee for the permit.

(1) Burn permits shall not be issued on days when wind gusts exceed ten (10) mph, during rain, fog, or when weather conditions cause smoke to hang low.

(2) There shall be no burning of trash, rubbish, construction scraps, paper products, cardboard, plastics, wooden pallets, tires, shingles, etc.

(3) If smoke or ash from a controlled burn causes a nuisance to anyone, the caller will be contacted and instructed to extinguish the fire immediately.

(4) Anyone asking to burn must provide their name, street address, telephone number, and what material they wish to burn.

(5) The following requirements must be agreed upon:

(a) The fire must be further than fifty (50) feet from any structure.

(b) A water supply must be available. If not, a portable fire extinguisher must be kept nearby.

(c) All fires must be extinguished before dark.

(d) Fires shall never be unattended.

- (e) No flammable liquids are to be used or left close by.
- (6) The location of the controlled burn shall be broadcast over the fire department radio.
- (7) Should a complaint about a controlled burn be received, is shall be paged out and an engine shall respond to meet with the complainant. (1968 Code, § 8-109, as replaced by Ord. #438, April 2007)

17-110. Unauthorized agents using containers. No person, persons, firm, association, corporations, or agent thereof, existing outside of the corporate limits of the city shall place refuse or any material in any container belonging to the city, for the purpose of disposal or removal by the city's collection vehicle or a property owner on which the container sets.

Any person, persons, firm, association, corporation, or agent thereof, violating the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1968 Code, § 8-110)

17-111. Refuse generated by private enterprise. (1) The City of Lake City shall not be responsible for the collection and disposal of construction waste, bulk rubbish, brush, or any other forms of solid waste generated or produced by contractors, tree trimmers, or persons doing work for profit or personal gain.

(2) The board of mayor and council may designate a staff member to enforce the provisions of this section.

(3) This section shall not prohibit contractors or businesses or homeowners from receiving the normal refuse services outlined in the municipal code. (as added by Ord. #430, Nov. 2005)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER AND SEWERS.
2. SUPPLEMENTARY SEWER REGULATIONS.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

WATER AND SEWERS²

SECTION

- 18-101. Water rates, sewer service charges, water "turn-on" charge.
- 18-102. Water meters, date bills are to be paid, delinquent bills, and discontinuance of service.
- 18-103. Deposits and tap fees, extension policy, permit and inspection requirements.
- 18-104. Tampering with or damaging facilities.
- 18-105. Water and sewer services outside corporate limits.
- 18-106. Fluoridation of water supply.
- 18-107. Fire hydrant rental.
- 18-108. Adjustments.
- 18-109. Connecting or maintenance of storm water, etc. with sanitary sewers.

18-101. Water rates, sewer service charges, water "turn-on" charge. The rate for the use of the water and sewer services of the City of Lake City shall be and the same are hereby fixed as follows:

¹Charter references: §§ 3, 13A, and 13D.

Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

²Charter reference

Water and sewer commission: § 13A.

Standard Monthly Rates for Single Residential Water Users

First 2,000 gallons	\$11.90 (minimum monthly bill)
All over 2,000 gallons	\$5.90 per thousand gallons proportionally for fractional parts thereof.

The term "single residential" shall apply to those customers who are considered as, or being, a single private dwelling.

Standard Monthly Rates for All Other Users

First 2,000 gallons	\$19.00 (minimum monthly bill)
All over 2,000 gallons	\$6.40 per thousand gallons proportionally for fractional parts thereof.

The term "all other" shall apply to every use and purpose not considered as, or being, a single private dwelling.

Where sanitary sewer services are available, each customer shall pay a sewer charge at the rate of one hundred percent (100%) of the net water bill regardless if connection is made to sewer or not.

Any customer within the corporate limits of the City of Lake City who cannot be connected to the water system due to prior contract shall be billed for sewer usage at the same rate as those customers currently billed at the "single residential" or "all other" rate, whichever applies, but in no event less than eleven dollars and ninety cents (\$11.90) per month for single residential or nineteen dollars (\$19.00) per month for "all other users."

Any residential customer within the corporate limits who is not a metered customer of any recognized water service utility shall be billed for sewer usage at a rate of nineteen dollars (\$19.00) per month for "single residential" or twenty-five dollars (\$25.00) per month for "all other users." (Ord. #354, July 1995, as amended by Ord. #364, March 1997; Ord. #374, May 1998; Ord. #391, Feb. 2001; Ord. #394, June 2001; Ord. #401, June 2002; Ord. #408, June 2003; Ord. #417, June 2004; and Ord. #425, June 2005, as replaced by Ord. #431, June 2006, and further replaced by Ord. #439, June 2007)

18-102. Water meters, date bills are to be paid, delinquent bills, and discontinuance of service. Each customer shall be entitled to have the water used on his premises measured by a water meter of standard make to be furnished by the City of Lake City. If for any reason the City of Lake City is unable to furnish a water meter to any particular customer, the rate for the customer shall be the minimum monthly rate for the time during which no water meter was installed. All meters shall be and remain the property of the City of Lake City.

All meters shall be read by the City of Lake City on or about the first day of each month, and a statement shall be sent to the customer. All amounts due as shown on the statement must be paid by the customer on or before the fifth day of the following month for which the customer was sent a statement, unless the fifth falls on a Saturday, Sunday, or holiday, in which case the bill must be paid on the following business workday.

In the event any current monthly bill, rate, or charge is not paid on the dates set out above, there shall be an additional ten percent (10%) added to the amount due.

In the event a customer fails to pay the amount due the City of Lake City for services on or before the fifth day of the following month, said customer shall be subject to having his services discontinued immediately. A service charge of twenty-five dollars (\$25) plus all outstanding water and sewer accounts shall be paid before services can be resumed. (Ord. #354, July 1995, as amended by Ord. #364, March 1997)

18-103. Deposits and tap fees, extension policy, permit and inspection requirements. (1) Any person, firm, corporation, or institution, inside the city limits, requesting water services of the City of Lake City shall be required to make a deposit as follows:

Owner-occupied dwelling	fifty dollars (\$50)
All other dwelling units	one hundred dollars (\$100)
All other users	one hundred dollars (\$100)

The amount so deposited shall be returned to the person making a deposit at the time the services are discontinued, after any amount due for services has been deducted.

