

**THE
ALGOOD
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service
In cooperation with the Tennessee Municipal League

May 2022

CITY OF ALGOOD, TENNESSEE

MAYOR

Lisa Chapman-Fowler

VICE MAYOR

Bill Bilbrey

COUNCIL MEMBERS

Ron Graves
Ruby Hawkins
Luke Hill

CITY ADMINISTRATOR

Keith Morrison

RECORDER

Ann Flatt

CITY ATTORNEY

Daniel H. Rader, IV

PREFACE

The Algood Municipal Code contains the codification and revision of the ordinances of the City of Algood, 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 Nancy Gibson and Sandy Selvage is gratefully acknowledged.

Kelley B. Myers, ACP
Municipal Codes Coordinator

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

Section 2.11. Ordinances. Be it further enacted, That in addition to such acts of the council as are required by statute or by this charter to be by ordinance, every act of the council establishing a fine or other penalty, or providing for the expenditure of funds, or for the contracting of indebtedness under this act, shall be by ordinance. The enacting clause of all ordinances shall be: "The mayor and the council of the City of Algood hereby ordains".

Section 2.12. City Legislation. Be it further enacted, That any action of the council having a regulatory or penal effect, relating to revenue or the expenditure of money, or required to be done by ordinance under this Act, shall be done only by ordinance. A resolution shall have a brief title describing its contents and a body containing its detailed provisions, but a motion shall consist only of a brief statement of the action proposed to the council. Each resolution and ordinance shall be in written form before being introduced. The affirmative vote of a majority of those voting shall be sufficient to take any action. If a member of council abstains, it shall be considered as "not voting" and shall have no effect on tabulation of votes. On a particular issue, a member who passes once, must then vote yes or no, or abstain. An ordinance shall be approved at two (2) separate meetings not less than one (1) week apart, shall be read aloud at both meetings (except that a majority can vote to suspend reading of the entire document), and shall take effect ten (10) days after its adoption. An emergency ordinance, which contains a full statement of the facts and reasons for an emergency, may be read only one (1) day apart, and may be made effective upon its adoption or approved by at least three (3) members of the council on both readings. No ordinance relating to franchise, exclusive contract, or other special privileges shall be passed as an emergency ordinance. Amendments of ordinances and resolutions or parts thereof shall be accomplished only by setting forth the complete section, sections, subsection, or subsections in their amended form. A code may be adopted by an ordinance which contains only a reference to its title, date, and issuing organization, but the city shall furnish a copy of any such code to any person for a reasonable fee. The recorder shall number ordinances consecutively in the order of their adoption and shall copy them into a permanent record book used solely for this purpose, and the city recorder shall do likewise for resolutions, using a separate series of numbers and a separate record book. The original copies of all ordinances, resolutions, and motions shall be filed and preserved by the city recorder. An abstract of the essential provisions of each ordinance shall be published once in the official city newspaper within ten (10) days after its adoption, except that only the title shall be so published of a code adopted by reference as provided in this section.

TABLE OF CONTENTS

PAGE

INTRODUCTION

OFFICIALS OF THE CITY AT TIME OF CODIFICATION	ii
PREFACE	iii
ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER	v

CHARTER

CHARTER TABLE OF CONTENTS	C-1
TEXT OF CHARTER	C-5

CODE OF ORDINANCES

CODE-ADOPTING ORDINANCE	ORD-1
TITLE 1. GENERAL ADMINISTRATION	1-1
CHAPTER	
1. GOVERNING BODY	1-1
2. MAYOR	1-3
3. RECORDER	1-4
4. ADMINISTRATOR	1-5
5. CODE OF ETHICS	1-7
TITLE 2. BOARDS AND COMMISSIONS, ETC.	2-1
CHAPTER	
1. CEMETERY COMMISSION	2-1
TITLE 3. MUNICIPAL COURT	3-1
CHAPTER	
1. CITY JUDGE	3-1
2. COURT ADMINISTRATION	3-2
3. WARRANTS, SUMMONSES AND SUBPOENAS	3-4
4. BONDS AND APPEALS	3-5

	<u>PAGE</u>
TITLE 4. MUNICIPAL PERSONNEL	4-1
CHAPTER	
1. PERSONNEL REGULATIONS	4-1
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM .	4-2
3. TRAVEL REIMBURSEMENT REGULATIONS	4-10
TITLE 5. MUNICIPAL FINANCE AND TAXATION	5-1
CHAPTER	
1. MISCELLANEOUS	5-1
2. REAL PROPERTY TAXES	5-2
3. PRIVILEGE TAXES	5-3
4. WHOLESALE BEER TAX	5-4
5. DEBT POLICY	5-5
TITLE 6. LAW ENFORCEMENT	6-1
CHAPTER	
1. POLICE AND ARREST	6-1
TITLE 7. FIRE PROTECTION AND FIREWORKS	7-1
CHAPTER	
1. FIRE DISTRICT	7-1
2. FIRE CODE	7-2
3. FIRE DEPARTMENT	7-5
4. FIRE SERVICE OUTSIDE CITY LIMITS	7-7
5. FIREWORKS	7-8
TITLE 8. ALCOHOLIC BEVERAGES	8-1
CHAPTER	
1. INTOXICATING LIQUORS	8-1
2. BEER	8-4
TITLE 9. BUSINESS, PEDDLERS, SOLICITORS, ETC.	9-1
CHAPTER	
1. MISCELLANEOUS	9-1
2. TRANSIENT VENDORS, ETC.	9-2
3. TAXICABS	9-6
4. YARD SALES	9-10
5. FARMER'S MARKET	9-14
6. ADULT-ORIENTED ESTABLISHMENTS	9-17

	<u>PAGE</u>
TITLE 10. ANIMAL CONTROL	10-1
CHAPTER	
1. IN GENERAL	10-1
2. DOGS, CATS AND OTHER DOMESTIC ANIMALS ...	10-3
3. WILD AND EXOTIC ANIMALS	10-7
TITLE 11. MUNICIPAL OFFENSES	11-1
CHAPTER	
1. ALCOHOL	11-1
2. OFFENSES AGAINST THE PEACE AND QUIET	11-3
3. FIREARMS, WEAPONS AND MISSILES	11-6
4. TRESPASSING AND INTERFERENCE WITH TRAFFIC	11-7
TITLE 12. BUILDING, UTILITY, ETC. CODES	12-1
CHAPTER	
1. BUILDING CODE	12-1
2. PLUMBING CODE	12-3
3. MECHANICAL CODE	12-5
4. RESIDENTIAL CODE	12-7
5. FUEL GAS CODE	12-9
6. EXISTING BUILDING CODE	12-14
7. ENERGY CONSERVATION CODE	12-16
TITLE 13. PROPERTY MAINTENANCE REGULATIONS	13-1
CHAPTER	
1. MISCELLANEOUS	13-1
2. JUNKYARDS	13-5
3. NUISANCES	13-6
4. SLUM CLEARANCE	13-10
TITLE 14. ZONING AND LAND USE CONTROL	14-1
CHAPTER	
1. MUNICIPAL PLANNING COMMISSION	14-1
2. ZONING ORDINANCE	14-2

	<u>PAGE</u>
3. HOUSE TRAILERS AND PERMITS	14-3
4. FLOODPLAIN ZONING ORDINANCE	14-5
TITLE 15. MOTOR VEHICLES, TRAFFIC AND PARKING	15-1
CHAPTER	
1. MISCELLANEOUS	15-1
2. EMERGENCY VEHICLES	15-11
3. SPEED LIMITS	15-13
4. TURNING MOVEMENTS	15-14
5. STOPPING AND YIELDING	15-15
6. PARKING	15-19
7. ENFORCEMENT	15-23
TITLE 16. STREETS AND SIDEWALKS, ETC.	16-1
CHAPTER	
1. MISCELLANEOUS	16-1
2. EXCAVATIONS AND CUTS	16-4
TITLE 17. REFUSE AND TRASH DISPOSAL	17-1
CHAPTER	
1. REFUSE	17-1
2. ONE ARM RESIDENTIAL TRASH SERVICE AND ROLL OUT CONTAINERS	17-5
TITLE 18. WATER AND SEWERS	18-1
CHAPTER	
1. WATER AND SEWERS	18-1
2. GENERAL WASTEWATER REGULATIONS	18-11
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.	18-33
4. CROSS CONNECTION CONTROL PLAN	18-35
TITLE 19. ELECTRICITY AND GAS	19-1
RESERVED FOR FUTURE USE	

	<u>PAGE</u>
TITLE 20. MISCELLANEOUS	20-1
CHAPTER	
1. FALSE FIRE ALARMS	20-1
2. PUBLIC RECORDS	20-3
3. PUBLIC PARKS, GROUNDS AND MUNICIPAL AREAS	20-4
CERTIFICATE OF AUTHENTICITY	CERT-1

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

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

CHAPTER 1

GOVERNING BODY²

SECTION

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

1-101. Time and place of regular meetings. The governing body shall hold regular monthly council meetings at 6:00 P.M. (CST) on the second Tuesday of each month at the council chambers at the Algood Municipal Building located at 215 W. Main Street, Algood, Tennessee. (Ord. #576-14, Feb. 2014)

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, and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Compensation: § 2.03.

Quorum: § 2.09.

Removal from office: § 2.16.

Term of office: § 3.01.

Vacancy in office: § 2.06.

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Approval of agenda and minutes.
- (4) Old business.
- (5) New business.
- (6) Reports from committees, members of the governing body and other officers.
- (7) Hearing of citizens and/or delegations.
- (8) Adjournment.

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 governing body 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. (1997 Code, § 1-103)

CHAPTER 2**MAYOR¹****SECTION**

- 1-201. Generally supervises municipality's affairs.
- 1-202. Executes municipality's contracts.
- 1-203. Compensation for mayor and council.

1-201. Generally supervises municipality's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1997 Code, § 1-201)

1-202. Executes municipality's contracts. The mayor shall execute all contracts as authorized by the governing body. (1997 Code, § 1-202)

1-203. Compensation for mayor and council. The City Council of Algood shall set the compensation for mayor and councilmen/women by ordinance and is available in the office of the city recorder.

¹Charter references

Compensation: § 2.03.

Removal from office: § 2.16.

Term of office: § 3.01.

Vacancy in office: § 2.06.

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 sum as may be fixed by, and with such surety as may be acceptable to, the governing body. (1997 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book. (1997 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the governing body and for the municipality which are not assigned by the charter, this code, or the governing body 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 municipality shall provide. (1997 Code, § 1-303)

¹Charter reference
Duties: § 2.08.

CHAPTER 4

ADMINISTRATOR

SECTION

- 1-401. Office created; compensation; term; and qualifications.
- 1-402. Duties.
- 1-403. Liaison officer.

1-401. Office created; compensation; term; and qualifications.

There is hereby created the office of administrator for the City of Algood. The city council shall appoint and fix the salary of said administrator, who shall serve at the pleasure of the city council. The administrator's minimum qualifications shall include education and experience necessary to be proficient in personnel and financial management, office management and public works administration. The administrator shall give full time to the duties of his office. (1997 Code, § 1-401)

1-402. Duties. It shall be the duty of the administrator to supervise and coordinate all administrative activities of each department under the city council. The administrator shall also have the following duties with respect to the administration of the affairs of the city under the city council.

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

(2) To keep the city council fully advised as to the conditions and needs of the city.

(3) To report to the city council the conditions of property and equipment of the city, and to recommend what repairs or replacements are needed.

(4) To recommend what programs or projects involving public works or public improvements should be undertaken by the city and priority of same.

(5) To act as personnel officer in matters of employment, dismissal, promotion or demotion of any employee, and to cause personnel files to be kept on all employees.

(6) To act as purchasing agent subject to the policies, rules and regulations established by the city council.

(7) To act as budget officer.

(8) To perform such other duties as may be required of him by resolution of city council. (1997 Code, § 1-402)

1-403. Liaison officer. The administrator shall act as liaison officer for the city council in coordinating the activities under the city council with the

activities of the city under separate boards and commissions. (1997 Code, § 1-403, modified)

CHAPTER 5**CODE OF ETHICS**¹**SECTION**

- 1-501. Applicability.
- 1-502. Definition of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in non-voting matters.
- 1-505. Acceptance of gratuities, etc.
- 1-506. Use of information.
- 1-507. Use of municipal time, facilities, etc.
- 1-508. Use of position or authority.
- 1-509. Outside employment.
- 1-510. Ethics complaints.
- 1-511. Violations and penalty.

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.

1-501. Applicability. This chapter is the code of ethics for personnel of the municipality. 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 municipality. The words "municipal" and "municipality" include these separate entities. (Ord. #479-06, Jan. 2007)

1-502. Definition of "personal interest." (1) For purposes of §§ 1-503 and 1-504, "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;

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #479-06, Jan. 2007)

1-503. 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. (Ord. #479-06, Jan. 2007)

1-504. 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 all pronouns. 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. (Ord. #479-06, Jan. 2007)

1-505. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (Ord. #479-06, Jan. 2007)

1-506. 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. (Ord. #479-06, Jan. 2007)

1-507. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (Ord. #479-06, Jan. 2007)

1-508. 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 municipality.

(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 municipality. (Ord. #479-06, Jan. 2007)

1-509. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (Ord. #479-06, Jan. 2007)

1-510. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #479-06, Jan. 2007)

1-511. Violations and penalty. 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 governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #479-06, Jan. 2007)

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER****1. CEMETERY COMMISSION.****CHAPTER 1****CEMETERY COMMISSION****SECTION**

- 2-101. Creation of cemetery commission.
- 2-102. Officials.
- 2-103. Authority.
- 2-104. Price of cemetery lots.
- 2-105. Execution of license.
- 2-106. General duties.
- 2-107. Provisions applicable to previously sold lots.
- 2-108. Creation of trust fund.
- 2-109. Investment of trust fund.
- 2-110. Depositions of funds.

2-101. Creation of cemetery commission. There is hereby established a city cemetery commission which shall be known as the Algood Cemetery Commission. The cemetery commission shall consist of six (6) members, three (3) who shall be appointed by the city council, and three (3) shall be elected at the annual decoration held the first Sunday in June of each year at the Algood Cemetery, who shall serve for a term of one (1) year from the date of their appointment. (1997 Code, § 2-101)

2-102. Officials. The commission shall elect a chairman and a secretary from its members, and shall promulgate its own rules of business. (1997 Code, § 2-102)

2-103. Authority. The Algood Cemetery Commission is hereby invested with general supervisory powers over the city cemetery, and it shall, from time to time as it deems advisable, make recommendations to the city council for necessary expenditures and improvements. The power and right to determine when a cemetery lot is being improperly maintained is delegated to and vested in the said commission. The commission shall also have the authority to see that the provisions of this chapter are complied with and it shall report all violations and noncompliances to the council for appropriate action. (1997 Code, § 2-103)

2-104. Price of cemetery lots. The price of lots in the city cemetery is set by ordinance. Future increases may be made by a majority recommendation of the cemetery commission to the city council and accepted by the council in a regular meeting by majority vote of the council. The current ordinance is available in the office of the city recorder.

2-105. Execution of license. The mayor and city recorder are hereby authorized and empowered to execute a license to the purchasers of lots in the city cemetery upon the payment of the price set forth above. It shall be the duty of the city recorder to keep a record of all cemetery lots sold, giving the name and address of the purchaser, the lot number and the date of the purchase and the amount received. (1997 Code, § 2-105)

2-106. General duties. All lots in the city cemetery shall be maintained and kept in a proper manner by cutting grass, removing debris and doing other acts necessary to keep the cemetery neat and clean in appearance and free from dangerous defects, such as sunken graves and leaning or tilting headstones or grave markers. (1997 Code, § 2-106)

2-107. Provisions applicable to previously sold lots. It is expressly declared to be the intent of the city council that the terms and provisions of this chapter shall apply to cemetery lots sold prior to this chapter becoming effective. (1997 Code, § 2-107)

2-108. Creation of trust fund. There is hereby created a trust fund which shall be known as the "Algood Cemetery Trust Fund." It is declared the purpose of this trust fund to provide for the perpetual and permanent maintenance of the city cemetery. Said trust fund shall be invested by and under the direction of the said cemetery commission, and the income therefrom shall be perpetually used for the maintenance, preservation and improvement of the cemetery grounds and lots in the Algood Cemetery. (1997 Code, § 2-108)

2-109. Investment of trust fund. Funds coming into the hands of the said council for the trust fund shall be invested in types and kinds of investments approved by the state legislature as provided by the statutes of this state for guardians and administrators; that the principal of the said trust fund shall not be encroached upon, and the interest from said trust fund shall alone be used in the perpetual maintenance of the said cemetery. If, at the end of any year, said commission has not expended all of the income arising from the trust fund, or all of the income received as gifts and donations for the care of the cemetery, the said commission is empowered and directed to place such unused interest and gifts in the principal trust fund, at its discretion. (1997 Code, § 2-109)

2-110. Depositions of funds. Any funds received by the cemetery commission as interest from the trust fund or as gifts and donations for the purpose of maintenance and care of the city cemetery, shall be deposited in checking and/or savings accounts. (1997 Code, § 2-110)

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

- 3-101. City judge.
3-102. Compensation for city judge.