Water tap. For every water tap made on a main water line, inside the city limits of the City of Lake City, the person having said tap shall pay to the water and sewer department the following:

Three-quarter (3/4") inch tap	three hundred seventy five dollars
One (1") inch tap	five hundred twenty five dollars
Two (2") inch tap	one thousand dollars
Six inch tap (6")	one thousand dollars per inch of pipe diameter. All taps above six-inch diameter shall be at the rate of one thousand dollars per inch diameter.

Sewer tap. For every sewer tap made on a main sewer line inside the city limits of the City of Lake City, the person having said tap shall pay to the water and sewer department the following:

Four (4") inch tap	three hundred seventy five dollars
Six (6") inch tap	five hundred twenty five dollars
Eight (8") inch tap	nine hundred dollars

(2) All customers applying for water service after August 1, 2002, where private fire hydrants and fire sprinkler piping are required shall be metered along with other potable water. The meter, location of the meter, and the installation shall be approved by the city.

After August 1, 2002, customers who are served by private fire hydrants and fire sprinkler piping, and who are found using unmetered water, shall be required to provide and install a city approved meter for such service as a condition for further service, pay the city for estimated water loss, and may be subject to criminal prosecution. (Ord. #354, July 1995, as amended by Ord. #364, March 1997, and Ord. #406, Aug. 2002)

18-104. Tampering with or damaging facilities. It shall be unlawful for any person to tamper with a water meter, water or sewer line, or to in any manner damage same, or cut on or cut off the supply of water from the premises without proper authority or reason. It shall also be unlawful for any person to do any act determined to be destructive or damaging to the water and sewer system or to hamper its operation, and any person convicted of same shall be fined under the general penalty clause for this code. (1968 Code, § 13-104)

18-105. Water and sewer services outside corporate limits. Any person, firm, corporation or institution, living outside the corporate limits requesting water and sewer services of the City of Lake City shall be required to make a deposit as follows:

All dwelling units	one hundred dollars (\$100)
All other users	one hundred dollars (\$100)

The deposit shall be returned to the person making a deposit at the time the services are discontinued, and after any amount due for services has been deducted.

For every water tap made on a main water line to outside users, the customer having said tap made shall pay to the Lake City Water and Sewer Department the following:

Three quarter (3/4") inch tap	three hundred seventy five dollars
One (1") inch tap	five hundred twenty-five dollars
Two (2") inch tap	one thousand dollars

For any water tap in excess of two inches (2") the person having tap made shall pay the two-inch (2") tap fee of one thousand dollars (\$1,000.00) and the cost of the installation. The superintendent of the department shall estimate the costs of the water tap installation, and said estimated amount shall be paid prior to installation of the water tap.

The rate for the usage of water and or sewer services by outside "single residential" users are as follows:

First 2,000 gallons	\$18.60 minimum monthly bill
All over 2,000 gallons	\$6.00 per thousand gallons and proportionally for fractional parts thereof.

Where sanitary sewer services are used by outside water customers, they shall pay a sewer charge at the rate of one hundred percent (100%) of the net water bill. All amounts are based on water consumption as read from water meters owned and maintained by the City of Lake City or the various water owners.

Any single dweller living outside the corporate limits requesting sewer services of the City of Lake City shall be required to pay the water and sewer department the following sewer tap fee:

Four inch tap (4")	four hundred fifty dollars (\$450)
Six-inch tap (6")	nine hundred dollars (\$900)
Eight inch tap (8")	fifteen hundred dollars (\$1,500)

No more than two (2) dwelling can be on a four (4) inch tap.

Standard Sewer Rates for All Other Sewer Users

First 2,000 gallons	\$19.00 minimum monthly bill
All over 2,000 gallons	\$8.50 per thousand gallons and proportional for fractional parts thereof.

Public institutions, large commercial users, and industries; tap on fees and sewer rates could be negotiated according to their type and amount of discharge but in no event can the rate be lower than what is set out as above.

If for any reason a residential customer is not being metered by a utility, then his sewer rate will be nineteen dollars (\$19.00) per month and all other users will be twenty-five (\$25.00) per month.

All other laws or ordinances set by the Board of Mayor and Council of the City of Lake City relative to the Lake City Water Department other than those above shall apply to these outside users. (Ord. #354, July 1995, as amended by Ord. #364, March 1997; Ord. #374, May 1998; Ord. #391, Feb. 2001; Ord. #394, June 2001; Ord. #401, June 2002; Ord. #408, June 2003; Ord. #417, June 2004; and Ord. #425, June 2005, as replaced by Ord. #431, June 2006, and further replaced by Ord. #439, June 2007)

18-106. Fluoridation of water supply. (1) The Lake City Water Department is hereby authorized and instructed to make plans for the fluoridation of the water supply of the City of Lake City; to submit such plans to the Department of Health of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply.

(2) That the cost of such fluoridation will be borne by the revenues of the Water Department of the City of Lake City, Tennessee. (1968 Code, § 13-106)

18-107. Fire hydrant rental. The City of Lake City shall pay an annual minimum fire hydrant rental fee of \$3,000 per year or any other amount so set forth by a vote of the board of mayor and council. The City of Lake City shall also bear the expense of purchasing, installation, maintenance, upkeep, repairs, etc., incurred by the fire hydrants. (1968 Code, § 13-107)

18-108. Adjustments. The rates and conditions set forth in this chapter, as well as adjustments to monthly statements, can only be changed or altered by a vote of the board of mayor and council except in the event of an error in billing, meter reading, etc., and such changes shall be made by the office staff. (1968 Code, § 13-108)

18-109. Connecting or maintenance of storm water, etc. with sanitary sewers. No occupant, firm, or corporation shall connect any of the following: rain water leaders, down spouts, cisterns, overflows, surface drains, unpolluted water from air conditioning systems, industrial cooling operation, swimming pools, or the like, in any manner so as to discharge into any public sanitary sewer which empties into any sewage ejector or sewage disposal plant maintained by the City of Lake City, Tennessee.