3-101. City judge. The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge. (1997 Code, § 3-101)

3-102. Compensation for city judge. The City Council of Algood shall set the compensation for city judge with the budget ordinance each year and is available in the office of the city recorder.

¹Charter reference: art. VI.

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines, penalties, and costs.
- 3-203. Disposition and report of fines, penalties, and costs.
- 3-204. Disturbance of proceedings.
- 3-205. Trial and disposition of cases.
- 3-206. Court costs.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; and all other information that may be relevant. (1997 Code, § 3-201, modified)

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

(1) A list of fines, penalties, and costs with any amendments are available in the office of the city recorder.

(2) **Electronic citation regulations and fees.** (a) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(b) Pursuant to and in accordance with state statutory requirements found in *Tennessee Code Annotated*, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction. (as amended by Ord. #672-21, Nov. 2021)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he shall submit to the governing body

¹Sunset provision: Ord. #672-21 (12-9-2021) and its fee requirement shall terminate five (5) years from the date of its adoption, and the city's code shall be so annotated.

a report accounting for the collection or non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1997 Code, § 3-203)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court. (1997 Code, § 3-204, modified)

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. (1997 Code, § 3-205)

3-206. Court costs.¹ In all cases heard and determined by the city judge, court costs shall be imposed. A portion of the court costs shall be forwarded by the court clerk to the state treasurer in accordance with *Tennessee Code Annotated*, § 16-18-304(a) to be used by the administrative office of the courts for training and continuing courses for municipal court judges and municipal court clerks. In all cases where a conviction is entered, the city judge will impose a fine. When any person has been charged with violation of a law regarding vehicle equipment (including but not limited to inoperable headlights, tail lights, brake lights or turn signals), financial responsibility, driver licensing, or vehicle licensing and registration, window tint, the charge may be dismissed if the person charged with the violation submits evidence of compliance with such law on or before the court date; provided, however, that the city judge may establish a separate court cost be collected from the person charged with the violation. This separate court cost will be assessed in lieu of the court costs detailed in § 3-202. In all cases where a conviction is entered, the city judge will impose a state litigation tax in accordance to *Tennessee Code Annotated*, 16-18-305(a). In addition, the court shall levy a local litigation tax in all cases in which the state litigation tax is levied. (Ord. #671-21, Nov. 2021, modified)

¹Court costs, fines and litigation taxes (and all amendments thereto) are available in the office of the city recorder.

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

3-301. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion 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. (1997 Code, § 3-302, modified)

3-302. 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. (1997 Code, § 3-303)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

3-402. Bond amounts, conditions, and forms.

3-401. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1997 Code, § 3-402)

3-402. Bond amounts, conditions, and forms. An appeal bond in any case shall be in the sum of two hundred 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. (1997 Code, § 3-403, modified)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. PERSONNEL REGULATIONS.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
3. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

PERSONNEL REGULATIONS

SECTION

4-101. Personnel rules and regulations.

4-101. Personnel rules and regulations.¹ The personnel rules and regulations for the City of Algood are adopted herein as if set out verbatim.

¹The Personnel Rules and Regulations Employee Handbook (Ord. #610-16, Aug. 2016) for the City of Algood, and all amending ordinances, are available in the office of the recorder.

CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-201. Purpose.
- 4-202. Definitions.
- 4-203. Coverage.
- 4-204. Employer's rights and duties.
- 4-205. Employee's rights and duties.
- 4-206. Standards authorized.
- 4-207. Variances from standards authorized.
- 4-208. Inspection.
- 4-209. Citation.
- 4-210. Penalties.
- 4-211. Record keeping and reporting.
- 4-212. Administration.
- 4-213. Confidentiality of trade secrets or privileged information.

4-201. Purpose. The City of Algood, in electing to establish and maintain an effective occupational safety and health program for its employees shall:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees as soon as the city can investigate the availability and the most economical cost of the aforesaid.
- (3) Make, keep, preserve and make available to the state commissioner of labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required. However, these provisions shall not take effect until and after the city has received, reviewed and approved record keeping forms, procedures and guidelines provided by the state, and thereafter these provisions shall not take effect until after the city has had a reasonable period of time to set up and provide for the orderly implementation and use of such records and procedures.
- (4) Consult with the state commissioner of labor with regard to the adequacy of the form and content of records.
- (5) Consult with the state commissioner of labor or the state commissioner of health, as appropriate, regarding safety and health problems of the agency which are considered to be unusual or peculiar to the city and are such that they cannot be achieved under a standard promulgated by the state and approved by the city.

(6) Make an annual report to the state commissioner of labor to show accomplishments and progress of the total occupational safety and health program as soon as reasonably possible after the city has implemented the provisions of subsection (3) hereinabove set forth.

(7) 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.

(8) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (1997 Code, § 4-401)

4-202. Definitions. For the purpose of this program:

(1) "Appointing authority" means any city official or group of officials having legally designated powers of appointment, employment, or removal for a specific department or commission.

(2) "Commissioner of health" means the chief executive officer of the Tennessee Department of Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of health.

(3) "Commissioner of labor" means the chief executive officer of Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the commissioner of labor.

(4) "Director of personnel" means the chief executive officer designated by the City of Algood to perform duties or to exercise powers assigned so as to plan, develop and administer the city's safety and health program.

(5) "Employee" means any person performing services for the City of Algood listed on city's payrolls either as part-time or permanent, full-time employees; provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.

(6) "Employer" means the City of Algood, and shall include each administrative department, commission, board, division or other agency of the city.

(7) "Establishment" or "workplace" means a single physical location where business is conducted or where services or industrial operations are performed.

(8) "Issue" means a category of like industrial, occupational or hazard groupings which affects the safety and health of employment or place of employment, and is suggested by the groupings in Code of Federal Regulations, title 29, chapter XVII, part 1910.

(9) "Person" means one (1) or more individuals, partnerships, associations, corporations, business trusts, legal representatives or any organized group of persons.

(10) "Standard" means an occupational safety and health standard promulgated by the Tennessee State Commissioner of Labor or the State Commissioner of Health which requires conditions or the adoption or the use of one (1) or more practices, means, methods, operations or processes necessary or appropriate to provide safe and healthful employment and places of employment. (1997 Code, § 4-402)

4-203. Coverage. The provisions of the program shall apply to employees of each administrative department, commission, board, division or other agency of the City of Algood. (1997 Code, § 4-403)

4-204. Employer's rights and duties. The rights and duties of the employer shall include, but are not limited to, the following provisions:

(1) Employer shall furnish to each of his employees conditions of employment and a place of employment free from known and recognized hazards that are causing or are likely to cause death or serious injury or harm to employees; provided, however, that employer shall have a reasonable period of time to correct any such hazards.

(2) Employer shall comply with approved occupational safety and health standards or regulations promulgated pursuant to the State Occupational Safety and Health Act of 1972.

(3) Employer shall assist the state commissioner of labor and state commissioner of health, upon reasonable notice from the said commissioners, in the performance of their monitoring duties by supplying necessary information to the commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue.

(5) Employer is entitled to request an order granting a variance from an occupation safety and health standard.

(6) Employer is entitled to protection of his trade secrets and other legally privileged communications.

(7) Employer shall inspect all installations, departments, bureaus and offices to ensure the provisions of this program are complied with and carried out as soon as reasonably possible after this chapter has been fully implemented.

(8) Employer shall notify and inform any employee, who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard, of corrective action being taken by the city. (1997 Code, § 4-404)

4-205. Employee's rights and duties. The rights and duties of employees shall include, but are not limited to the following provisions:

(1) Each employee shall comply with occupational safety and health standards of all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

(2) Each employee shall be notified by the placing upon bulletin boards, or other places of common passage, of any application for a temporary order granting a variance from any standard or regulation.

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the director of personnel.

(5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that, provided for by an applicable standard, shall be notified by the employer and informed of such exposure and the corrective action being taken as soon as reasonably possible after this chapter has been fully implemented.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection.

(7) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under or relating to this program.

(8) Any employee who believes that he or she has been discriminated against or discharged in violation of any of these sections may, within thirty (30) days after such violation occurs, file a complaint with the director of personnel of the City of Algood.

(9) Nothing in this section or any other provision of this program shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others. (1997 Code, § 4-405)

4-206. Standards authorized. The standards adopted by the City of Algood are the State of Tennessee Safety and Health Standards developed under section 6 of the State Occupational Safety and Health Act of 1972¹ and approved by the city. (1997 Code, § 4-406)

¹State law reference

Tennessee Code Annotated, §§ 50-3-101 to 50-3-919.

4-207. Variances from standards authorized. The City of Algood may, upon written application to the state commissioner of labor or the state commissioner of health, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the employer shall notify or serve notice to employees 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, shall be deemed sufficient notice to employees. (1997 Code, § 4-407)

4-208. Inspection. (1) In order to carry out the purposes of this program, the director of personnel, or his authorized representative, is authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, workplace, or environment where work is performed by an employee of the City of Algood; and

(b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent or employee.

(2) The director of personnel may issue subpoenas pursuant to his duties set forth herein, to require the attendance and testimony of witnesses and the production of evidence under oath.

(3) An administrative representative of the city and a representative authorized by the employees may be given an opportunity to consult with or to accompany the compliance inspector (director of personnel) during the physical inspection of any work place for the purpose of aiding such inspection.

(4) The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

(5) The inspection shall be such as to preclude unreasonable disruptions of the operations of the work place or establishment.

(6) Interviews of employees during the course of the inspection, when accompanied by an employee representative, may be made when such interviews are essential to the investigation techniques.

(7) Inspections may be accomplished without advance notice, but the director of personnel may authorize the giving to any supervisor or employee advance notice of an inspection. (1997 Code, § 4-408)

4-209. Citation. (1) If, upon an inspection or investigation, the director of personnel, or his designated deputy or authorized representative, should he have one, finds that any work place is not in compliance with any standard, rule, regulation or order, he shall, with reasonable promptness, issue to the administrative officer responsible for the work place a written citation that

states the nature and location of the violation; the standard, rule, regulation or order violated; the abatement and correction requirements; and a period of time during which the work place must accomplish such abatement and correction. A copy of each citation shall immediately be posted at or near each location referred to in the citation and remain posted until the alleged violation has been corrected or vacated.

(2) At any time within ten (10) days after receipt of such citation anyone affected may advise the director of personnel of objections to the terms and conditions of the citation. Upon receipt of such objections and after a hearing, the director of personnel shall thereafter issue an order affirming, modifying, or vacating the citation, and such order shall be final. (1997 Code, § 4-409)

4-210. Penalties. (1) The City of Algood shall not issue any penalties either civil or criminal, against any public official, employee, or any other person, administrative department, board, commission, division, or other agency of the City of Algood for failure to comply with the safety and health standards.

(2) Any employee who wilfully and repeatedly violates or causes to be violated a safety standard, rule, regulation, or order shall be subject to disciplinary action by the appointing authority. The appointing authority has the power to administer discipline and it shall be his duty to take action in one (1) of the following ways:

- (a) Oral reprimand;
- (b) Written reprimand;
- (c) Suspension; or
- (d) Termination.

(3) The employee being disciplined shall have the right of appeal to the director of personnel. (1997 Code, § 4-410)

4-211. Record keeping and reporting. (1) The City of Algood shall establish and maintain a system for collecting, maintaining and reporting safety and health data as soon as reasonably possible after implementing the provisions of § 4-201(3).

(2) Such occupational safety and health records shall be maintained for a period of five (5) years following the end of the year to which they relate.

(3) After this chapter has been enacted, the City of Algood shall report, within forty-eight (48) hours and to the commissioner of labor, any accident which is fatal to one (1) or more employees, or which results in twenty-four (24) hours or more hospitalization of five (5) or more employees.

(4) The City of Algood shall make an annual report, after this chapter has been fully implemented, to the commissioner of labor showing the accomplishments and progress of the city's occupational safety and health program. (1997 Code, § 4-411)

4-212. Administration. For the purpose of this chapter, the mayor is hereby designated as the director of personnel and is likewise designated as the chief executive officer to perform duties or to exercise powers assigned so as to plan, develop, and administer the city occupational safety and health program.

(1) Upon authorization from the city council, the director of personnel may designate, appoint, or employ persons as he deems necessary to carry out his powers, duties and responsibilities under the program.

(2) The director of personnel, to the extent possible, shall recommend the employment of measures to coordinate the activities of all city departments to promote efficiency and to minimize inconvenience under the program.

(3) The director of personnel may delegate the power to make inspections; provided that the procedures employed are as effective as those employed by the director.

(4) The director of personnel shall develop a plan, pursuant to the city's occupational safety and health program, including the selection of applicable standards promulgated by the state commissioner of labor and the state commissioner of health, and such plan shall be submitted for approval and adoption by the mayor and city council. Any subsequent changes or modifications in the plan shall also be submitted to the mayor and the city council for approval and adoption.

(5) The city recorder shall, upon adoption of this chapter, immediately register the city occupational safety and health plan with the state commissioner of labor, by sending to the commissioner of labor by certified mail a written statement which includes:

(a) A statement that the City of Algood has elected to develop its own program of compliance;

(b) A statement that such program has been developed and has been reduced to writing;

(c) A statement of where such writing may be inspected;

(d) A statement that city employees have been informed of the program and have access to such writing;

(e) An assurance that the city's program incorporates standards developed pursuant to the State Occupational Safety and Health Act; and

(f) A description of the methods of inspection provided for herein and an assurance that such program includes provisions for inspection and record keeping as effective as the provisions of the Tennessee Occupational Safety and Health Act of 1972. (1997 Code, § 4-412)

4-213. Confidentiality of trade secrets or privileged information.

(1) Compliance with any other law or statute which regulates safety and health in employment and places of employment shall not excuse the City of Algood or any city employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provision of this program or any standard or regulation promulgated pursuant to this program shall not excuse the City of Algood or any city employee, or any other person from compliance with any state law or city ordinance regulating and promoting safety and health unless such law or ordinance is specifically repealed. (1997 Code, § 4-413)

CHAPTER 3

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-301. Purpose.
- 4-302. Enforcement.
- 4-303. Travel policy.
- 4-304. Travel reimbursement rate schedules.
- 4-305. Administrative procedures.

4-301. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with *Tennessee Code Annotated*, §§ 6-54-901 to 6-54-907. This law 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."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #443, April 2005)

4-302. Enforcement. The Chief Administrative Officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #443, April 2005)

4-303. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" 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 on city business, unless the person(s) otherwise qualifies as an 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 are not 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 will not be allowed.

(7) Claims of five dollars (\$5.00) 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 are not ordinarily considered eligible expenses for reimbursement. (Ord. #443, April 2005)

4-304. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the state 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. #443, April 2005)

4-305. 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. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after April 12, 2005. (Ord. #443, April 2005)

TITLE 5**MUNICIPAL FINANCE AND TAXATION****CHAPTER**

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. DEBT POLICY.

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

- 5-101. Official depository for city funds.
- 5-102. Purchases.
- 5-103. Collection of unpaid fines.

5-101. Official depository for city funds. Any FDIC approved bank as designated by the city council is hereby designated as the official depository for all municipal funds. (Ord. #416, Feb. 2004)

5-102. Purchases. Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding an amount of eight thousand dollars (\$8,000.00) except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Act of 1983. (Ord. #457, Nov. 2005)

5-103. Collection of unpaid fines.¹ (1) The city is hereby authorized to solicit and use the services of a collection agency to collect unpaid fines.

(2) The contract with such collection agency shall be in writing and conform to all provisions set forth in *Tennessee Code Annotated*, § 40-24-105(d).

(3) The collection agency may be paid an amount not exceeding forty percent (40%) of the sums collected as consideration for collecting the fines and costs as set forth in *Tennessee Code Annotated*, § 40-24-105(2).

(4) The contract with such collection agency may also include the collection of unpaid citations and unpaid water accounts as provided in

¹Municipal code references

Traffic citations: title 15, chapter 7.