Any connection which is presently attached shall be removed immediately or within a time that the board of mayor and council considers reasonable. However, the city shall have the right to disconnect or correct any present discharge if the city feels there is an emergency situation.

The service director, building inspector, water and sewer superintendent, or such other authorized personnel, may enter upon any private or public premises to make inspection thereof for the purpose of determining whether or not the owner or occupant of the same is complying with the provision of this chapter.

Any occupant, firm, or corporation, violating the provisions of this chapter shall be punished by a fine of not less than \$2.00 nor more than \$50.00 and that each separate day shall be considered a violation. (1968 Code, § 13-109)

CHAPTER 2

SUPPLEMENTARY SEWER REGULATIONS¹

SECTION

- 18-201. General provisions.
- 18-202. Connection to public sewers.
- 18-203. Private domestic wastewater disposal.
- 18-204. Regulation of holding tank waste disposal.
- 18-205. Applications for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-206. Discharge regulations.
- 18-207. Industrial user monitoring, inspection reports, records, access and safety.
- 18-208. Enforcement and abatement.
- 18-209. Penalty: costs.
- 18-210. Fees and billing.
- 18-211. Validity.

18-201. General provisions. (1) Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Lake City, Tennessee, wastewater treatment system. The objectives of this chapter are:

- (a) To protect the public health;
- (b) To provide problem free wastewater collection and treatment service;
- (c) To prevent the introduction of pollutants into the municipal wastewater treatment system which will interfere with the system operation, will cause the city's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements or will cause physical damage to the wastewater treatment facilities;
- (d) To provide for full and equitable distribution of the cost of wastewater treatment system;
- (e) To enable the City of Lake City to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR, Part 403), and other applicable federal and state laws and regulations;
- (f) To improve the opportunity to recycle and reclaim wastewater and sludges from the wastewater treatment system.

¹Municipal code reference
Plumbing code: title 12.

In meeting these objectives, this chapter provides that all persons in the service area of the City of Lake City must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the regulation of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the City of Lake City, Tennessee, and to persons outside the city who are, by contract or agreement with the city, users of the municipal wastewater treatment system. Except as otherwise provided herein, the Water and Sewer Superintendent of the City of Lake City shall administer, implement, and enforce the provisions of this chapter.

(2) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meaning hereinafter designated:

(a) "Act" or "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

(b) "Approval authority" - The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(c) "Authorized representative of industrial user" - An authorized representative of an industrial user may be:

(i) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(ii) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(iii) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(d) "Biochemical Oxygen Demand (BOD)" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration milligrams per liter (mg/l).

(e) "Building sewer" - A sewer conveying wastewater from the premises of a user to the POTW.

(f) "Categorical standards" - National categorical pretreatment standards or pretreatment standard.

(g) "City" - The City of Lake City or the Board of Mayor and Council for the City of Lake City, Tennessee.

(h) "Compatible pollutant" - shall mean BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(i) "Cooling water" - The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(j) "Control authority" - The term "control authority" shall refer to the "approval authority" defined hereinabove; or the superintendent if the city has an approved pretreatment program under the provisions of 40 CFR, 403.11.

(k) "Customer" - means any individual, partnership, corporation, association, or group who receives sewer service from the city, under either an express or implied contract requiring payment to the city for such service.

(l) "Direct discharge" - The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(m) "Domestic wastewater" - Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only.

(n) "Environmental Protection Agency, or EPA" - The U. S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(o) "Garbage" - shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(p) "Grab sample" - A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(q) "Holding tank waste" - Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(r) "Incompatible pollutant" - shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(s) "Indirect discharge" - The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307 (b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(t) "Industrial user" - A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

(u) "Interference" - The inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(v) "National categorical pretreatment standard or pretreatment standard" - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(w) "NPDES (National Pollutant Discharge Elimination System)" - shall mean the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollutant Control Act as amended.

(x) "New source" - Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is therefore promulgated within 120 days of the proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(y) "Person" - Any individual, partnership, corporation, firm, company, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine; the single shall include the plural where indicated by the context.

(z) "pH" - The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(aa) "Pollution" - The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the water.

(bb) "Pollutant" - Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged

equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

(cc) "Pretreatment or treatment" - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or by other means, except as prohibited by 40 CFR, Section 40.36(d).

(dd) "Pretreatment requirements" - Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(ee) "Publicly Owned Treatment Works (POTW)" - A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city users of the city's POTW.

(ff) "POTW Treatment Plant" - That portion of the POTW designed to provide treatment to wastewater.

(gg) "Shall" - is mandatory; May is permissive.

(hh) "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 concentrations of flow during the normal operation and any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(ii) "State" - State of Tennessee.

(jj) "Standard Industrial Classification (SIC)" - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(kk) "Storm water" - Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(ll) "Storm sewer" or "storm drain" - Shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(mm) "Superintendent" - The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(nn) "Suspended solids" - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

(oo) "Toxic pollutant" - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA (307(a)) or other Acts.

(pp) "Twenty-four (24) Hour Flow Proportional Composite Sample" - A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportionate to the flow and combined to form a representative sample.

(qq) "User" - Any person, who contributes, causes, or permits the contribution of wastewater into the city's POTW.

(rr) "Wastewater" - The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(ss) "Wastewater treatment systems" - Defined the same as POTW.

(tt) "Waters of the State" - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (1968 Code, § 13-1A01)

18-202. Connection to public sewers. (1) Requirements for proper wastewater disposal. (a) 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 service area of the City of Lake City, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge into any waters of the state within the service area of the City of Lake City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) 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.

(d) Except as provided in § 18-202(1)(e) below, the owner of all houses, buildings or properties used for human occupancy, employment,

recreation or other purposes situated within the service area 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 sewer in the service area, 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 sixty (60) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the building drain as defined herein.

(e) The owner of manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of § 18-202(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-203.

(2) Physical connection to public sewer. (a) 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 as required by § 18-205.

(b) All costs and expenses incident to the installation, connection, and inspection 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.

(c) 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.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent, to meet all requirements of this chapter. All others must be sealed to the specifications of the superintendent.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be four (4) inches.

(ii) The minimum depth of a building sewer shall be eighteen (18) inches.

(iii) Four (4) inch building sewers shall be laid on a grade greater than 1/8-inch per foot. Larger building sewers shall be laid

on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of:

(A) Concrete or clay sewer pipe using rubber neoprene compression joints of approved type;

(B) Cast iron soil pipe with leaded or compression joints;

(C) Polyvinyl chloride pipe with solvent welded or with rubber compression joints; or

(D) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or

(E) Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(vi) A cleanout shall be located five (5) feet outside of the building, one as it taps on to the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (Wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a four (4) inch pipe.

(vii) Connections of building sewers to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building

drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) 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.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered by the superintendent or his representative.

(b) The applicant for discharge 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.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the superintendent to meet specifications of the city. (1968 Code, § 13-1A02)

18-203. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-202(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as defined in § 18-202, the owner shall provide a private sewage pumping station as provided in § 18-202(2)(e)(viii).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than the specified by the Anderson County Health Department.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the Anderson County Health Department. The owner shall supply any plans, specifications and other information as are deemed necessary by the Anderson County Health Department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Anderson County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Anderson County Health Department when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Anderson County Health Department.

(d) The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee and the Anderson County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(f) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Anderson County Health Department. (1968 Code, § 13-1A03)

18-204. Regulation of holding tank waste disposal. (1) Permit. No person, firm, association or corporation shall clean out, drain or flush any septic

tank or any other type of wastewater or excreta disposal system, unless such person, firm, association or corporation obtains a permit from the superintendent to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of the chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter, an annual service charge therefore shall be paid to the city to be set as specified in § 18-210. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Lake City. (1968 Code, § 13-1A04)

18-205. Applications for domestic wastewater discharge and industrial wastewater discharge permits. (1) Applications for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-202 and an inspection has been performed by the superintendent or his representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot

be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the superintendent for interim periods if compliance may be assured within a reasonable period of time.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW at the time this chapter takes effect are required to obtain a discharge permit within 180 days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent an application in the form prescribed by the superintendent, and accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address and SIC number of applicant; wastewater volume; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and 30 minute and peaks, a description of all toxic materials handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities, and any other information deemed necessary by the superintendent.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit, submit plans, specifications, and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from responsibility of modifying the facility as necessary to

produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "Pretreatment Standard", shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-206.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The superintendent of sewer will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and to other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(ii) Limits on the average and maximum wastewater constituents and characteristics;

(iii) Limits on average and maximum rate and time of discharges or requirements for flow regulations and equalization;

(iv) Requirements for installation and maintenance of inspections and sampling facilities;

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules;

(vi) Compliance schedules;

(vii) Requirements for submission of technical reports or discharge reports;

(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(ix) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(x) Requirements for notification of slug discharged;

(xi) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by §§ 18-205(2)(b)(ii) and 18-205(2)(b)(iii) above. The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for the permit reissuance a minimum of 180 days prior to the expiration date of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked

in whole or in part during its term for cause including, but not limited to, the following:

- (i) Violation of any term or conditions of the wastewater discharge permit or other applicable federal, state or local law or regulation.
- (ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
- (iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (1968 Code, § 13-1A05)

18-206. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

- (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with

other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on any explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch ($\frac{1}{2}$ ") in any dimension, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving water of the POTW, or to exceed the limitation set forth in the categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for the reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance be discharged to the POTW which causes the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulation affecting sludge use or

disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which would cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "sludge" as defined herein.

(l) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65°C).

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Health. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Health, to a storm sewer or natural outlet.

(2) Protection of treatment plant influent. The superintendent shall monitor the treatment works influent for each parameter in the following table (Table A - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the superintendent shall initiate technical

studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Table A - Plant Protection Criteria

Paramter	Maximum Concentration mg/l (24 Hour Flow)	Average 30 Day mg/l Concentration
Cadmium (Cd)	10.0	0.1
Chromium (+6)	21.1	1.9
Chromium (+3)	204.6	2.7
Copper (Cu)	125.3	81.6
Cyanide (CN)	50.0	9.5
Lead (Pb)	100.0	27.2
Mercury (Hg)	0.1	0.1
Nickel (Ni)	2000.0	272.1
Phenols	1000.0	1000.0
Selenium (Se)	750.0	95.2
Silver (Ag)	22.5	10.9
Zinc (Zn)	1446.4	136.0
Total Kjeldahl Nitrogen (TKN)	45.0	90.0
Oil & Grease	50.0	100.0
MBAS	5.0	10.0
BOD	*	
COD	*	
Suspended Solids	*	

*Not to exceed the design capacity of treatment works.

BDL = Below Detectable Limits

(3) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under the chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFRm Section 403.12.

(4) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Health and/or the United States Environmental Protection Agency.

(5) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(6) Exceptions to discharge criteria. (a) Application for exception. Non-residential users of the POTW may apply for temporary exception of the prohibited and restricted wastewater discharge criteria listed in §§ 18-206(1) and 18-206(2) of this chapter. Exceptions can be granted according to the following guidelines:

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the city.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the city in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the superintendent upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that the compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if exempted, will not:

- (i) Interfere with normal collection and operation of the wastewater treatment system.
- (ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.
- (iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharges to violate its in force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(c) Review of application by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the city upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate same within thirty (30) days and shall submit his recommendations to the city at its next regularly scheduled meeting.

(d) Review of application by the city. The city shall review and evaluate all applications for exceptions and shall take into account the following factors:

- (i) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-206 and grant an exception only if

such exception may be granted within limitations of applicable federal regulations;

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works influent and the design capability of the treatment works;

(iv) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;

(v) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(vii) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge;

(7) Accidental discharge.