Water billing: title 18, chapter 1.

Tennessee Code Annotated, § 6-54-513, after notices required by law are mailed.
(Ord. #630-19, March 2019, modified)

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.

5-202. When delinquent--penalty and interest.

5-201. When due and payable.¹ Taxes levied by the municipality against real property shall become due and payable annually on the first Monday of October of the year for which levied. (1997 Code, § 5-201)

5-202. When delinquent--penalty and interest.² All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.³ (1997 Code, § 5-202)

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 one-half (1/2) of one percent (1%) and interest of one percent (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 (1) of three (3) ways:

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

(continued...)

CHAPTER 3**PRIVILEGE TAXES****SECTION**

5-301. Tax levied.

5-302. License required.

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. The taxes provided for in the state's "Business Tax Act" (*Tennessee Code Annotated*, §§ 67-4-701, *et seq.*) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the municipality at the rates and in the manner prescribed by the act. (1997 Code, § 5-301)

5-302. License required. No person shall exercise any such privilege within the municipality 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. (1997 Code, § 5-302)

³(...continued)
§ 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 municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in *Tennessee Code Annotated*, title 57, chapter 6. (1997 Code, § 5-401)

CHAPTER 5

DEBT POLICY

SECTION

- 5-501. Purpose.
- 5-502. Definition of debt.
- 5-503. Approval of debt.
- 5-504. Transparency.
- 5-505. Role of debt.
- 5-506. Types and limits of debt.
- 5-507. Use of variable rate debt.
- 5-508. Use of derivatives.
- 5-509. Costs of debt.
- 5-510. Refinancing outstanding debt.
- 5-511. Professional services.
- 5-512. Conflicts.
- 5-513. Review of policy.
- 5-514. Compliance.

5-501. Purpose. The purpose of this debt policy is to establish a set of parameters by which debt obligations will be undertaken by the City of Algood, Tennessee. This policy reinforces the commitment of the city and its officials to manage the financial affairs of the city so as to minimize risks, avoid conflicts of interest and ensure transparency while still meeting the capital needs of the city. A debt management policy signals to the public and the rating agencies that the city is using a disciplined and defined approach to financing capital needs and fulfills the requirements of the State of Tennessee regarding the adoption of a debt management policy.

The goal of this policy is to assist decision makers in planning, issuing and managing debt obligations by providing clear direction as to the steps, substance and outcomes desired. In addition, greater stability over the long-term will be generated by the use of consistent guidelines in issuing debt. (Ord. #554-11, Jan. 2012)

5-502. Definition of debt. All obligations of the city to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of city resources. This includes, but is not limited to, notes, bond issues, capital leases, and loans of any type (whether from an outside source such as a bank or from another internal fund). (Ord. #554-11, Jan. 2012)

5-503. Approval of debt. Bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and revenue anticipation notes will be

submitted to the State of Tennessee Comptroller's Office and the city council prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the comptroller's office prior to issuance. Capital or equipment leases may be entered into by the city council; however, details on the lease agreement will be forwarded to the comptroller's office on the specified form within forty-five (45) days. (Ord. #554-11, Jan. 2012)

5-504. Transparency. (1) The city shall comply with legal requirements for notice and for public meetings related to debt issuance.

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

(3) All costs (including principal, interest, issuance, continuing, and one (1) time) shall be clearly presented and disclosed to the citizens, city council, and other stakeholders in a timely manner.

(4) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens/members, city council, and other stakeholders in a timely manner.

(5) A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed to the citizens/members, city council, and other stakeholders in a timely manner. (Ord. #554-11, Jan. 2012)

5-505. Role of debt. (1) Long-term debt shall not be used to finance current operations. Long-term debt may be used for capital purchases or construction identified through the capital improvement, regional development, transportation, or master process or plan. Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the city will minimize the use of short-term cash flow borrowings by maintaining adequate working capital and close budget management.

(2) In accordance with generally accepted accounting principles and state law:

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

(b) Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence. (Ord. #554-11, Jan. 2012)

5-506. Types and limits of debt. (1) The city will seek to limit total outstanding debt obligations to ten (10) times annual operating revenue, excluding overlapping debt, enterprise debt, and revenue debt.

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

(3) The city's total outstanding debt obligation will be monitored and reported to the city council (by the person identified and on a schedule established in the policy). (The person identified) shall monitor the maturities and terms and conditions of all obligations to ensure compliance. (The person identified) shall also report to the city council any matter that adversely affects the credit or financial integrity of the city.

(4) The city is authorized to issue general obligation bonds, revenue bonds, TIFs, loans, notes and other debt allowed by law.

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

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

(7) The city may use capital leases to finance short-term projects.

(8) Bonds backed with a general obligations pledge often have lower interest rates than revenue bonds. The city may use its general obligation pledge with revenue bond issues when the populations served by the revenue bond projects overlap or significantly are the same as the property tax base of the city. The city council and management are committed to maintaining rates and fee structures of revenue supported debt at levels that will not require a subsidy from the city's general fund. (This provision is necessary only if the city has a source of repayment for a revenue bond, such as a water or sewer system.) (Ord. #554-11, Jan. 2012, modified)

5-507. Use of variable rate debt. (1) The city recognizes the value of variable rate debt obligations and that cities have greatly benefitted from the use of variable rate debt in the financing of needed infrastructure and capital improvements.

(2) However, the city also recognizes there are inherent risks associated with the use of variable rate debt and will implement steps to mitigate these risks; including:

(a) The city will annually include in its budget an interest rate assumption for any outstanding variable rate debt that takes market fluctuations affecting the rate of interest into consideration.

(b) Prior to entering into any variable rate debt obligation that is backed by insurance and secured by a liquidity provider, the city council shall be informed of the potential effect on rates as well as any additional costs that might be incurred should the insurance fail.

(c) Prior to entering into any variable rate debt obligation that is backed by a letter of credit provider, the city council shall be informed of the potential affect on rates as well as any additional costs that might be incurred should the letter of credit fail.

(d) Prior to entering into any variable rate debt obligation, the city council will be informed of any terms, conditions, fees, or other costs associated with the prepayment of variable rate debt obligations.

(e) The city shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any variable rate debt obligation. (Ord. #554-11, Jan. 2012)

5-508. Use of derivatives. (1) The city chooses not to use derivative or other exotic financial structures in the management of the city's debt portfolio.

(2) Prior to any reversal of this provision:

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

(b) The city council must adopt a specific amendment to this policy concerning the use of derivatives or interest rate agreements that complies with the state funding board guidelines. (Ord. #554-11, Jan. 2012)

5-509. Costs of debt. (1) All costs associated with the initial issuance or incurrence of debt, management and repayment of debt (including interest, principal, and fees or charges) shall be disclosed prior to action by the city council in accordance with the notice requirements stated above.

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

(3) Costs related to the repayment of debt, including liabilities for future years, shall be provided in context of the annual budgets from which such payments will be funded (i.e., general obligations bonds in context of the general fund, revenue bonds in context of the dedicated revenue stream and related expenditures, loans and notes). (Ord. #554-11, Jan. 2012)

5-510. Refinancing outstanding debt. (1) The city will refund debt when it is in the best financial interest of the city to do so, and the chief financial officer shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the governing body, and all plans for current or advance refunding of debt must be in compliance with state laws and regulations.

(2) The chief financial officer will consider the following issues when analyzing possible refunding opportunities:

(a) **Onerous restrictions.** Debt may be refinanced to eliminate onerous or restrictive covenants contained in existing debt documents, or to take advantage of changing financial conditions or interest rates.

(b) **Restructuring for economic purposes.** The city will refund debt when it is in the best financial interest of the city to do so. Such refunding may include restructuring to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, or to release reserve funds. Current refunding opportunities may be considered by the chief financial officer if the refunding generates positive present value savings, and the chief financial officer must establish a minimum present value savings threshold for any refinancing.

(c) **Term of refunding issues.** The city will refund bonds within the term of the originally issued debt. However, the chief financial officer may consider maturity extension, when necessary to achieve a desired outcome; provided such extension is legally permissible. The chief financial officer may also consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility and the concept of inter-generational equity should guide this decision.

(d) **Escrow structuring.** The city shall utilize the least costly securities available in structuring refunding escrows. Under no circumstances shall an underwriter, agent or financial advisor sell escrow securities to the city from its own account.

(e) **Arbitrage.** The city shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any refunding. (Ord. #554-11, Jan. 2012)

5-511. Professional services. The city shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the city and the lender or conduit issuer, if any. This includes "soft" costs or compensations in lieu of direct payments.

(1) **Counsel.** The city shall enter into an engagement letter agreement with each lawyer or law firm representing the city in a debt transaction. (No engagement letter is required for any lawyer who is an employee of the city or lawyer or law firm which is under a general appointment or contract to serve as counsel to the city. The city does not need an engagement letter with counsel not representing the city, such as underwriters' counsel.)

(2) **Financial advisor.** (If the city chooses to hire financial advisors) The city shall enter into a written agreement with each person or firm serving as financial advisor for debt management and transactions.

Whether in a competitive sale or negotiated sale, the financial advisor shall not be permitted to bid on, privately place or underwrite an issue for which

they are or have been providing advisory services for the issuance or broker any other debt transactions for the city.

(3) **Underwriter.** (If there is an underwriter) The city shall require the underwriter to clearly identify itself in writing (e.g., in a response to a request for proposals or in promotional materials provided to an issuer) as an underwriter and not as a financial advisor from the earliest stages of its relationship with the city with respect to that issue. The underwriter must clarify its primary role as a purchaser of securities in an arm's-length commercial transaction and that it has financial and other interests that differ from those of the entity. The underwriter in a publicly offered, negotiated sale shall be required to provide pricing information both as to interest rates and to takedown per maturity to the (governing body or designated city official) in advance of the pricing of the debt. (Ord. #554-11, Jan. 2012)

5-512. Conflicts. (1) Professionals involved in a debt transaction hired or compensated by the city shall be required to disclose to the city existing client and business relationships between and among the professionals to a transaction (including, but not limited to, financial advisor, swap advisor, bond counsel, swap counsel, trustee, paying agent, liquidity or credit enhancement provider, underwriter, counterparty, and remarketing agent), as well as conduit issuers, sponsoring organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow the city to appreciate the significance of the relationships.

(2) Professionals who become involved in the debt transaction as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulation of professional conduct. (Ord. #554-11, Jan. 2012)

5-513. Review of policy. This policy shall be reviewed at least annually by the city council with the approval of the annual budget. Any amendments shall be considered and approved in the same process as the initial adoption of this policy, with opportunity for public input. (Ord. #554-11, Jan. 2012)

5-514. Compliance. The chief financial officer is responsible for ensuring compliance with this policy. (Ord. #554-11, Jan. 2012)

TITLE 6**LAW ENFORCEMENT****CHAPTER****1. POLICE AND ARREST.****CHAPTER 1****POLICE AND ARREST¹****SECTION**

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

6-101. Police officers subject to chief's orders. All police officers shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1997 Code, § 6-101)

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court. (1997 Code, § 6-102)

6-103. Police officers to wear uniforms and be armed. All police officers shall wear such uniform and badge as the governing body shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1997 Code, § 6-103)

¹Municipal code reference

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

6-104. When police officers to make arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer 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. (1997 Code, § 6-104)

6-105. Police officers may require assistance. It shall be unlawful for any person willfully to refuse to aid a police officer in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the police officer and is reasonably necessary. (1997 Code, § 6-105)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested he shall be brought before a court of competent jurisdiction for immediate trial or allowed to post bond. When the city judge is not immediately available or the alleged offender does not post the required bond, he shall be confined. (1997 Code, § 6-106, modified)

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 police officers.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1997 Code, § 6-107)

¹Municipal code reference

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

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. That the geographic limits referred to in certain sections of the 2018 *International Fire Code* are hereby established as follows:

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): City of Algood.

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): City of Algood.

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): City of Algood.

Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): City of Algood. (Ord. #658-21, April 2021)

¹Municipal code reference

Building, utility and residential codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Available in recorder's office.
- 7-203. Amendments.
- 7-204. Enforcement.
- 7-205. Definition of "municipality."
- 7-206. Storage of explosives, flammable liquids, etc.
- 7-207. Gasoline trucks.
- 7-208. Variances.
- 7-209. State fire code inspection process exemption.
- 7-208. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to firefighters and emergency responders during emergency operations, the *International Fire Code*², 2018 edition, and all subsequent amendments or additions to said code, including Appendix Chapters A through L, omitting K, M, N (see *International Fire Code*, section 101.2.1, 2018 edition), as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the fire code. Said fire code shall be controlling within the corporate limits. (Ord. #658-21, April 2021)

7-202. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

7-203. Amendments. The following sections are hereby revised:

¹Municipal code references

Building, utility and residential codes: title 12.
Burning within corporate limits: § 17-109.

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

<u>Section 101.1</u>	Insert "City of Algood."
<u>Section 110.4</u>	Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
<u>Section 112.1</u>	Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."

(Ord. #658-21, April 2021)

7-204. Enforcement. The fire code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1997 Code, § 7-203)

7-205. Definition of "municipality". Whenever the word "municipality" is used in the fire code herein adopted, it shall be held to mean the City of Algood, Tennessee. (1997 Code, § 7-204)

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

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

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

The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of this code. (1997 Code, § 7-205)

7-207. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1997 Code, § 7-206)

7-208. Variances. The chief of the fire department may recommend to the governing body variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the governing body. (1997 Code, § 7-207)

7-209. State fire code inspection process exemption. The City of Algood is exempting out on the State of Tennessee Fire Code Inspection Process for both residential and commercial and will obtain a certified fire inspector to do the inspections in place of the state fire marshal. (Ord. #595-14, Feb. 2015)

7-210. Violations and penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1997 Code, § 7-208)

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.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the governing body and such number of physically-fit subordinate officers and firefighters as the chief shall appoint. (1997 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. (1997 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. (1997 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 mayor once each month, and at the end of the year a detailed annual report shall be made. (1997 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the governing body. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the city administrator but may be dismissed only by the governing body.

All personnel of the fire department shall receive such compensation for their services as the governing body may from time to time prescribe. (1997 Code, § 7-305, as amended by Ord. #417, Feb. 2004)

7-306. Chief responsible for training and maintenance. The chief of the fire department shall be fully responsible for the training of the firefighters and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1997 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. (1997 Code, § 7-307)

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 municipal governing body. (1997 Code, § 7-401)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Definition.
- 7-502. Manufacture prohibited.
- 7-503. Sales restricted.
- 7-504. Districts where permissible.
- 7-505. Permits from state fire marshal required.
- 7-506. City fireworks permit required; permit application; permit required for each location; permit fee; permit not transferable; expiration of permit.
- 7-507. Permit revocation.
- 7-508. Business license required for each site; location compliance required.
- 7-509. Separate sales tax number required.
- 7-510. Certificate of insurance required.
- 7-511. Standards for year-round sale of fireworks.
- 7-512. Standards for seasonal sale of fireworks.
- 7-513. Use restricted.
- 7-514. Public display; permit required.
- 7-515. Seizure authorized.
- 7-516. Exceptions.
- 7-517. Severability.
- 7-518. Violations and penalty.

7-501. Definition. "Fireworks" means and shall include D.O.T. Class C common fireworks as defined by *Tennessee Code Annotated*, title 68, chapter 104.

7-502. Manufacture prohibited. No person or firm shall manufacture any fireworks within the corporate limits of the City of Algood. (Ord. #597-15, April 2015)

7-503. Sales restricted. It shall be unlawful to sell, or offer for sale, fireworks, within the corporate limits of the City of Algood except in compliance with the provisions of this chapter, the provisions of the latest fire code adopted, and the provisions of *Tennessee Code Annotated*, §§ 68-104-101 to 68-104-116. (Ord. #597-15, April 2015, modified)

7-504. Districts where permissible. The sale of fireworks shall be permitted only on Main Street but not within three hundred feet (300') of any school. The sale of fireworks along any other street is expressly prohibited. (Ord. #597-15, April 2015)

7-505. Permit from state fire marshal required. It shall be unlawful to sell, or offer for sale, ship, or cause to be shipped into the City of Algood any item of fireworks, as defined in the latest fire code adopted, without a permit from the state fire marshal. All fireworks permits shall be issued in compliance with the fire code and *Tennessee Code Annotated*, §§ 68-104-101 to 68-104-116, inclusive. (Ord. #597-15, April 2015, modified)

7-506. City fireworks permit required; permit application; permit required for each location; permit fee; permit not transferable; expiration of permit. (1) It shall be unlawful to sell, or offer for sale, ship, or cause to be shipped into the City of Algood any item of fireworks, as defined in the latest fire code adopted by the city, without a city fireworks permit issued by the City of Algood Fire Chief (or designated representative).