(a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage area, from truck and rail car loading and unloading areas, from implant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this article. The wastewater discharge permit of any user who has a history of significant leaks, spills or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or his designated official) by telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification will not relieve the user of liability for any expense, loss or damage to the POTW, fish kills, or other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by the chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1968 Code, § 13-1A06)

18-207. Industrial user monitoring, inspection reports, records access and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When, in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the superintendent may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the superintendent, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the

approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the superintendent, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within 180 days following written notification unless an extension is granted by the superintendent.

(2) Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. The superintendent or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

(3) Compliance date report. Within 180 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment

standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent of sewer may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of

three (3) years records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for the inspection and copying by the Superintendent, Director of the Division of Water Quality Control Tennessee Department of Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the superintendent, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, 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 user against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (1968 Code, § 13-1A07)

18-208. Enforcement and abatement. (1) Issuance of cease and desist orders. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the superintendent shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits, requirements or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the superintendent;
- (c) Take appropriate remedial or preventative action in the event of a threatened violation; or
- (d) Surrender his applicable user's permit as ordered to do so after a show cause hearing.

Failure of the superintendent to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) Submission of time. When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the superintendent within 30 days of the issuance of the cease and desist order.

(3) Show cause hearing. (a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the board of mayor and council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by city council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The board of mayor and council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the water and sewer department to:

(i) Issue in the name of the board of mayor and council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the board of mayor and council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the Chancery Court of this county.

(5) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the superintendent presents or may present an imminent substantial endangerment to the health or welfare of persons, or cause interference with the POTW, the superintendent or in his absence the person then in charge of the treatment

works shall immediately notify the mayor of the nature of the emergency. The superintendent shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the city or in their absence such elected officials of the city as may be available, the superintendent shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated or corrected.

(6) Public nuisance. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the superintendent as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the city codes or ordinances governing such nuisance.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the chapter or the owner or tenant of the property upon which the violation occurred, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or other physical or operations impairment to facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibitions, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The City of Lake City shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation the length of time over which the violation occurs, and the correcting action, if any. (1968 Code, § 13-1A08)

18-209. Penalty: costs. (1) Civil penalties. Any user who is found to have violated an order of the board of mayor and council or who willfully or negligently failed to comply with any provision of this chapter and the order, rules, regulations and permits issued hereunder, shall be fined not less than

fifty and 00/100 dollars (\$50.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person to have violated this chapter or the rules, regulations, and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both. (1968 Code, § 13-1A09)

18-210. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the city's wastewater treatment system, including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees, may include, but not be limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring; and
- (g) Other fees as the city may deem necessary to carry out the requirements of this chapter.

(3) Fees for applications for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-204.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and the sewer service lines and connections to the public sewers. The inspection fee and tapping fee shall be set by the board of mayor and council.

(5) Sewer user charges. (a) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the users contribution of wastewater loads; each class user being identified as follows:

(i) Class I: Those users whose average biochemical oxygen demand is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(ii) Class II: Those users who average biochemical oxygen demand exceeds two hundred fifty milligrams per liter concentration (250 mg/l) by weight and whose suspended solids exceeds two hundred fifty milligrams per liter concentration (250 mg/l).

(b) Determination of costs. The board of mayor and council shall establish rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs.

(i) All users who fall under Class I shall pay a single unit charge expressed as dollars per 1,000 gallons of water purchased (\$/1,000 gallons) with the unit charge being determined in accordance with the following formula:

$$C_i = \frac{T.S.C.}{V_t}$$

Where:

C_i = The Class I total unit cost in \$/1000 gallons

T.S.C. = The total operation and maintenance, administration, and debt service determined by yearly budget projections.

V_t = The total volume of wastewater contribution from all users per year as determined from projections from one city fiscal year to the next.

(ii) All users who fall within the Class II classification shall pay the same base unit charge per 1,000 gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

(iii) The volume of water purchased which is used in the calculation of sewer use charges may be adjusted by the superintendent if a user purchases a significant volume of water

for a consumptive use and does not discharge it to the public sewers (i.e. filling swimming pools, industrial heating, and humidifying equipment, etc.). The user shall be responsible for documenting the quantity of waste discharged to the public sewer.

(iv) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the treatment works is in excess of those described in § 18-210(5)(a), above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where:

C_u = Total user charge per unit of time

V_c = The cost for transportation and treatment of a unit of wastewater volume.

V_u = Volume contribution per unit of time

B_c = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

B_u = Total BOD contribution for a user per unit of time.

S_c = Total cost of treatment of a unit of suspended solids.

S_u = Total suspended solids contribution from a user per unit of time.

(6) Surcharge fees. If it is determined by the city that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharges of such parameters in proportion to the amount of discharge.

(7) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge permit in accordance with § 18-205(2) of this chapter.

(8) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to

compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(9) Billing. The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the city, subject to net and gross rates. (1968 Code, § 13-1A10)

18-211. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the City of Lake City, Tennessee. (1968 Code, § 13-1A11, modified)

CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-301. Definitions.
- 18-302. Places required to have sanitary disposal methods.
- 18-303. When a connection to the public sewer is required.
- 18-304. When a septic tank shall be used.
- 18-305. Registration and records of septic tank cleaners, etc.
- 18-306. Use of pit privy or other method of disposal.
- 18-307. Approval and permit required for septic tanks, privies, etc.
- 18-308. Owner to provide disposal facilities.
- 18-309. Occupant to maintain disposal facilities.
- 18-310. Only specified methods of disposal to be used.
- 18-311. Discharge into watercourses restricted.
- 18-312. Pollution of ground water prohibited.
- 18-313. Enforcement of chapter.
- 18-314. Carnivals, circuses, etc.
- 18-315. Violations.

18-301. Definitions. The following definitions shall apply in the interpretation of this chapter:

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

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

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

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

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Construction of Septic Tanks and Disposal Fields for Residential

¹Municipal code reference

Plumbing code: title 12, chapter 2.

Uses." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

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

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

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1968 Code, § 8-201)

18-302. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1968 Code, § 8-202)

18-303. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1968 Code, § 8-203)

18-304. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1968 Code, § 8-204)

18-305. Registration and records of septic tank cleaners, etc.

Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1968 Code, § 8-205)

18-306. Use of pit privy or other method of disposal.

Wherever a sanitary method of human excreta disposal is required under § 18-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1968 Code, § 8-206)

18-307. Approval and permit required for septic tanks, privies, etc.

Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1968 Code, § 8-207)

18-308. Owner to provide disposal facilities.

It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-302, or the agent of the owner to provide such facilities. (1968 Code, § 8-208)

18-309. Occupant to maintain disposal facilities.

It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1968 Code, § 8-209)

18-310. Only specified methods of disposal to be used.

No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1968 Code, § 8-210)

18-311. Discharge into watercourses restricted.

No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1968 Code, § 8-211)

18-312. Pollution of ground water prohibited.

No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1968 Code, § 8-212)

18-313. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1968 Code, § 8-213)

18-314. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1968 Code, § 8-214)

18-315. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1968 Code, § 8-215)

CHAPTER 4

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-401. Definitions.
- 18-402. Regulations.
- 18-403. Cross connections.
- 18-404. Statement required.
- 18-405. Inspecting.
- 18-406. Authorized representatives.
- 18-407. Compliance.
- 18-408. Protective measures.
- 18-409. Contamination.
- 18-410. Boundaries.
- 18-411. Penalty.

18-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

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

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

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

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

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

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (1968 Code, § 8-301)

18-402. Regulations. The City of Lake City is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1968 Code, § 8-302)

18-403. Cross connections. 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 Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the City of Lake City. (1968 Code, § 8-303)

18-404. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1968 Code, § 8-304)

18-405. Inspecting. It shall be the duty of the Lake City Water Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the superintendent of the Lake City Water Supply and as approved by the Tennessee Department of Health. (1968 Code, § 8-305)

18-406. Authorized representatives. The superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Lake City Water Department for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1968 Code, § 8-306)

18-407. Compliance. Any person who now has 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 a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent of the Lake City Water and Sewer Department.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the Lake City Water and Sewer Department shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the manager of the utility shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is corrected immediately. (1968 Code, § 8-307)

18-408. Protective measures. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the superintendent of the Lake City Water Department or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Lake City Water Department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent of the Lake City Water Department.

If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise, the removal, bypassing, or altering of the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute 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 the Lake City Water Department. (1968 Code, § 8-308)

18-409. Contamination. The potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1968 Code, § 8-309)

18-410. Boundaries. The requirements contained herein shall apply to all premises served by the Lake City Water Department whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system

against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Lake City corporate limits. (1968 Code, § 8-310)

18-411. Penalty. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100), and each day of continued violation after conviction shall constitute a separate offense. (1968 Code, § 8-311)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY¹

SECTION

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be furnished for the city and its inhabitants under such franchise as the board of mayor and council shall grant.² (1968 Code, § 13-201)

¹Municipal code reference
Electrical code: title 12.

²The agreements are of record in the office of the city recorder.

CHAPTER 2**GAS**¹**SECTION**

19-201. To be furnished under franchise.

19-201. To be furnished under franchise. Gas service shall be furnished for the city and its inhabitants under such franchise as the board of mayor and council shall grant.² (1968 Code, § 13-301)

¹Municipal code reference
Gas code: title 12.

²The agreements are of record in the office of the city recorder.

TITLE 20**MISCELLANEOUS****CHAPTER**

1. TREE ORDINANCE.
2. CIVIL DEFENSE ORGANIZATION.
3. FAIR HOUSING REGULATIONS.

CHAPTER 1**TREE ORDINANCE****SECTION**

- 20-101. Title.
- 20-102. Definitions.
- 20-103. Creation of a tree board.
- 20-104. Term of office.
- 20-105. Operation.
- 20-106. Duties and responsibilities.
- 20-107. Compensation.
- 20-108. Tree planting.
- 20-109. Tree care.
- 20-110. Tree removal.
- 20-111. Special considerations.
- 20-112. Arborist license and bond.
- 20-113. Review by board of mayor and council.
- 20-114. Penalty.

20-101. Title. This chapter shall be known as and may be cited as the City of Lake City Tree Ordinance. The purpose of this chapter is to provide a mechanism for the management of trees and woody vegetation in the city. (1968 Code, § 1-1601)

20-102. Definitions. The terms as used in this chapter shall have the following meaning:

- (1) "Tree" - a woody plant with a single trunk, or multiple trunk capable of growing to a height of 15 feet or more.
- (2) "Shrub" - a woody plant with a multiple stem capable or growing to a height of up to 15 feet.
- (3) "Public tree" - a tree growing in an area owned by the community, including parks, public buildings, schools, hospitals and other areas to which the public has free access.

(4) "Private tree" - a tree growing in an area owned by a private individual, business or commercial establishment, company, or industry, private institution, or other area not owned by government entities.

(5) "Street tree" - a tree growing within a public right of way along a street, in a median or in a similar area in which the public right of way borders areas owned by private individuals.

(6) "Public utility" - that section of local government in charge of electrical distribution in the community and having responsibility for keeping distribution lines free of hazards, including trees.

(7) "Municipal forester" - a city employee responsible for the city's tree program.

(8) "Pruning" - selective removal and thinning of the upper portions of the tree, taking into account the shape and natural structure of the tree.

(9) "Topping" - arbitrary removal of various portions of the tree, thereby leaving stubs, with no regard for the natural structure of the tree.

(10) "Crownsread" - the distance from the end of branches on one side of the tree, through the trunk, to the ends of the branches on the other side.

(11) "Line clearance" - removal of limbs and branches growing within a set distance of electrical distribution lines.