(2) An application for a city fireworks permit shall be completed and submitted to the City of Algood Fire Chief (or designated representative) no later than two (2) working days prior to the date the applicant desires to begin making sales. The application shall contain and include the following information:

(a) Name, address and telephone number of applicant. The applicant's name shall also be the same as the name on the state fire marshal permit.

(b) Location where the sale of fireworks is proposed.

(c) Site plan, which shall include the dimensions of the structure used for the sale of fireworks.

(d) A copy of the state fire marshal permit as required under § 7-505 of this chapter.

(e) Confirmation of business license for site and zoning code compliance as required under § 7-508 of this chapter.

(f) Documentation of separate sales tax number as required by § 7-509 of this chapter.

(g) Documentation of certificate of insurance as required under § 7-510 of this chapter.

(3) A separate city fireworks permit is required for each location at which fireworks will be sold.

(4) The fee for the city fireworks permit shall be one hundred dollars (\$100.00) for any structure or any tent, trailer or other temporary structure used for the seasonal sale of fireworks. This fee must be paid when submitting application for permit.

(5) City fireworks permits shall not be transferable.

(6) All city fireworks permits shall be on a seasonal basis. (Ord. #597-15, April 2015)

7-507. Permit revocation. The City of Algood Fire Chief (or designated representative) shall be authorized to revoke any city fireworks permit upon

failure to correct any of the following conditions within twenty-four (24) hours after written notice given.

(1) The permittee or the permittee's operator violates any lawful rule, regulation, or order of the City of Algood.

(2) The permittee's application contains any false or untrue statements.

(3) The permittee fails to timely file and/or pay any report, tax, fee, fine or charge.

(4) The permittee or the permittee's operator violates any provisions of this chapter or of *Tennessee Code Annotated*, §§ 68-104-101 to 68-104-116. (Ord. #597-15, April 2015, modified)

7-508. Business license required for each site; location compliance required. The City of Algood Fire Chief (or designated representative) shall issue no permit for the sale of fireworks unless the applicant has first obtained a Tennessee Business License from the Algood City Clerk for each site at which fireworks will be sold. (Ord. #597-15, April 2015)

7-509. Separate sales tax number required. A separate sales tax number shall be required for each site at which fireworks will be sold. The City of Algood Fire Chief (or designated representative) shall issue no permit for the sale of fireworks unless the applicant has first provided documentation that a separate sales tax number has been obtained for the site of the proposed sale of fireworks. (Ord. #597-15, April 2015)

7-510. Certificate of insurance required. The City of Algood Fire Chief (or designated representative) shall not issue a permit for the sale of fireworks unless the applicant has first provided a current certificate of insurance with a minimum of two million dollars (\$2,000,000.00) in product liability and one million dollars (\$1,000,000.00) in general liability with the City of Algood being named as an additional insured on the general liability insurance policy. (Ord. #597-15, April 2015)

7-511. Standards for year-round sale of fireworks. The year-round sale of fireworks is prohibited within the corporate limits of the City of Algood. (Ord. #597-15, April 2015)

7-512. Standards for seasonal sale of fireworks. The following standards shall apply for seasonal sale of fireworks within the corporate limits of the City of Algood:

(1) Seasonal sales of fireworks shall only be permitted from June 20 to July 5 of any given year.

(2) Seasonal sales of fireworks shall be conducted within a tent or other structure inspected and approved by the Algood Fire Chief (or designated representative).

(3) All tents or similar temporary structures used for the seasonal sale of fireworks shall be composed entirely with fire retardant materials.

(4) All tents or similar temporary structures used for the seasonal sale of fireworks shall provide an emergency exit remote from the point of entrance. Tents shall be enclosed on no more than two (2) sides during times that customers are present.

(5) All tents or similar temporary structures used for the seasonal sale of fireworks shall be located a minimum of fifteen feet (15') away from any other structure.

(6) All tents or similar temporary structures used for the seasonal sale of fireworks shall be located a minimum of fifteen feet (15') away from any public street or right-of-way.

(7) All lighting and other electrical facilities used in association with tents or temporary structures shall be approved by the fire chief (or designated representative).

(8) The sites utilized for the seasonal sale of fireworks shall be a minimum of two hundred feet (200') from any fuel source and no farther than one thousand feet (1,000') from an operable fire hydrant.

(9) The seasonal sale of fireworks shall be restricted to D. O. T. Class C common fireworks as defined by *Tennessee Code Annotated*, §§ 68-104-101 to 68-104-116. The sale of "bottle" rockets with an explosive cartridge under the size of two inches (2") in length is expressly prohibited.

(10) No person shall smoke within fifty feet (50') of an area where fireworks are sold. No person selling fireworks shall permit the presence of lighted cigars, cigarettes, or pipes within fifty feet (50') of where fireworks are offered for sale. At all places where fireworks are stored or sold, there shall be posted at each entrance signs with the words "Fireworks -- No Smoking" in letters not less than four inches (4") high.

(11) A minimum of two (2) ten (10) pound ABC fire extinguishers shall be present at each site where fireworks are sold. Said extinguishers shall bear record of its inspection date and operative status.

(12) Parking shall not be permitted on public streets or in such a way as to interfere with the visibility of vehicles using said streets. (Ord. #597-15, April 2015, modified)

7-513. Use restricted. The following restrictions shall apply for the use of fireworks within the corporate limits of the City of Algood:

(1) Except as permitted under § 7-512 of this chapter, the use of fireworks shall be restricted to D. O. T. Class C common fireworks as defined by *Tennessee Code Annotated*, §§ 68-104-101 to 68-104-116. The sale of "bottle"

rockets with an explosive cartridge under the size of two inches (2") in length is expressly prohibited.

(2) It shall be unlawful to use or explode/discharge any fireworks within the corporate limits of the City of Algood except from July 1 to July 5.

(3) It shall be unlawful to use or explode/discharge fireworks within the corporate limits of the City of Algood earlier than 10:00 A.M. or later than 10:00 P.M., with the exception of July 4 on which the time shall be no later than 12:00 A.M.

(4) It shall be unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age.

(5) It shall be unlawful to offer for sale or to sell any fireworks to any intoxicated or seemingly irresponsible person.

(6) It shall be unlawful to explode or ignite fireworks on or onto another person's property unless permission is obtained from the owner or occupant of said property.

(7) It shall be unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, funeral home, public or private school, or within two-hundred feet (200') of where fireworks are stored, sold, or offered for sale.

(8) It shall be unlawful to ignite or discharge fireworks from or within a motor vehicle. It shall be unlawful for any person to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons. (Ord. #597-15, April 2015, modified)

7-514. Public display; permit required. Nothing in this chapter shall be construed as applying to the shipping, sale, possession and use of fireworks for public display by holders of a permit for public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks that are to be used for public display only and which are otherwise prohibited for sale and use within the City of Algood shall include display shells designed to be fired from mortars and display set pieces of fireworks classified as D. O. T. Class B special fireworks and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such display issued by the state fire marshal. A condition for state issuance of a permit for public fireworks display is the approval of the chief official of the fire and of the police departments of the city. Such approval shall be granted if, in the opinion of those officials, the proposed display will be located and supervised in conformity with state law and will not be hazardous to life or property. (Ord. #597-15, April 2015)

7-515. Seizure authorized. The Algood Fire Chief or his designee shall seize, take, remove or cause to be removed at the expense of the owner of all stocks or fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter. (Ord. #597-15, April 2015)

7-516. 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, the sale or use of blank cartridges for a show or theater, the use of fireworks for military operations, or for public displays of fireworks meeting the requirements of the fire code. (Ord. #597-15, April 2015)

7-517. Severability. If any court of competent jurisdiction declares any portion of these regulations to be invalid that ruling shall not affect any other portion not specifically included in that ruling. (Ord. #597-15, April 2015)

7-518. Violations and penalty. The violation of any part of this chapter is hereby declared to be a misdemeanor and upon conviction of any person for such violation, that person is to be fined according to general penalty provision of this municipal code. Each subsequent day that any violation continues unabated shall constitute a separate offense. In addition, the fire chief (or designated representative) may refuse to issue another city fireworks permit to the holder of a permit so convicted for a period not to exceed two (2) years. (Ord. #597-15, April 2015)

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

1. INTOXICATING LIQUORS.
2. BEER.
3. REGULATIONS AND LOCATIONS OF DISTILLERIES, BREWERIES AND WINERIES

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

- 8-101. Definition of "alcoholic beverages."
8-102. Consumption of alcoholic beverages on premises.
8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
8-104. Annual privilege tax to be paid to the city clerk.
8-105. Concurrent sales of liquor by the drink and beer.
8-106. Special events permits.
8-107. Locations; zoning.
8-108. Violations and penalty.

8-101. Definition of "alcoholic beverages". As used in this chapter, unless the context indicates otherwise: "alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content as defined in *Tennessee Code Annotated*, § 57-5-101 (Ord. #651-20, Jan. 2021, modified)

8-102. Consumption of alcoholic beverages on premises. *Tennessee Code Annotated*, title 57, chapter 4, and as subsequently amended, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption, which are regulated by the said code when such sales are conducted within the corporate limits of Algood, Tennessee. It is the intent of the city council that *Tennessee Code Annotated*, title 57, chapter 4, and as subsequently amended, shall be effective in Algood, Tennessee, the same as if said code sections were copied herein verbatim. (Ord. #651-20, Jan. 2021)

¹State law reference

Tennessee Code Annotated, title 57.

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to *Tennessee Code Annotated*, § 57-4-301, and subsequently amended, there is hereby levied a privilege tax (in the same amounts levied by *Tennessee Code Annotated*, title 57, chapter 4, section 301, and as subsequently amended, for the City of Algood General Fund to be paid annually as provided herein this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Algood alcoholic beverages for consumption on the premises where sold. (Ord. #651-20, Jan. 2021)

8-104. Annual privilege tax to be paid to the City Clerk. Any person, firm, corporation, joint stock company, syndicate, or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Algood shall remit annually to the city clerk the appropriate tax described in § 8-103. Such payment shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (Ord. #651-20, Jan. 2021)

8-105. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell alcoholic beverages in the City of Algood, pursuant to *Tennessee Code Annotated*, title 57, chapter 4, shall, notwithstanding the provisions of §§ 8-207 to 8-211 of the Ordinances of the City of Algood, qualify to receive a beer permit from the city. (Ord. #651-20, Jan. 2021)

8-106. Special events permits. A permit to sell beer may be obtained from the city clerk for special events not to exceed three (3) days in duration. An applicant for a special events permit must meet all requirements for an on-premises beer permit except such an event may be permitted without being located in a permanent structure, and shall not have to comply with §§ 8-207 to 8-212 of this code. A special events permit fee in the amount of one hundred dollars (\$100.00) per twenty-four (24) hour period shall be paid to the city clerk upon application for such permit. Special events permits may only be issued to bona fide charitable or nonprofit organizations as defined in *Tennessee Code Annotated*, § 57-4-102, and as subsequently amended, and to the City of Algood. Special events permits shall not be issued for the sale, storage or manufacture of beer on any public property, right-of-way or street, except at special events located within city and/or county public parks, and separately, additionally at any City of Algood sponsored or co-sponsored events at any location(s) as may

be designated by the City of Algood City Administrator. (Ord. #651-20, Jan. 2021)

8-107. Locations; zoning. Alcoholic beverages may be sold at such location as permitted in accordance with *Tennessee Code Annotated*, title 57, chapter 4, where such an establishment is otherwise allowed to operate in the Algood Zoning Code in the CA-General Commercial zone and CB-Central Business District zone, or otherwise allowed in accordance with § 8-106 of this Code, or *Tennessee Code Annotated*, § 13-7-208. (Ord. #651-20, Jan. 2021)

8-108. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city/town judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission.

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Beer permits shall be restrictive.
- 8-209. Interference with public health, safety, and morals prohibited.
- 8-210. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-211. Prohibited conduct or activities by beer permit holders.
- 8-212. Revocation of beer permits.
- 8-213. Violations and penalty.

8-201. Beer board established. There is hereby established a beer board to be composed of five (5) members, who shall be the same persons serving as mayor and members of the city council, who shall serve during their terms on the city council. Members shall serve without additional compensation. (Ord. #661-21, April 2021)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman; provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1997 Code, § 8-202)

8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of

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).

each member thereon; and the provisions of each beer permit issued by the board. (1997 Code, § 8-203)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1997 Code, § 8-204)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (1997 Code, § 8-205)

8-206. "Beer" defined. The term "beer" as used in this chapter shall be the same definition appearing in *Tennessee Code Annotated*, § 57-5-101.

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

8-208. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off-premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (1997 Code, § 2-208)

¹State law reference

Tennessee Code Annotated, § 57-5-103.

8-209. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the storage, sale, or manufacture of beer at places within three hundred feet (300') of any school, church or other such place of public gathering, measured using a straight line between the two (2) buildings at the closest points of each building. (1997 Code, § 8-209, as amended by Ord. #421, May 2004)

8-210. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (1997 Code, § 8-210)

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

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

(2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer. (This provision shall not apply to grocery stores selling beer for off-premises consumption only.)

(3) Make or allow any sale of beer between the hours of 3:00 A.M. and 8:00 A.M. during any night of the week; between the hours of 3:00 A.M. and 12:00 Noon on Sunday.

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

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

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

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

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

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

(10) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1997 Code, § 8-211, as amended by Ord. #511-08, Jan. 2009, modified)

8-212. Revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the municipal governing body. (1997 Code, § 8-212)

8-213. Violations and penalty. Violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

CHAPTER 3

REGULATIONS AND LOCATIONS OF DISTILLERIES, BREWERIES AND WINERIES

SECTION

8-301. Performance standards.

8-302. Definitions.

8-303. Review process.

8-301. Performance standards. There is hereby established performance standards for breweries, micro-breweries, distilleries, wineries, and micro-wineries that are newly constructed as follows:

(1) There shall be compliance with all applicable requirements of the City of Algood Municipal Code and building codes.

(2) There shall be confirmation of approval by all applicable state and federal agencies authorized to regulate wineries, breweries and distilleries.

(3) Only products manufactured on-premise at any of the manufacturing facilities enumerated herein shall be consumed on-premise as permitted by applicable state law.

(4) Any such entity enumerated herein shall obtain approval by the City of Algood water and sewer authorities for the operation of such business consistent with the capacity and regulations prevailing for said water and sewer service.

(5) Any site for a facility enumerated herein shall be at least two hundred fifty feet (250') herein from a church or school measured from building to building.

(6) There shall be a submittal and approval in accordance with the Algood zoning and building code applicable to site plan review.

(7) There shall exist off street parking provided at one (1) space for each two-hundred fifty (250) square feet of floor space and one (1) space per employee of any establishment enumerated herein.

(8) There shall be the required for approval and issuance of a special use permit specifying the conditions of approval for any conditions opposed by the board of zoning appeals and specified on the special use permit.

(9) Restaurants shall be allowed as an accessory use not to exceed thirty percent (30%) of gross floor area should any such establishment permitted by state law elect to operate a restaurant facility.

8-302. Definitions. (1) "Brewery." Facility that primarily manufactures and sells wholesale high alcohol content ales, beer or malt beverages in quantities of ten thousand (10,000) barrels or more per year with each barrel holding thirty-one (31) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(2) "Brew pub." A restaurant as the principal use that includes a micro-brewery integrated into the restaurant operation as an accessory use. Such facility devotes at least seventy percent (70%) of the gross floor area for the preparation, dining and sale of food. The manufacture of ales, beer or malt beverages shall not exceed thirty percent (30%) or five thousand (5,000) square feet in area whichever is greatest.