(12) "Tree density factor" - a number derived from the combination of the density of trees remaining on a site and the density of additional trees to be planted. (1968 Code, § 1-1602)

20-103. Creation of a tree board. There is hereby created a tree board for this city, which shall consist of five members who are citizens, residents of the city or the immediate area. Members shall be appointed by the mayor and approved by the board. (1968 Code, § 1-1603)

20-104. Term of office. Members shall serve three year terms, except for the first board which will have two members appointed for one year and two members appointed for two years, and one member appointed for three years. Members shall serve successive terms. Vacancies are filled by appointment by the mayor until the end of the term. (1968 Code, § 1-1604)

20-105. Operation. The board shall choose its own officers, make its own rules and regulations, and keep a records of its proceedings. Copies of the minutes shall be available to the governing body after each tree board meeting. Meetings shall be held quarterly or more often if called by the chairman of the board. A majority of the members shall constitute a quorum for transaction of business. (1968 Code, § 1-1605)

20-106. Duties and responsibilities. The duties of the tree board shall include but not limited to the following:

(1) Prepare a tree plan for the community.

- (2) Coordinate tree-related activities.
- (3) Conduct an Arbor Day ceremony.
- (4) Provide tree information to the community.
- (5) Maintain a recommended tree list for the community.
- (6) Recognize groups and individuals completing tree projects.
- (7) Coordinate publicity concerning trees and tree programs.
- (8) Coordinate donations of trees or money to purchase trees.
- (9) Adopt rules and regulations pertaining to the tree program.
- (10) Perform other tree related duties and opportunities that arise from time to time. (1968 Code, § 1-1606)

20-107. Compensation. Members of the tree board shall serve without compensation. (1968 Code, § 1-1607)

20-108. Tree planting. Tree planting shall be undertaken by the city on all public areas in a systematic manner to assure diversity of age classes and species, and other aspects of the planting function shall be determined by the tree board.

Planting of trees on private property is encouraged, especially in areas where the public may have an extraordinary interest. The tree board will provide information about species, planting techniques, and placement guidelines when requested by residents. (1968 Code, § 1-1608)

20-109. Tree care. Tree maintenance may include pruning, fertilizing, watering, insect and diseases control or other tree care activities. The city shall take responsibility for those maintenance activities needed to keep the public trees reasonably healthy and minimize the risk of hazard trees could cause to residents and visitors of the city. Determination of maintenance needs will be made by the tree board. Tree care may be accomplished by city personnel or by contract with commercial tree care companies.

Care and maintenance of private trees are encouraged to minimize safety hazards to people and the health risk to other trees in the community. The tree board will provide information in a timely manner to residents about all aspects of tree care including the latest techniques and procedures currently being practiced.

The practice of tree topping is prohibited on all public trees and is strongly discouraged as a tree care practice for private trees. Proper pruning with branch removal at branch or trunk junctures is the best practice for limb removal. (1968 Code, § 1-1609)

20-110. Tree removal. Dead trees, and dying trees on public property that pose a safety or health risk to residents or to other trees will be removed. Upon inspection by the tree board, those trees on public property found to be dead, and those found to be dying that pose a safety or health risk to residents

or other trees shall be removed in a timely manner. The tree board will upon finding dead or dying trees on private property, notify the landowner of such tree and encourage the landowner to remove said tree. (1968 Code, § 1-1610)

20-111. Special considerations. Where possible, the utility shall undertake a program of replacing large trees with small maturing ornamental trees of the kind recommended by the tree board. (1968 Code, § 1-1611)

20-112. Arborist license and bond. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city, without first applying for and procuring a license.

The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the city or any person injured or damage resulting from the pursuit of such endeavors as herein described. (1968 Code, § 1-1612)

20-113. Review by board of mayor and council. The board of mayor and council shall have the right to review the conduct, acts, and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the board of mayor and council who may hear the matter and make final decisions. (1968 Code, § 1-1613)

20-114. Penalty. Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$50.00. (1968 Code, § 1-1614)

CHAPTER 2

CIVIL DEFENSE AGENCY

SECTION

20-201. Creation and personnel.

20-202. Director's responsibility.

20-203. Organization's function.

20-201. Creation and personnel. There shall be created and established a local organization for civil defense within the City of Lake City, Tennessee, pursuant to and in accordance with the civil defense plans and programs of the State of Tennessee and in accordance with the provisions of Pub. Acts 1951, ch. 81 and all amendments thereto and other related laws of the State of Tennessee and the United States. Said organization shall consist of a director and a deputy director to be appointed by the mayor and such other personnel as may be deemed necessary by the mayor and director in order to effectively carry out a program for civil defense. (1968 Code, § 1-1001)

20-202. Director's responsibility. The director shall have direct responsibility for the organization, administration, and operation of the organization, subject to the direction and control of the board of mayor and council. (1968 Code, § 1-1002)

20-203. Organization's function. The organization shall carry out an effective program for local civil defense in cooperation with federal and state civil defense agencies. (1968 Code, § 1-1003)

CHAPTER 3

FAIR HOUSING REGULATIONS¹

SECTION

- 20-301. Title.
- 20-302. Definitions.
- 20-303. Purposes of law; construction; effect.
- 20-304. Unlawful housing practices.
- 20-305. Blockbusting.
- 20-306. Exemptions from housing provisions.
- 20-307. Provisions for enforcement.
- 20-308. Agency no defense in proceeding against real estate dealer.
- 20-309. Establishment of procedures for conciliation.
- 20-310. Findings of hearing board; nature of affirmative action.
- 20-311. Investigations, powers, records.
- 20-312. Conspiracy to violate this chapter unlawful.

20-301. Title. This chapter shall be known and may be cited as the City of Lake City Fair Housing Ordinance. (1968 Code, § 1-1301)

20-302. Definitions. Except where the context clearly indicates otherwise, the following terms, as used in this chapter, shall have the following meanings:

- (1) "Hearing board" means that body of citizens duly appointed by the board of mayor and council to hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.
- (2) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

¹This chapter was added by Ord. #249, part A. Part B of that ordinance provides that: "This ordinance shall be effective 20 days after publication is provided by law; provided, that it shall cease to be effective upon receipt by the city of written notification from the United States Department of Housing and Urban Development (HUD) will not recognize this ordinance, including any amendments thereto, to be substantially equivalent to the provisions of the Civil Rights Act of 1968 so as to require HUD to refer housing discrimination complaints to the City of Lake City, in accordance with federal law and regulations."

(3) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference on the treatment of a person or persons because of race, color, religion, national origin or sex, or the aiding, abetting, inciting, coercing or compelling thereof.

(5) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence of one or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the city or county or any of its agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of others, for a fee, commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these. (1968 Code, § 1-1302)

20-303. Purposes of law; construction; effect. (1) The general purposes of this chapter are:

(a) To provide for execution within the City of Lake City of the policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended.

(b) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, or sex; thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

(2) Nothing contained in the chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin or sex. (1968 Code, § 1-1303)

20-304. Unlawful housing practices. It is unlawful practice for a real estate owner or operator or for a real estate broker, real estate salesman, or any individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin or sex;

(2) To discriminate against an individual because of his or her race, color, religion, national origin or sex in the terms, conditions, or privileges of this sale, exchange, rental or lease of real property or in the furnishings of facilities or services in connection therewith;

(3) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his or her race, color, religion, national origin or sex;

(4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, national origin or sex;

(5) To represent to an individual that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin or sex;

(6) To print, circulate, post, or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property, which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, national origin or sex or an intent to make such a limitation, specification, or discrimination;

(7) To offer, solicit, accept, use or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin or sex; or

(8) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin or sex. (1968 Code, § 1-1304)

20-305. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion or national origin of the owners or occupants in the block, neighborhood, or areas in which the real property is located; or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located. (1968 Code, § 1-1305)

20-306. Exemptions from housing provisions. (1) Nothing in § 20-304 shall apply:

(a) To the rental of housing accommodations in a building which contains housing accommodations for not more than four families living independently of each other, if the owner or member of his family resides in one of the housing accommodations;

(b) To the rental of one room or one rooming unit in a housing accommodation by an individual if he or a member of his family resides therein;

(c) To a landlord who refuses to rent to an unmarried male-female couple.

(2) A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, or national origin.

(3) Single sex dormitory rental property shall be excluded from the provisions of this act which relate to discrimination based on sex. (1968 Code, § 1-1306)

20-307. Provisions for enforcement. (1) The violation of any of the provisions of this chapter shall subject the violator to a civil penalty in the amount of \$50.00 to be recovered in a civil action, provided that in the case of a continuing violation, the total penalty shall not exceed \$500.00.

(2) The city may sue in a civil act through the general court of justice for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibitory injunctions.

(3) In addition to appropriate civil and/or equitable remedies for enforcement of this chapter, a violation of this chapter shall constitute a misdemeanor punishable as provided by law. (1968 Code, § 1-1307)

20-308. Agency no defense in proceeding against real estate dealer. It shall be no defense to a violation of this chapter by a real estate owner or operator, real estate broker, real estate salesman, a financial institution, or other person subject to the provisions of this chapter, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. (1968 Code, § 1-1308)

20-309. Establishment of procedures for conciliation. (1) The city shall designate an agent(s) to investigate, make determinations of probable cause, and seek to conciliate apparent violations of this chapter. Conciliation efforts may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

(2) The board of mayor and council shall establish a hearing board which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties of a given charge of discrimination. Hearings by the board shall commence whenever the agent(s) acting on behalf of the city decides a conciliation failure has occurred and the respondent agrees to participate in the hearing board proceedings. A hearing open to the public may be initiated by the responding party at any time during the conciliation process. (1968 Code, § 1-1309)

20-310. Findings of hearing board; nature of affirmative action.

(1) If the hearing board determines that the respondent has not engaged in an unlawful practice, the board shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint, the respondent, the city attorney, and such other public officers and persons as the board deems proper.

(2) If the hearing board determines that the respondent has engaged in an unlawful practice, it shall state its findings of fact and conclusions of law and shall negotiate such affirmative action as in its judgment will carry out the purposes of this chapter. A copy of the findings shall be delivered to the respondent, the complainant, the city attorney and such other public officials, officers, and persons as the board deems proper.

(3) Affirmative action negotiated under this section may include, but not be limited to:

- (a) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent;
- (b) Reporting as to the manner of compliance;
- (c) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing board;

(d) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual;

(e) Payment to the complainant of damages for injury caused by an unlawful practice including compensation for humiliation and embarrassment, and expenses incurred by the complainant in obtaining alternative housing accommodation and for other costs actually incurred by the complainant as a direct result of such unlawful practice.

(4) The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (1968 Code, § 1-1310)

20-311. Investigations, powers, records. (1) In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records and documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

(2) Every person subject to this chapter shall make, keep and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under Civil Rights Act of 1968 and any regulations promulgated thereunder.

(3) A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the hearing board for an exemption from the application of the regulatory order. If the board finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (1968 Code, § 1-1311)

20-312. Conspiracy to violate this chapter unlawful. It shall be unlawful practice for a person, or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this chapter; or

(2) To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this chapter; or

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder; or

(4) To resist, prevent, impede, or interfere with enforcing agent(s), hearing board, or any of its members or representatives in the lawful performance of duty under this chapter. (1968 Code, § 1-1312)

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF LAKE CITY TENNESSEE.

WHEREAS some of the ordinances of the City of Lake City are obsolete, and

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

WHEREAS the Board of Mayor and Council of the City of Lake City, 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 "Lake City Municipal Code," now, therefore:

BE IT ENACTED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF LAKE CITY, 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 "Lake City 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 budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the 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

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and 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 fifteen (15) days after its final passage, the welfare of the city 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, October 17, 1996

Passed 2nd reading, October 22, 1996

Graydon H. Gentry
Mayor

Alan H. Hays
Recorder