(3) "Distillery." An establishment for the manufacture of intoxicating liquor that includes, but is not limited to whiskey, brandy, "moonshine," and other alcoholic spirits that contain high alcohol content that produces more than five thousand (5,000) barrels per year with each barrel holding fifty-three (53) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(4) "Micro-brewery." Facility that primarily manufactures high alcohol content ale, beer or malt liquor in quantities of less than ten thousand (10,000) barrels per year with each barrel holding thirty-one (31) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(5) "Micro-distillery." An establishment for the manufacture of intoxicating liquor that includes, but is not limited to whiskey, brandy, "moonshine," and other alcoholic spirits that contain high alcohol content that produces more than five thousand (5,000) barrels per year with each barrel holding fifty-three (53) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(6) "Micro winery." An agricultural processing facility used for commercial purposes of processing fruit or fruit juice that may include all or a majority of processes such as crushing, fermenting, blending, aging, storing, bottling, and selling of wine that may also include a lab, retail sales and a tasting room on the facilities. Winery producing up to two thousand (2,000) cases per year with a maximum site area of one (1) acre. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

(7) "Winery." An agricultural processing facility used for commercial purposes of processing fruit or fruit juice that may include all or a majority of processes such as crushing, fermenting, blending, aging, storing, bottling, and selling of wine that may also include a lab, retail sales and a tasting room on the facilities that produces over two thousand (2,000) cases per year with each case containing two thousand three hundred seventy-eight (2,378) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

8-303. Review process. (1) There is hereby required a new construction review process which shall include the following:

(a) Site plan approval from planning commission for permitted use-by-right.

- (b) (i) Board of zoning appeals for special exception,
- (ii) Site plan approval from planning commission.

(2) Existing building review process is as follows: As a permitted use-by-right an in house administrative review by staff and a local representative of the town is conducted to confirm that compliance with off street parking and other zoning requirements have been met.

(3) Wineries and micro-wineries shall be permitted in the following locations: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts.

(4) Micro-winery shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts and special exception (conditional use) in B-1 and B-4 districts.

(5) Distillery and micro-distillery locations shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts.

(6) Micro-distillery shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts and special exception (conditional use) in B-1 and B-4 districts.

(7) Brewery and micro-brewery shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts.

(8) Micro-brewery and brew pub shall be permitted as follows: Permitted as use-by-right in all manufacturing districts, B-3 and B-2 districts and special exception (conditional use) in B-1 and B-4 districts.

TITLE 9**BUSINESS, PEDDLERS, SOLICITORS, ETC.¹****CHAPTER**

1. MISCELLANEOUS.
2. TRANSIENT VENDORS, ETC.
3. TAXICABS.
4. YARD SALES.
5. FARMER'S MARKET.
6. ADULT-ORIENTED ESTABLISHMENTS.

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

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

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. (1997 Code, § 9-101)

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2

TRANSIENT VENDORS, 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. Loud noises and speaking devices.
- 9-207. Use of streets.
- 9-208. Exhibition of permit.
- 9-209. Police officers to enforce.
- 9-210. Revocation or suspension of permit.
- 9-211. Reapplication.
- 9-212. Expiration and renewal of permit.

9-201. Permit required. It shall be unlawful for any peddler 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 (1) to whom it is issued. (1997 Code, § 9-201, modified)

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 distributors of expressive materials. (1997 Code, § 9-202, modified)

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

¹Municipal code reference
Privilege taxes: title 5.

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

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

(7) 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.

(8) The last three (3) cities or towns, if that many, where the 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.

(9) At the time of filing the application, a fee of twenty dollars (\$20.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1997 Code, § 9-203, modified)

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) The city recorder shall keep a permanent record of all permits issued. (1997 Code, § 9-204, modified)

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 governing body. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1997 Code, § 9-205)

9-206. 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 municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. This provision shall not apply to the exercise of protest or distribution of expressive material. (1997 Code, § 9-207, modified)

9-207. 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. (1997 Code, § 2-208)

9-208. Exhibition of permit. Permittees are required to exhibit their permits at the request of any police officer or citizen. (1997 Code, § 2-209)

9-209. Police officers to enforce. It shall be the duty of all police officers to see that the provisions of this chapter are enforced. (1997 Code, § 9-210)

9-210. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the governing body, after notice and hearing, for any of the following causes:

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public, except that this shall not apply to the exercise of protest or distribution of expressive material.

(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. (1997 Code, § 9-211, modified)

9-211. 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. (1997 Code, § 9-212)

9-212. 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. (1997 Code, § 9-213)

CHAPTER 3

TAXICABS¹

SECTION

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

9-301. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1997 Code, § 9-401)

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

¹Municipal code reference
Privilege taxes: title 5.

recommendation to either grant or refuse a franchise to the applicant. The governing body shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the governing body shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional taxicab franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1997 Code, § 9-402)

9-303. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in *Tennessee Code Annotated*, title 55, chapter 12. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1997 Code, § 9-403)

9-304. Revocation or suspension of franchise. The governing body, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1997 Code, § 9-404)

9-305. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the municipality unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear view mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1997 Code, § 9-405)

9-306. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1997 Code, § 9-406)

9-307. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to ensure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1997 Code, § 9-407)

9-308. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1997 Code, § 9-408)

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

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1997 Code, § 9-409)

9-310. Revocation or suspension of driver's permit. The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-309. (1997 Code, § 9-410)

9-311. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1997 Code, § 9-411)

9-312. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging

passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1997 Code, § 9-412)

9-313. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1997 Code, § 9-413)

9-314. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1997 Code, § 9-414)

9-315. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1997 Code, § 9-415)

9-316. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1997 Code, § 9-416)

CHAPTER 4

YARD SALES

SECTION

- 9-401. Definitions.
- 9-402. Property permitted to be sold.
- 9-403. Permit required.
- 9-404. Permit procedure.
- 9-405. Permit conditions.
- 9-406. Hours of operation.
- 9-407. Sales unlawful except in accordance with chapter.
- 9-408. Exemptions.
- 9-409. Display of permit.
- 9-410. Inspection, authority of inspector.
- 9-411. Advertising; signs.
- 9-412. Persons exempted from chapter.
- 9-413. Violations and penalty.

9-401. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

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

(2) "Personal property" means property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

(3) "Yard sales" means and includes all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold. (Ord. #486-07, Sept. 2007)

9-402. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property. (Ord. #486-07, Sept. 2007)

9-403. Permit required. No yard sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefor from the city recorder. Members of more than one (1) residence may join in obtaining a permit for a yard sale to be conducted at the residence of one (1) of them. (Ord. #486-07, Sept. 2007)

9-404. Permit procedure. (1) Application. The applicant or applicants for a yard sale permit shall file a written application with the city recorder in advance of the proposed sale setting forth the following information:

- (a) Full name and address of applicant or applicants.
- (b) The location at which the proposed yard sale is to be held.
- (c) The date or dates upon which the sale shall be held.
- (d) The date or dates of any yard sales by the same applicant or applicants within the current calendar year.
- (e) A statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale.

(f) A statement that the applicant will fully comply with this chapter and all other applicable ordinances and laws.

(2) Permit fee. There is no administrative processing fee for the issuance of a permit.

(3) Issuance of permit. Upon the applicant complying with the terms of this chapter, the city recorder shall issue a permit. (Ord. #486-07, Sept. 2007, as amended by Ord. #530-09, Nov. 2009)

9-405. Permit conditions. The permit shall set forth and restrict the time and location of such yard sale. No more than three (3) such permits may be issued to one (1) residence during any calendar year. If members of more than one (1) residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences. (Ord. #486-07, Sept. 2007)

9-406. Hours of operation. Yard sales shall be conducted between 6:00 A.M. and 6:00 P.M. and for not more than two (2) consecutive Fridays and Saturdays. (Ord. #486-07, Sept. 2007)

9-407. 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 on any other "personal property" than that of which is listed on the permit. (Ord. #486-07, Sept. 2007)

9-408. Exemptions. If a yard sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of

inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the city recorder shall issue another permit to the applicant for a yard sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee is required. (Ord. #486-07, Sept. 2007)

9-409. Display of permit. Any permit in possession of the holder or holders of a yard sale shall be posted on the premises in a conspicuous place so as to be seen by the public, or any city official. (Ord. #486-07, Sept. 2007)

9-410. Inspection, authority of inspector. The zoning officer, a police officer or any other official designated by the zoning officer, shall have the right of entry upon any premises showing evidence of a yard sale, for the purpose of enforcement of this chapter and shall have the right to issue citations for violations of this chapter. (Ord. #486-07, Sept. 2007)

9-411. Advertising; signs. (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending yard sale:

(a) Two signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the yard sale is being conducted.

(b) Directional signs. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises on which the yard sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed.

(2) Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

(3) Removal of signs. Signs must be removed by the end of the day upon which the permit expires.

(4) Placement of signs. No sign shall be permitted on utility poles, trees, poles or pipes containing highway signs or street signs and shall not be placed so as to block the view of an intersection. (Ord. #486-07, Sept. 2007)

9-412. Persons exempted from chapter. The provisions of this chapter shall not apply to or affect the following:

(1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the City of Algood, or under the protection of the nonconforming use section thereof, or

any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances. (Ord. #486-07, Sept. 2007)

9-413. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be subject to a maximum fine of fifty dollars (\$50.00). (Ord. #486-07, Sept. 2007, modified)

CHAPTER 5

FARMER'S MARKET

SECTION

- 9-501. Definitions.
- 9-502. Application for a farmer's market permit.
- 9-503. Rules and regulations.
- 9-504. Parking and traffic flow to be designated.
- 9-505. Hold harmless and indemnification.
- 9-506. Sales taxes and licenses.
- 9-507. Permit expiration, renewal, suspension and revocation.

9-501. Definitions. (1) "Farmer's market." The farmer's market ("the market") for the City of Algood ("the city") is located on Fourth Street and Main Street and is operated by the city to provide a safe and convenient location for farmers to sell their "home grown goods" as defined herein.

(2) "Home grown goods." As used in this chapter, "home grown goods" shall mean produce, vegetables, fruits, nuts, ornamentals and any other product of farm and garden that are grown in the State of Tennessee or southern Kentucky during its appropriate growing season by farmers, truck growers, fruit growers and horticulturists who are residents of Putnam County, or are residents from the fourteen (14) county Upper Cumberland area and Southern Kentucky as defined in § 9-503.

(3) "Tennessee Department of Agriculture (TDA) requirements." Items such as molasses, honey, eggs, farm fresh frozen meats, baked goods, jelly, jams and candy must meet the TDA requirements to be offered for sale at the market. (Ord. #622-18, March 2018)

9-502. Application for a farmer's market permit. Before any vendor shall occupy any space inside or adjacent to the market to offer goods for sale, he/she shall complete an application to sell home grown goods at the market. The vendor shall certify that all of his/her goods are home grown goods as defined herein, and shall disclose where the home grown goods were produced. The vendor shall certify that they have read and agree to abide by all market rules and regulations. Once the application is completed and approved by the city, the vendor will be issued a permit to occupy space at the market. (Ord. #622-18, March 2018)

9-503. Rules and regulations. (1) Farmers or producers from Putnam County and residents from the fourteen (14) county Upper Cumberland area are as follows: De Kalb, Cannon, Clay, Cumberland, Fentress, Jackson, Macon, Pickett, Overton, Smit, Warren, White, Van Buren and residents from Clinton,

Cumberland, Monroe, and Allen counties in Kentucky are permitted to sell home grown goods as defined in this chapter.

(2) All vendors must be registered with the city. Each vendor will be given a permit to display at the market that is visible to the public.

(3) Items such as molasses, honey, eggs, farm fresh frozen meats and baked goods, jelly, jams and candy must meet the TDA requirements to be offered for sale at the market.

(4) All TDA regulations governing market sales will be followed.

(5) Parking is on a first-come basis. Only one (1) space per vendor is permitted. Vendors must arrive or leave at any time during the market hours, but may not save their parking place if they leave.

(6) Vendors shall clean their area and help keep the general market and restrooms clean.

(7) Market hours are Monday through Sunday from daylight to 6:00 P.M.

(8) Permits will only be issued for any vendor to occupy the market beginning February 1 and will not issued after November 30.

(9) No permanent displays or installations will be allowed.

(10) Rule violators will receive one (1) warning. A second violation will result in suspension/revocation of the vendor's permit as determined by the city codes enforcement officer or city police officer. Any suspension or revocation may be appealed to the city administrator, or his/her designee, whose decision is final.

(11) No vehicle, trailer, equipment, etc. shall be parked on the premises for the purpose of selling said vehicle, trailer or equipment.

(12) All firearms or any other weapon shall be unloaded and kept inside the vehicles and out of sight.

(13) No homemade vanilla, wine, beer, spirits or any other products containing alcohol shall be consumed, sold or displayed. (Ord. #622-18, March 2018, modified)

9-504. Parking and traffic flow to be designated. Parking spaces and lanes shall be marked. It shall be unlawful for any person to park a vehicle outside a designated parking space. It shall be unlawful for any person and/or vehicle to obstruct areas designated for traffic flow. (Ord. #622-18, March 2018)

9-505. Hold harmless and indemnification. All vendors shall be individually and severally responsible to the City of Algood for any loss, personal injury, property damage and/or loss and any other damage that may occur as a result of the vendors' negligence or that of its servants, agents and employees. All vendors shall agree to indemnify and save the city harmless from any loss, cost, damages and any other expenses and costs, including, but not limited to, attorney fees and court costs suffered or incurred by the city. Insurance is not provided to participants and vendors in the market, and each participant and

vendor will be responsible for providing his/her own liability insurance. (Ord. #622-18, March 2018)

9-506. Sales tax and licenses. Each vendor is responsible for collecting sales taxes where applicable and any and all licenses and permits required by federal, state and local laws. (Ord. #622-18, March 2018)

9-507. Permit expiration, renewal, suspension and revocation.

Permits issued pursuant to this chapter shall be valid for the calendar years in which said permit is issued. All permits expire on December 31. A permit may be suspended or revoked by the city codes enforcement officer or by a city police officer when any of the provisions of this chapter have deemed to have been violated. When notified of an alleged violation, the officer shall investigate the complaint. Any person found to have violated the provisions of this chapter shall receive at least a written warning, but may, depending upon the severity of the violation, have his/her permit suspended or revoked for a period not to exceed one (1) year. The decision of the city codes enforcement officer or police officer is considered final, and an appeal may be made within five (5) calendar days to the city administrator or his/her designee. (Ord. #622-18, March 2018)

CHAPTER 6

ADULT-ORIENTED ESTABLISHMENTS¹

SECTION

- 9-601. Purpose.
- 9-602. Definitions.
- 9-603. License required.
- 9-604. Application for license.
- 9-605. Standards for issuance of license.
- 9-606. Permit required.
- 9-607. Application for permit.
- 9-608. Standards for issuance of permit.
- 9-609. Fees.
- 9-610. Display of license or permit.
- 9-611. Renewal of license or permit.
- 9-612. Revocation of license or permit.
- 9-613. Hours of operation.
- 9-614. Responsibilities of the operator.
- 9-615. Prohibitions and unlawful sexual acts.
- 9-616. Violations and penalty.

9-601. Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city/town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city/town. It is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

9-602. 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

¹State law references

Tennessee Code Annotated, §§ 7-51-1101–7-51-1122 and
7-51-1401–7-51-1407

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 portion of its stock in trade ("substantial portion" meaning over twenty percent (20%) of floor area, or over twenty percent (20%) of inventory by units or value, or over twenty percent (20%) of revenues, or an inventory of two hundred (200) or more units) 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) "Mayor and council " means the Mayor and Council of the City of Algood, 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 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.

9-603. 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 Algood without first obtaining a license to operate issued by the City of Algood.

(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 chapter must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty (120) day period, then such existing adult-oriented establishment shall cease operations.

(6) No license may be issued for any location unless the premises is lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with.

9-604. 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 Algood. 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 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 percent (5%) 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 preceding the date of the application.

(f) Whether the applicant(s) previously operated in this or any other county, city/town 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/town 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 inches by two inches (2" x 2") 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 Algood, 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 city/town manager 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 Algood 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 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 Putnam 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.

9-605. 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 preceding the date of the application.
- (b) If the applicant is a corporation:
 - (i) All officers, directors and stockholders required to be named under § 9-603 shall be at least eighteen (18) years of age.
 - (ii) No officer, director or stockholder required to be named under § 9-603 shall have been found to have previously violated this chapter within five (5) years immediately preceding 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 Algood 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.

9-606. 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.

9-607. Application for permit. (1) Any person desiring to secure an permit as an employee or entertainer 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/town 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/town 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 therefor, 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/town 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 inches by two inches (2" x 2") of the applicant.

(i) The length of time the applicant has been a resident of the City of Algood, 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 Algood 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 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.

9-608. 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 provision of this chapter within five (5) years immediately preceding the date of the application.

(2) No permit shall be issued until the Algood 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.

9-609. 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 (1/2) of the fee shall be returned.

(2) A permit fee of one hundred dollars (\$100.00) shall be submitted with the application for a permit. If the application is denied, one-half (1/2) of the fee shall be returned.

9-610. 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 Algood Police Department, or any person designated by the mayor and council.

9-611. 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/town 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 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 (1/2) of the total fees collected shall be returned.

(3) If the Algood 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/town 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 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 (1/2) of the fee shall be returned.

(6) If the Algood Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the police chief.

9-612. 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/town 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/town 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 Putnam 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 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.

9-613. Hours of operation. (1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Monday through Saturday, and between the hours of 1:00 A.M. and 12:00 P.M. on Sunday.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the Algood Police Department, the Putnam County Sheriff's Department, or such other persons as the mayor and council may designate.

9-614. 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 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 Algood 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 Algood 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 or 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 City of Algood 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.

9-615. 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 the 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.

(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 person on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer.

9-616. Violations and penalty. (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.

TITLE 10

ANIMAL CONTROL¹

CHAPTER

1. IN GENERAL.
2. DOGS, CATS AND OTHER DOMESTIC ANIMALS.
3. WILD AND EXOTIC ANIMALS.

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. Seizure and disposition of animals.
- 10-107. Inspections of premises.
- 10-108. Violations and penalty.

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, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1997 Code, § 10-101)

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 feet (1,000') of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1997 Code, § 10-102)

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. (1997 Code, § 10-103)

¹Wherever this title mentions dogs it pertains to dog and cats.

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 and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1997 Code, § 10-104)

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. (1997 Code, § 10-105)

10-106. 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 governing body. 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 by the city on digital media and posted at city hall. In either case the notice shall state that the impounded animal can be claimed at the animal shelter. (1997 Code, § 10-107, modified)

10-107. Inspections of premises. For the purpose of making inspections to ensure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1997 Code, § 10-108)

10-108. Violations and penalty. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than fifty dollars (\$50.00). In addition thereto, such violations are declared to be a public nuisance and may be enjoined and punished as such. Each day upon which such a violation occurs constitutes a separate offense. (1997 Code, § 10-109)

CHAPTER 2

DOGS, CATS AND OTHER DOMESTIC ANIMALS¹

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs and cats to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs and cats to be securely restrained.
- 10-205. Noisy dogs and cats prohibited.
- 10-206. Confinement of dogs and cats suspected of being rabid.
- 10-207. Seizure and disposition of dogs and cats.
- 10-208. Dogs and cats to be restrained.
- 10-209. Manner of keeping dogs and cats.
- 10-210. When off owner's property.
- 10-211. Poisoning or trapping of animals.
- 10-212. Maximum number of pets per household.
- 10-213. Violations and penalty.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (*Tennessee Code Annotated*, §§ 68-8-101 to 68-8-114) or other applicable law. (1997 Code, § 10-201, as amended by Ord. #410, June 2003)

10-202. Dogs and cats to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog or cat which does not wear a tag/microchip evidencing the vaccination and registration required by the preceding section. (1997 Code, § 10-202, as amended by Ord. #410, June 2003, modified)

10-203. Running at large prohibited.² It shall be unlawful for any person knowingly to permit any dog or cat owned by him or under his control to run at large within the corporate limits. (1997 Code, § 10-203, as amended by Ord. #410, June 2003)

¹State law reference

Cruelty to animals, *Tennessee Code Annotated*, § 39-14-202.

²State law reference

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

10-204. Vicious dogs and cats to be securely restrained. It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1997 Code, § 10-204, as amended by Ord. #410, June 2003)

10-205. Noisy dogs and cats prohibited. No person shall own, keep, or harbor any dog or cat which, by loud and frequent barking, whining, or howling, annoys, or disturbs, the peace and quiet of any neighborhood. (1997 Code, § 10-205, as amended by Ord. #410, June 2003)

10-206. Confinement of dogs and cats suspected of being rabid.

If any dog or cat has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of police may cause such dog or cat to be confined or isolated for such time as he deems reasonably necessary to determine if such dog or cat is rabid. (1997 Code, § 10-206, as amended by Ord. #410, June 2003)

10-207. Seizure and disposition of dogs and cats. Any dog or cat found running at large may be seized by the health officer or any police officer and placed in a shelter provided or designated by the governing body. Reclamation of the animal by the owner will be at the discretion of the shelter in possession of the animal. No dog or cat shall be released in any event from the shelter unless or until such dog or cat has been vaccinated and had a tag/microchip evidencing such vaccination placed on its collar. When, because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be safely impounded it may be summarily destroyed by the health officer or police officer. (modified)

10-208. Dogs and cats to be restrained. It shall be unlawful for any person to fail to restrain a dog or cat belonging to him, or under his control, from going upon the premises of another, or upon a public highway, road or street; provided that this section shall not apply to a dog or cat being moved from one (1) place to another, by a person owning or controlling a dog or cat if all damage done by the dog or cat in the course of being so moved shall be paid or tendered to the person so damaged or his agent, within thirty (30) days after the damage is done. (1997 Code, § 10-208, as amended by Ord. #410, June 2003)

10-209. Manner of keeping dogs and cats. The provisions of §§ 10-103 to 10-106, inclusive, of the Algood Municipal Code shall apply to the keeping of dogs and cats, as well as the keeping of other animals. (1997 Code, § 10-209, as amended by Ord. #410, June 2003)

10-210. When off owner's property. (1) Control of dogs. No person shall permit a dog(s) owned by him or her or under his or her care to be at large in a city park or on a city street, trail, or sidewalk unless controlled by a leash not exceeding twenty-five feet (25') in length. Dog(s) must be on a leash anytime they are off the owner's property.

(2) Cleaning up litter - dogs and cats. (a) Any owner having custody of any dog(s) or cat(s) or any person having the custody of any dog(s) and cat(s) shall be responsible for cleaning up any feces of the animal and disposing of such feces in a clean and sanitary manner.

It is unlawful for any person owning, keeping, harboring or in custody of a dog(s) or cat(s) to cause to permit the dog(s) or cat(s) to be on property, public or private, not owned or possessed by such person without having in his or her immediate possession a device for removal of feces and depository for transmission of excrement to a proper receptacle located on the property owned or possessed by such person.

(b) Any owner having custody of any dog(s) or cat(s) or domestic animal(s) shall immediately remove any feces left by such animals within a city park, city street, trail or sidewalk and dispose of such feces in a sanitary manner.

The owner, while walking in the city park or along the city street, trail or sidewalk shall possess, carry and keep readily available a device or item of equipment for picking up and removing dog(s) or cat(s) feces. (Ord. #581-15, July 2014, modified)

10-211. Poisoning or trapping of animals. It shall be unlawful for any person to poison or to trap any animal or aid, abet or assist in the poisoning or trapping or the putting out or placing poison outside of buildings within the corporate of the city where dogs, cats or other domesticated animals may secure or encounter the poison or trap; provided, however, that in instances where any animal by reason of damage to property, danger to life, or threat to public health becomes a nuisance, a live, human trapping method approved by the board may be used.

10-212. Maximum number of animals per household. No person shall keep, lodge or maintain in excess of four (4) dogs and/or cats over the age of six (6) months, except an animal shelter, a zoo of a governmental agency, a humane society incorporated under the laws of this state, an institution of higher learning, or a circus or an animal exhibition officially recognized by the board and operated in compliance with city license, health and zoning regulations. Where zoning laws, health laws and other laws or regulations do not preclude, a person may keep, lodge or maintain in excess of four (4) dogs and/or cats over the age of six (6) months if such person applies and receives from the board a kennel, boarding facility, pet shop or pet dealer permit. No person may establish or maintain a kennel, boarding facility, pet shop or pet

dealership without a permit issued by the board, and the board shall possess the authority to establish minimum standards for the facilities or quarters where animals are kept. Such standards may be enforced by way of inspection conducted by the administrator or any animal control or police officer.

10-213. Violations and penalty. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than fifty dollars (\$50.00). In addition thereto, such violations are declared to be a public nuisance and may be enjoined and punished as such. Each day upon which such a violation occurs constitutes a separate offense. (1997 Code, § 10-210, as amended by Ord. #490-07, Nov. 2007)

CHAPTER 3**KEEPING OF WILD OR EXOTIC ANIMALS****SECTION**

10-301. Keeping of wild or exotic animals prohibited.

10-301. Keeping of wild or exotic animals prohibited. No person shall have, sell, keep or maintain any wild, exotic, dangerous or non-domesticated animal within the corporate limits of the city. "Wild, exotic, dangerous or non-domesticated animal" shall be defined to include all animals classified as class I animals under *Tennessee Code Annotated*, § 70-4-403, as amended, and shall also include any wolf-hybrid and the following species of non-venomous snakes, when such snakes reach six feet (6') in length:

- (1) Reticulate python: *Python reticulatus*,
- (2) Burmese python: *Python molurus bivittatus*,
- (3) African rock python: *Python sebae*,
- (4) Common boa: *Boa constrictor*, and
- (5) Green anaconda: *Eunectes murinus*.

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. FIREARMS, WEAPONS AND MISSILES.
4. TRESPASSING AND INTERFERENCE WITH TRAFFIC.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, alcoholic beverages, on streets, etc.
 11-102. Minors in beer places.
 11-103. Violations and penalty.

11-101. Drinking beer, alcoholic beverages, on streets, etc. It shall be unlawful for any person to possess or consume in an open container of any kind, beer or any alcoholic beverage, within a vehicle, or in or on any public street, alley, avenue, highway, sidewalk, public park, public school grounds, or any other public place within the city unless the premises has: a valid beer permit and/or alcoholic beverage license; a valid special events permit as permitted under the provisions of § 8-106 of this code; or for alcoholic beverages other than beer, a valid permit issued by the Tennessee Alcoholic Beverage Commission. In no event may any person possess or consume in an open container of any kind, beer or any alcoholic beverage on public property except

¹Municipal code references

- Animals and fowls: title 10.
- Fireworks and explosives: title 7.
- Residential and utilities: title 12.
- Streets and sidewalks (non-traffic): title 16.
- Traffic offenses: title 15.

²Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

State law reference

- See *Tennessee Code Annotated* § 33-10-203 (*Arrest for Public Intoxication*, cities may not pass separate legislation).

where the premises has a valid special events permit as permitted under the provisions of § 8-106 of this code. (Ord. #651-20, Jan. 2021)

11-102. Minors in beer places. No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption.

11-103. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Anti-noise regulations.

11-201. 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) **Horns.** The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle shall be unlawful for any person to make, continue or cause to be made or continued any unreasonable, loud or unnecessary or unusual noise that exceeds decibel level eighty-five (85 dB). This provision shall not apply to the exercise of protest or distribution of expressive material.

(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 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 or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

(f) **Blowing whistles.** The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin

or stop work or as a warning of fire or danger, or upon request of proper 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.

(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 governing body. 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. (1997 Code, § 11-402, modified)

CHAPTER 3**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-301. Air rifles, etc.

11-301. Air rifles, etc. It shall be unlawful for any person in the municipality 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. (1997 Code, § 11-601)

CHAPTER 4

**TRESPASSING AND INTERFERENCE
WITH TRAFFIC****SECTION**

- 11-401. Trespassing.
11-402. Trespassing on trains.
11-403. Interference with traffic.

11-401. 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 leave promptly the private premises of any person who requests or directs him to leave. (1997 Code, § 11-701)

11-402. 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. (1997 Code, § 11-702)

11-403. 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. (1997 Code, § 11-704)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. MECHANICAL CODE.
4. RESIDENTIAL CODE.
5. FUEL GAS CODE.
6. EXISTING BUILDING CODE.
7. ENERGY CONSERVATION CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

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

12-101. Building code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Building Code*², 2018 edition, including Appendix Chapters A through K, omitting L, M, N (see *International Building Code* section R101.2.1, 2018 edition) and all subsequent amendments or additions to the said code, as

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.

Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

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

prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the building code. (Ord. #653-21, March 2021)

12-102. Modifications. The following sections are hereby revised to read as follows:

(1) **Definitions.** Whenever the words "Building Official" are used in the building code, they shall refer to the person designated by the mayor and council to enforce the provisions of the building code.

12-103. Amendments. The following sections are hereby revised:

Section 101.1 Insert "City of Algood."

Section 1612.3 Insert "City of Algood."

Section 1612.3 Insert "May 16, 2007." (Ord. #653-21, March 2021)

12-104. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be there for the use and inspection of the public. (1997 Code, § 12-103)

12-105. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Amendments.
- 12-204. Available in recorder's office.
- 12-205. Violations and penalty.

12-201. Plumbing code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 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 *International Plumbing Code*,² 2018 edition, omitting Appendix Chapter A, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (Ord. #654-21, March 2021)

12-202. Modifications. (1) 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 governing body of this municipality.

(2) Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the municipal governing body to administer and enforce the provisions of the plumbing code. (1997 Code, § 12-202, modified)

¹Municipal code references

Cross-connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

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

12-203. Amendments. The plumbing code is amended as follows:

- 101.1 Insert "City of Algood."
- 106.6.1 Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
- 106.6.2 Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
- 106.6.3 Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
- 108.4 Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
- 108.5 Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
- 305.4.1 Refer to "Table R301.2(1)" in the *International Residential Code* book.
- 903.1 Insert "8 inches." (Ord. #654-21, March 2021)

12-204. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1997 Code, § 12-204)

12-205. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 3

MECHANICAL CODE¹

SECTION

- 12-301. Mechanical code adopted.
- 12-302. Modifications.
- 12-303. Amendments.
- 12-304. Available in recorder's office.
- 12-305. Violations and penalty.

12-301. Mechanical code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the *International Mechanical Code*,² 2018 edition, including Appendix Chapter A, and omitting B, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim and is hereinafter referred to as the mechanical code. (Ord. #655-21, March 2021)

12-302. Modifications. Definitions. Wherever the mechanical code refers to the "Building Department," "Mechanical Official," or "Building Official," or "Inspector" it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the mechanical code. (1997 Code, § 12-802)

12-303. Amendments. The following sections are hereby revised:
Section 101.1 Insert "City of Algood."

¹Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

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

<u>Section 106.5.1</u>	Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
<u>Section 106.5.2</u>	Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
<u>Section 106.5.3</u>	Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
<u>Section 108.4</u>	Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."
<u>Section 108.5</u>	Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting." (Ord. #655-21, March 2021)

12-304. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (1997 Code, § 12-804)

12-305. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 4

RESIDENTIAL CODE¹

SECTION

- 12-401. Residential code adopted.
- 12-402. Modifications.
- 12-403. Amendments.
- 12-404. Available in recorder's office.
- 12-405. Violations and penalty.

12-401. Residential code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of providing building, plumbing, mechanical and electrical provisions, the *International Residential Code*,² 2018 edition, including Appendix chapters A through Q, omitting L (see *International Residential Code*, section R102.5, 2018 edition), and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the residential code. (Ord. #652-21, March 2021)

12-402. Modifications. Wherever the residential code refers to the "Building Official" it shall mean the person appointed or designated by the municipal governing body to administer and enforce the provisions of the residential 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 municipal governing body. (1997 Code, § 12-502)

12-403. Amendments. The following sections are hereby revised:

Section R101.1 Insert "City of Algood."

Table R301.2(1) Insert "Completed Table R301.2(1) - Climatic and Geographic Design Criteria."³

¹Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

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

³A copy of Table R301.2(1) is of record in the recorder's office attached to Ord. #652-21.

- Section R303.4 Insert "or approved air exchanger on the HVAC System which will make up the required ventilation." at the end of section.
- Section R313.2 Replace the verbiage "one- and two- family dwellings" with "all residential dwellings except one- and two-family dwellings."
- Section P2503.5.1 Omit the words "other than plastic."
- Section P2603.5.1 Refer to Table R301.2(1) for number of inches. (Ord. #652-21, March 2021)

12-404. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1997 Code, § 12-504)

12-405. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 5

FUEL GAS CODE¹

SECTION

- 12-501. Title and definitions.
- 12-502. Purpose and scope.
- 12-503. Available in recorder's office.
- 12-504. Use of existing piping and appliances.
- 12-505. Bond and license.
- 12-506. Gas inspector and assistants.
- 12-507. Powers and duties of inspector.
- 12-508. Permits.
- 12-509. Inspections.
- 12-510. Certificates.
- 12-511. Fees.
- 12-512. Amendments.
- 12-513. Nonliability.
- 12-514. Violations and penalty.

12-501. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the municipality and may be cited as such.

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

(1) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers.

(2) "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.

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

(4) "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 municipal governing body.

(5) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals. (1997 Code, § 12-401)

¹Municipal code reference

Gas system administration: title 19, chapter 2.

Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

12-502. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of 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 *International Fuel Gas Code*,¹ 2018 edition, including Appendix Chapters A through D (see *International Fuel Gas Code*, section 101.3, 2018 edition) which is hereby adopted and incorporated by reference and made a part of this chapter as if fully set forth herein and shall be referred to as the gas code. (Ord. #656-21, March 2021)

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

12-504. 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. (1997 Code, § 12-403)

12-505. 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 ten thousand dollars (\$10,000.00), 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

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

revoked. The person obtaining a license shall pay any applicable license fees to the city recorder.

(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 conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1997 Code, § 12-404)

12-506. 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 municipal governing body. (1997 Code, § 12-405)

12-507. 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. (1997 Code, § 12-406)

12-508. 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 recorder 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. (1997 Code, § 12-407)

12-509. 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 inches (6") 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. (1997 Code, § 12-408)

12-510. 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. (1997 Code, § 12-409)

12-511. Fees. (1) The total fees for inspection of consumer's gas piping at one (1) location (including both rough and final piping inspection) shall be one dollar and fifty cents (\$1.50) for one to four (1-4) outlets, inclusive, and fifty cents (\$0.50) for each outlet above four (4).

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be one dollar and fifty cents (\$1.50) for each unit.

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

(4) If the inspector is called back, after correction of defects noted, an additional fee of one dollar (\$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. (1997 Code, § 12-410)

12-512. Amendments. The following sections are hereby revised:

101.1 Insert "City of Algood."

106.6.1 Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."

106.6.2 Insert "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."

106.6.3 Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."

108.4 Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting."

108.5 Refer to "Ordinance 593-14: Fees and Fines for Building Construction, Plan Review and Permitting." (Ord. #656-21, March 2021)

12-513. Nonliability. This chapter shall not be construed as imposing upon the municipality 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 municipality, 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. (1997 Code, § 12-413)

12-514. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the gas code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code or the license of such person may be revoked, or both fine and revocation of license may be imposed. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 6

EXISTING BUILDING CODE¹

SECTION

- 12-601. Existing building code adopted.
- 12-602. Modifications.
- 12-603. Amendments.
- 12-604. Available in recorder's office.
- 12-605. Violations and penalty.

12-601. Existing building code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Existing Building Code*,² 2018 edition, including Appendix Chapters A, B, and Resource A, omitting Appendix C (see *International Existing Building Code*, section 101.6, 2018 edition), on file in the office of the City of Algood are hereby referred to, adopted, and made a part thereof, as if fully set out in this code, with the additions, insertions, deletions and changes, if any, prescribed in § 12-602 of this chapter. (Ord. #657-21, March 2021)

12-602. Modifications. Definitions. Whenever the unsafe building abatement code refers to the "Chief Appointing Authority," or the "Chief Administrator" it shall be deemed to be a reference to the governing body. When the "Building Official" is named it shall, for the purposes of the unsafe building abatement code, mean such person as the governing body has appointed or designated to administer and enforce the provisions of the unsafe building abatement code. (1997 Code, § 12-702)

12-603. Amendments. The following sections are hereby revised:

101.1 Insert "City of Algood."

1401.2 Insert "April 1, 2021." (Ord. #657-21, March 2021)

¹Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

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

12-604. Available in recorder's office. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the existing building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1997 Code, § 12-704)

12-605. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the existing building code as herein adopted. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 7

ENERGY CONSERVATION CODE¹

SECTION

12-701. Energy code adopted.

12-702. Modifications.

12-703. Available in recorder's office.

12-704. Violations and penalty.

12-701. Energy code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 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 *International Energy Conservation Code*,² 2012 edition, as prepared and maintained by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code. (Ord. #590-14, Dec. 2014)

12-702. Modifications. Whenever the energy code refers to the "Responsible Government Agency," it shall be deemed to be a reference to the City of Algood. When the "Building Official" is named it shall, for the purposes of the energy code, mean such person as the governing body shall have appointed or designated to administer and enforce the provisions of the energy code. (1997 Code, § 12-602)

12-703. Available in recorder's office. Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1997 Code, § 12-603)

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.

Fees and fines for building construction and utilities, and any amendments thereto, are of record in the city recorder's office.

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

12-704. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. NUISANCES.
4. SLUM CLEARANCE.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Overgrown and dirty lots.
- 13-106. Dead animals.
- 13-107. Health and sanitation nuisances.
- 13-108. House trailers.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1997 Code, § 13-101)

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. (1997 Code, § 13-102)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1997 Code, § 13-103)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

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 foot (1'). (1997 Code, § 13-104)

13-105. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under *Tennessee Code Annotated*, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

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

(3) Notice to property owner. It shall be the duty of the department or person designated by the mayor and council to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of this chapter of the Algood Municipal Code, which has been enacted under the authority of *Tennessee Code Annotated*, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or

person designated by the mayor and council to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds in Putnam County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Clean up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the mayor and council to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) above shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) above for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the mayor and council. The appeal shall be filed with the recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the mayor and council under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

13-106. 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. (1997 Code, § 13-105)

13-107. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1997 Code, § 13-106)

13-108. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1997 Code, § 13-107)

CHAPTER 2**JUNKYARDS****SECTION**

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards 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. (1997 Code, § 13-201)

¹State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of *Hagaman v. Slaughter*, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

CHAPTER 3

NUISANCES

SECTION

13-301. Declaration of nuisances.

13-302. General requirements.

13-303. Notification.

13-304. Failure to comply with an order to correct a violation.

13-305. Payment of costs and fines.

13-306. Violations and penalty.

13-301. Declaration of nuisances. (1) The accumulation of trash, rubbish, abandoned appliances and other debris declared to be a nuisance. The allowing or permitting an accumulation of debris; rubbish; trash; cans; bottles; papers; or abandoned or unusable appliances on any lot, tract, or parcel of land within the corporate limits of the City of Algood constitutes a threat or menace to life, property, public health, or public welfare and/or creates a fire hazard is hereby specifically prohibited and declared to be a public nuisance.

(2) The accumulation of abandoned or undriveable motor vehicles declared to be a nuisance. The allowing or permitting an accumulation of abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles on any lot, tract, or parcel of land, and on the public rights-of-way, within the corporate limits of the City of Algood constitutes a threat or menace to life property, public health, or public welfare and/or creates a fire hazard is hereby specifically prohibited and declared to be a public nuisance.

(3) Overgrown vegetation declared to be a nuisance. The allowing or permitting a dense growth of trees, vines, grass, and underbrush to develop or occur on any lot, tract, or parcel of land within the corporate limits of the City of Algood constitutes a threat or menace to life property, public health, or public welfare and/or creates a fire hazard, is hereby specifically prohibited and declared to be a public nuisance.

(4) Outdoor storage in residential areas declared to be a nuisance. Outdoor storage within the corporate limits of the City of Algood zoned as residential declared to be a nuisance. It shall be unlawful for any owner or occupant of a dwelling, unit or multiple unit structure in the corporate city limits of Algood zoned as residential to utilize the premises or such property for open view storage of any of the following: inoperable motor vehicles, tires, appliances, building materials, wood, metal, plastic, aluminum, debris, vehicle parts, trash/rubbish, or any other type of material that can be visible from any adjacent property or right-of-way. These objects and/or materials constitute a threat or menace to life, property, public health and welfare and/or create a fire hazard and are hereby specifically prohibited and declared to be a public nuisance.

(5) Use of tents, tarps, etc. to cover items for storage prohibited. It shall be unlawful for any owner or occupant of a dwelling, unit or multiple unit structure in the corporate city limits of Algood zoned as residential to utilize pop-up tents, or plastic tarps to cover items to be stored that can be visible from any adjacent property or right-of-way.

It shall be the duty of the owner or occupant to store items housed in a building or where it will not be visible from any adjacent property or right-of-way or they would not constitute a threat or menace to life, property, public health and welfare or create a fire hazard, and would not be declared to be a public nuisance.

(6) The area shall be maintained and grass cut below twelve inches (12") to prevent snakes and rodents. Kiddy pools shall not be left untended with stagnated water for days that would constitute a threat to life or public health and would be declared a public nuisance.

(7) Refuse containers and/or garbage cans are to be removed from public view within twenty-four (24) hours after being emptied by the City of Algood.

(8) Residential real estate front yards shall not be used to store property held for the purpose of resale. Any such property shall be kept within the residence itself. (Ord. #462, Feb. 2006)

13-302. General requirements. (1) Premises to be kept clean. All persons, firms, and corporations within the corporate limits of the City of Algood are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of debris, rubbish, cans, bottles, papers, refuse, offal, filth and trash.

(2) Outside storage of appliances restricted. The outside storage of any appliance with a latching door is prohibited except as may be permitted in the City of Algood Zoning Code. Such appliances include, but are limited to, refrigerators, chest-type freezers, and up-right freezers. In those zones where the outside storage of such appliances may be permitted, the door shall be removed or the latching mechanism rendered inoperable.

(3) Storage of abandoned vehicles prohibited. The allowing or permitting the accumulation of abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicles on any lot, tract, or parcel of land, and on the public rights-of-way, within the corporate limits of the City of Algood is prohibited except as may be permitted in the City of Algood Zoning Code. Abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles meeting the following conditions are exempt from this provision:

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

(b) Any motor vehicle over twenty-five (25) years in age that is retained by its owner for collection purposes rather than for salvage or for

transportation; said vehicle shall be maintained in operable condition and may be required to be kept in conformance with the following subsections.

(c) Any abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle kept within a building where it will not be visible from any adjacent property or right-of-way.

(d) Any abandoned, wrecked, junked, partially dismantled or inoperative motor vehicle on the premises of a business enterprise operated in strict compliance with all state regulations or as may be permitted by the City of Algood Zoning Code and when necessary to the operation of such business enterprise.

(e) Any abandoned, wrecked, junked, partially dismantled or inoperative motor vehicle in an appropriate storage place or depository maintained at a location officially designated and in a manner approved by the City of Algood.

(4) Removal of abandoned motor vehicles required. It shall be the duty of the person, firm, or corporation that is the owner of lands on which any abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle is located to remove the same to a place of lawful storage or to have such vehicle housed within a building where it will not be visible from any adjacent property or right-of-way.

(5) Height of vegetation. Grass and other vegetation commonly recognized as weeds shall be considered in violation of this chapter when said vegetation has reached a height of twelve inches (12"). (1997 Code, § 13-402)

13-303. Notification. Whenever any public nuisance, as defined by this chapter, exists on lands within the corporate limits of the City of Algood, the City of Algood shall notify the owner of record of said lands and direct them to abate or remove the same. Said notification shall:

- (1) Be in writing;
- (2) Specify the nature of the public nuisance and give its location;
- (3) Specify the corrective measures required; and
- (4) Require compliance within not less than ten (10) days nor more than thirty (30) days from the date of notification.

The notification shall be served upon the owner or owners of the premises where the nuisance is located by serving them personally or by sending said notice by certified mail, return receipt requested, to their address as shown on the current tax rolls of the City of Algood. (1997 Code, § 13-403)

13-304. Failure to comply with an order to correct a violation. If the owner or owners of the premises fail or refuse to comply with the order issued by the City of Algood within the time period specified by the letter of notification, as provided herein, such failure or refusal shall be deemed a violation of the provisions of this chapter and said owner or owners shall be subject to the penalties herein provided. (1997 Code, § 13-404)

13-305. Payment of costs and fines. Upon the completion of the corrective action carried out by the City of Algood as authorized herein, the actual costs of such action, plus a fee of fifteen percent (15%) for administrative costs, shall be paid by the owner or owners of said property to the City of Algood and said costs shall be billed to the owner or owners of said property. If said bill is not paid in full within sixty (60) days after its date of mailing, a ten percent (10%) penalty shall be added and said costs, fines and penalties shall be placed on the tax rolls of the City of Algood as a lien upon said property and collected in the same manner as other city taxes are collected. (Ord. #462, Feb. 2006)

13-306. Violations and penalty. If the owner or owners of the premises fail or refuse to comply with the order issued by the City of Algood within the time period specified by the letter of notification, the City of Algood or its duly authorized representatives may enter into such premises and take the corrective action specified in the letter of notification so that the nuisances identified by said letter is removed or abated. Any person who shall violate a provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Such fines shall be a fifty dollar (\$50.00) per day penal fine in addition to the above mentioned penalties. Each day a violation continues after due notice has been served shall be deemed a separate offense. (Ord. #462, Feb. 2006)

CHAPTER 4

SLUM CLEARANCE¹

- 13-401. Findings of board.
- 13-402. Definitions.
- 13-403. "Public officer" designated; powers.
- 13-404. Initiation of proceedings; hearings.
- 13-405. Orders to owners of unfit structures.
- 13-406. When public officer may repair, etc.
- 13-407. When public officer may remove or demolish.
- 13-408. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-409. Basis for a finding of unfitness.
- 13-410. Service of complaints or orders.
- 13-411. Enjoining enforcement of orders.
- 13-412. Additional powers of public officer.
- 13-413. Powers conferred are supplemental.
- 13-414. Structures unfit for human habitation deemed unlawful.
- 13-415. Violations and penalty.

13-401. Findings of board. Pursuant to *Tennessee Code Annotated*, §§ 13-21-101, *et seq.*, the 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.

13-402. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" means the mayor and council charged with governing the city.

(3) "Municipality" means the City of Algood, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(7) "Public authority" means 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.

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to *Tennessee Code Annotated*, §§ 13-21-101, *et seq.*

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

13-403. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the _____ of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the _____.

13-404. 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 occupation 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.

13-405. 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 occupation 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, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation 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.

13-406. 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 occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful."

13-407. 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.

13-408. 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, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes as set forth in *Tennessee Code Annotated*, §§ 67-5-2010 and 67-5-2410. In addition, the municipality may collect the costs assessed against the owner

through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, the public officer 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 Putnam County 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. Nothing in this section shall be construed to impair or limit in any way the power of the City of Algood to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-409. 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 Algood. 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; or uncleanliness.

13-410. 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 persons are 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 printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Putnam County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

13-411. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill 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 bill 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.

13-412. 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.

13-413. 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.

13-414. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained 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.

13-415. Violations and penalty. Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. HOUSE TRAILERS AND PERMITS.
4. FLOODPLAIN ZONING ORDINANCE.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
14-102. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of *Tennessee Code Annotated*, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for four (4) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. Each member shall be limited to two terms (eight (8) years) consecutively. The terms of the mayor and the member selected by the governing body shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (Ord. #676-21, Dec. 2021)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with *Tennessee Code Annotated*, title 13. (1997 Code, § 14-102)

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 Algood shall be governed by ordinance titled "Zoning Ordinance of the City of Algood, Tennessee," dated August, 1990, and any amendments thereto.¹ (1997 Code, § 14-201)

¹The zoning ordinance, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Amendments to the zoning map are of record in the office of the city recorder.

CHAPTER 3

HOUSE TRAILERS AND PERMITS

SECTION

- 14-301. Compliance with this chapter required.
- 14-302. Permit required.
- 14-303. Permit fees.
- 14-304. Cut-off date for issuance of permits.
- 14-305. Trailers to be located in licensed parks only.
- 14-306. Permits to be acquired annually; trailers not to be relocated or replaced.
- 14-307. Connection to water and sewer system required.
- 14-308. No change of ownership.

14-301. Compliance with this chapter required. It shall be unlawful to park, store, occupy, set, or place any house trailer, and/or mobile home on any lot or tract of land within the corporate limits of the City of Algood, Tennessee, unless the term and conditions of this chapter are complied with except on the lot of a duly authorized and licensed trailer or mobile home dealer exhibiting the same for sale. (1997 Code, § 14-301)

14-302. Permit required. No house trailer and/or mobile home shall be occupied or stored within the corporate limits of the City of Algood, Tennessee, unless the owner or occupant thereof shall first apply for a permit from the city building inspector and the owner or the occupant thereof shall have thirty (30) days to apply for said permit. (1997 Code, § 14-302)

14-303. Permit fees. The city building inspector shall charge a fee of fifteen dollars (\$15.00) for a permit to occupy or store a house trailer and/or mobile home and he shall not issue the same until the applicant exhibits a receipt from the Putnam County Court Clerk's Office showing that the state tax has been paid on the house trailer and/or mobile home for which application is being made and that the applicant conforms to all the terms and conditions contained in this chapter. If the trailer is exempt from the state trailer and/or mobile home tax, according to law, then the fee for the permit shall be twenty-five dollars (\$25.00) per annum. (1997 Code, § 14-303)

14-304. Cut-off date for issuance of permits. No permit shall be issued to occupy or store any house trailer and/or mobile home within the corporate limits of the City of Algood, Tennessee, more that thirty (30) days after December 1, 1974, it being the intent of the city council that after said date no additional house trailers and/or mobile homes shall be stored or occupied on

any lot or plot of ground within the corporate limits of the City of Algood, Tennessee, except as provided in § 14-305. (1997 Code, § 14-304)

14-305. Trailers to be located in licensed parks only. No permit shall be issued for a house trailer and/or mobile home to be stored or occupied on any lot or plot of ground within the corporate limits of the City of Algood, Tennessee, except in a duly licensed and authorized mobile home and/or trailer court which conforms to all the state statutes of the State of Tennessee and the rules and regulations promulgated by the Commissioner of Health of the State of Tennessee and approved by the Algood Planning Commission. (1997 Code, § 14-305)

14-306. Permits to be acquired annually; trailers not to be relocated or replaced. Every owner or occupant of a house trailer and/or mobile home obtaining a permit as required by § 14-302 shall apply and obtain the said permit annually and the said house trailer and/or mobile home for which the said permit has been obtained shall not be removed to any other location within the corporate limits of the City of Algood, Tennessee, nor can a new or used house trailer and/or mobile home be substituted on the lot or plot of ground for which the said permit was obtained. (Ord. #498-08, April 2008)

14-307. Connection to water and sewer system required. All house trailers and/or mobile homes occupied within the corporate limits of Algood, Tennessee shall be connected to the city water and sewer systems; provided, however, such additional time may be granted to tie on to the water and sewer systems as it takes for the water and sewer departments to connect the said trailer and/or mobile home on to the said lines under said departments' schedule of work and rules and regulations. (1997 Code, § 14-307)

14-308. No change of ownership. No owner of a house trailer and/or mobile home having obtained a permit as required by this chapter shall be permitted to sell and/or transfer title to some other person to said house trailer and/or mobile home. (1997 Code, § 14-308)

CHAPTER 4

FLOODPLAIN ZONING ORDINANCE

SECTION

14-401. Flood damage control to be governed by floodplain zoning ordinance.

14-401. Flood damage control to be governed by floodplain zoning ordinance. Regulations governing flood damage control within the City of Algood shall be governed by the "floodplain zoning ordinance" and any amendments thereto.¹

¹Ordinance #474, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

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. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.

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*, §§ 55-50-504, *et seq.*; driving while license is suspended or revoked, as prohibited by *Tennessee Code Annotated*, § 55-7-116; and drag racing, as prohibited by *Tennessee Code Annotated*, § 55-10-501.

- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Bicycle riders, etc.
- 15-122. Double axle trucks prohibited to travel on city streets.
- 15-123. Trucks or vehicles prohibited from spilling foreign matter on streets.
- 15-124. Maximum load limits on all city streets.
- 15-125. Child safety restraint.
- 15-126. Following too closely.
- 15-127. Compliance with financial responsibility law.
- 15-128. Adoption of state traffic statutes.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by *Tennessee Code Annotated*, title 55, chapter 9. (1997 Code, § 15-101)

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. (1997 Code, § 15-102)

15-103. 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. (1997 Code, § 15-104)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

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

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

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

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

overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1997 Code, § 15-105)

15-105. 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. (1997 Code, § 15-106)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or centerline, 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. (1997 Code, § 15-107)

15-107. 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.

No person shall willfully fail or refuse to comply with any lawful order of any police officer invested by law with the authority to direct, control or regulate traffic.

15-108. General requirements for traffic control signs, etc. Pursuant to *Tennessee Code Annotated*, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*,² and shall be uniform as to type and location throughout the city.

¹Municipal code references

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

²For the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, *et seq.*

15-109. 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. (1997 Code, § 15-110)

15-110. 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 municipal authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1997 Code, § 15-111)

15-111. 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. (1997 Code, § 15-112)

15-112. 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. (1997 Code, § 15-113)

15-113. 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. (1997 Code, § 15-114)

15-114. 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. (1997 Code, § 15-115)

15-115. 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. (1997 Code, § 15-116)

15-116. 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 inches (12") square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (1997 Code, § 15-117)

15-117. 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. (1997 Code, § 15-118)

15-118. 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 Classified and Commercial Driver License Act of 1988."

15-119. 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. (1997 Code, § 15-120)

15-120. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1997 Code, § 15-121)

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

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, including a vehicle that is fully enclosed, has three (3) wheels in contact with the ground, weighs less than one thousand five hundred pounds (1,500 lbs.), and has the capacity to maintain posted highway speed limits, but excluding a tractor or motorized bicycle.

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

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

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

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

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

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

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

(7) (a) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head, either a crash helmet meeting federal standards contained in 49 CFR 571.218, or, if such driver or passenger is twenty-one (21) years of age or older, a helmet meeting the following requirements:

(i) Except as provided in subdivisions (a)(ii)-(iv), the helmet shall meet federal motor vehicle safety standards specified in 49 CFR 571.218;

(ii) Notwithstanding any provision in 49 CFR 571.218 relative to helmet penetration standards, ventilation airways may penetrate through the entire shell of the helmet; provided, that no ventilation airway shall exceed one and one-half inches (1 1/2") in diameter;

(iii) Notwithstanding any provision in 49 CFR 571.218, the protective surface shall not be required to be a continuous contour; and

(iv) Notwithstanding any provision in 49 CFR 571.218 to the contrary, a label on the helmet shall be affixed signifying that such helmet complies with the requirements of the American Society for Testing Materials (ASTM), the Consumer Product Safety Commission (CSPM), or the Snell Foundation.

(b) This section does not apply to persons riding:

(i) Within an enclosed cab;

(ii) Motorcycles that are fully enclosed, have three (3) wheels in contact with the ground, weigh less than one thousand five hundred pounds (1,500 lbs.) and have the capacity to maintain posted highway speed limits;

(iii) Golf carts; or

(iv) In a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years or older.

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

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

15-122. Double axle trucks prohibited to travel on city streets.

(1) It shall be unlawful for double axle trucks to travel on the streets of Algood, Tennessee except to make delivery to building sites, residences, or business places located within the city limits, or for truck drivers traveling to and from their residence within the city limits.

(2) In furtherance of the purpose of said prohibition, signs will be placed at points designated along city streets by the Mayor of Algood.

(3) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than one dollar (\$1.00) or more than fifty dollars (\$50.00) for each offense. (1997 Code, § 15-123)

15-123. Trucks or vehicles prohibited from spilling foreign matter on streets. (1) It shall be unlawful for any person to spill gravel, sand, oil or any other foreign matter from trucks or any other moving vehicle on the streets and alleys within the city limits of Algood, Tennessee.

(2) Any persons violating this provision of this section shall be deemed guilty of a misdemeanor and upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (1997 Code, § 15-124, modified)

15-124. Maximum load limits on all city streets. (1) It shall be unlawful for trucks, trailers and other motorized vehicles with gross weight in excess of twenty thousand (20,000) pounds to travel upon the city streets within the corporate limits of the City of Algood.

(2) Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). (1997 Code, § 15-125)

15-125. Child safety restraint. Any person transporting a child under four (4) years of age in a motor vehicle upon a road, street, or highway within the City of Algood limits is responsible for providing for the protection of the child and properly using a child passenger restraint system meeting federal motor vehicle safety standards. (1997 Code, § 15-126)

15-126. Following too closely. A driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due

regard for the speed of such vehicles and the traffic upon and the condition of the highway. (1997 Code, § 15-127)

15-127. Compliance with financial responsibility law. (1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

(2) At the time the driver of a motor vehicle is charged with any moving violation under *Tennessee Code Annotated*, 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. For the purposes of this section, "financial responsibility" means:

(a) 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;

(b) 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

(c) 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.

(3) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation is punishable by a civil penalty of up to fifty dollars (\$50.00).

(4) The penalty imposed by this section shall be in addition to any other penalty imposed by the laws of this state or this municipal code.

(5) On or before the court date, the person so charged may submit evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is

satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge which is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected.

15-128. Adoption of state traffic statutes. By the authority granted under *Tennessee Code Annotated*, § 16-18-302, the city/town adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in *Tennessee Code Annotated*, §§ 55-8-101 to 55-8-131, and §§ 55-8-133 to 55-8-180. Additionally, the city/town adopts *Tennessee Code Annotated*, §§ 55-8-181 to 55-8-193, §§ 55-9-601 to 55-9-606, § 55-12-139, § 55-21-108, and § 55-8-199 by reference as if fully set forth in this section.

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. (1997 Code, § 15-201)

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 five hundred feet (500') to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1997 Code, § 15-202)

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 traveling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1997 Code, § 15-203)

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 firefighter or police officer. (1997 Code, § 15-204)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

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. (1997 Code, § 15-301)

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. (1997 Code, § 15-302)

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

In school zones where the mayor and council has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) minutes after the closing hour of a school (give time amount if special school district), while children are actually going to or leaving school, shall be prima facie guilty of reckless driving.

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1997 Code, § 15-304)

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 (1997 Code, § 15-401)

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. (1997 Code, § 15-402)

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 centerline thereof and by passing to the right of the intersection of the centerline of the two (2) roadways. (1997 Code, § 15-403)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1997 Code, § 15-404)

15-405. U-turns. U-turns are prohibited. (1997 Code, § 15-405)

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, 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. (1997 Code, § 15-501)

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. (1997 Code, § 15-502)

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. (1997 Code, § 15-503)

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 feet (15') from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

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

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

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

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1997 Code, § 15-504)

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. (1997 Code, § 15-505)

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. (1997 Code, § 15-506)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) 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. (1997 Code, § 15-507)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the 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. (1997 Code, § 15-508)

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

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

(2) "Wait" or "Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1997 Code, § 15-509)

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. (1997 Code, § 15-510)

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.
- 15-613. Unauthorized use of handicap parking designation.
- 15-614. Citation on illegal parked vehicle.

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

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

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1997 Code, § 15-601)

15-602. Angle parking. On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person

shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (1997 Code, § 15-602)

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 (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1997 Code, § 15-603)

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

- (1) On a sidewalk.
 - (2) In front of a public or private driveway.
 - (3) Within an intersection or within fifteen feet (15') thereof.
 - (4) Within fifteen feet (15') of a fire hydrant.
 - (5) Within a pedestrian crosswalk.
 - (6) Within fifty feet (50') of a railroad crossing.
 - (7) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of the entrance.
 - (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
 - (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (10) Upon any bridge.
 - (11) Alongside any curb painted yellow or red by the municipality.
- (1997 Code, § 15-604)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1997 Code, § 15-605)

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the municipality, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the governing body, parking shall be regulated by parking meters where the same have been installed by the municipality. The presumption shall be that all installed parking meters were lawfully installed by the municipality. (1997 Code, § 15-606)

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

been activated or placed in operation in accordance with the instructions printed thereon. (1997 Code, § 15-607)

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 (1) 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. (1997 Code, § 15-608)

15-609. Unlawful to occupy more than one parking meter space.

It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one (1) space may be permitted to occupy two (2) adjoining spaces provided proper coins are placed in both meters. (1997 Code, § 15-609)

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. (1997 Code, § 15-610)

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. (1997 Code, § 15-611)

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. (1997 Code, § 15-612)

15-613. Unauthorized use of handicap parking designation. It shall be unlawful for any person, except a person who meets the requirements for the issuance of a distinguishing placard or license plate, a disabled veteran's license plate, or who meets requirements of *Tennessee Code Annotated*, § 55-21-105(d), as amended, to park in any parking space designated with the wheel chair disabled sign or otherwise properly designated as handicapped

parking. There is a two hundred dollar (\$200.00) mandatory fine per *Tennessee Code Annotated*, § 55-21-108. (1997 Code, § 15-613, modified)

15-614. Citation on illegally parked vehicle. Whenever any motor vehicle without a driver is found parked, standing or stopped in violation of any of the restrictions imposed by ordinance of this city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a parking citation for the driver to answer to the charge in city court at the time and place specified in the citation.

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. Violations 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. (1997 Code, § 15-701)

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. (1997 Code, § 15-702)

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. (1997 Code, § 15-703)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any

¹State law reference

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

vehicle whose operator is arrested or any unattended vehicle which is parked, so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be equal to the fee charged by the schedule wrecker service who tows the vehicle. The storage cost of the impounded vehicle shall be equal to the storage fee charged by the schedule wrecker service. As regulated by *Tennessee Code Annotated*, § 55-23-103.

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 to 55-16-109. (1997 Code, § 15-705)

15-706. Violations and penalty. Any violation of this chapter 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. For 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. (1997 Code, § 15-706, modified)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Banners and signs across streets and alleys restricted.

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. (1997 Code, § 16-101)

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 feet (14') or over any sidewalk at a height of less than eight feet (8'). (1997 Code, § 16-102)

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, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1997 Code, § 16-103)

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 (1997 Code, § 16-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the governing body after a finding that no hazard will be created by such banner or sign. (1997 Code, § 16-105)

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. (1997 Code, § 16-106)

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. (1997 Code, § 16-107)

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. (1997 Code, § 16-108)

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. (1997 Code, § 16-109)

¹Municipal code reference

Building code: title 12, chapter 1.

16-110. Parades, etc., regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1997 Code, § 16-110)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1997 Code, § 16-111)

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 unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1997 Code, § 16-112)

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. (1997 Code, § 16-113)

16-114. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley.

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 cuts.
- 16-211. Truck loads not to exceed three inches below top of tailgate.
- 16-212. Pyramiding materials is permitted.

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. (1997 Code, § 16-201)

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,

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).

association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1997 Code, § 16-202)

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 feet (25') in length; and twenty-five cents (\$0.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1997 Code, § 16-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefore has deposited with the recorder a surety bond or cash deposit in such form and amount as the recorder shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. This shall ensure the proper restoration of the ground and laying of the pavement, if any. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

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. (1997 Code, § 16-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions

of the above notice have not been complied with, the work shall be done by the municipality, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1997 Code, § 16-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to ensure 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 one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident, and for property damages not less than twenty-five thousand dollars (\$25,000.00) for any one (1) accident, and a seventy-five thousand dollar (\$75,000.00) aggregate. (1997 Code, § 16-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the municipality if the municipality restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1997 Code, § 16-208)

16-209. Supervision. The city administrator shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the municipality and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1997 Code, § 16-209)

16-210. Driveway cuts. No one shall cut, build, modify, or maintain a driveway across a curb or sidewalk or attach to a city street without first obtaining approval from the city administrator. Such approval will not be granted when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five feet (35') in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same

property a safety island of not less than ten feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street and shall not be constructed in such a manner as to allow material from the driveway to be allowed to overflow onto the street, i.e. gravel from gravel driveways, etc. Driveway connections may not discharge water directly onto the street and must be built in such a manner to direct water into an approved ditch or other collection methods as approved by the city. (Ord. #666-21, July 2021)

16-211. Truck loads not to exceed three inches below top of tailgate. It shall be unlawful for any person, firm, corporation or organization, or their agent, servants, or employees, to load or fill any truck, trailer or similar apparatus with rock, sand, gravel, lime or any other substance or material similar thereto at a height greater than three inches (3") below the top of the tailgate of the truck, trailer or similar apparatus knowing that the said truck, trailer or similar apparatus will go upon the public roads or streets or alleys of the City of Algood. (1997 Code, § 16-211)

16-212. Pyramiding materials is permitted. It is permitted to pyramid the aforesaid materials or substances at a height which would be greater than allowed as set forth in § 16-211, that is to allow the aforesaid materials or substances to be a greater height than allowed in § 16-211 near the midpoint of the bed of said truck, trailer or similar apparatus. (1997 Code, § 16-212)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.
2. ONE ARM RESIDENTIAL TRASH SERVICE AND ROLL OUT CONTAINERS.

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 of leaves, lawn clippings, brush, construction debris, and other debris.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Burning within corporate limits.
- 17-110. Sanitation fees, commercial.

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. (1997 Code, § 17-101)

17-102. Premises to be kept clean. All persons within the municipality are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1997 Code, § 17-102)

17-103. Storage. (1) Each owner, occupant, or other responsible person using or occupying any building or other premises within this municipality where refuse accumulates, or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall

¹Municipal code reference

Property maintenance regulations: title 13.

be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the municipality handles mechanically. Furthermore, except for containers which the municipality handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four feet (4') and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two feet (2') thick before being deposited for collection.

(2) All apartments, duplexes, condominiums, townhouses and all other residential units consisting of four (4) or more living units must provide a commercial dumpster on site for refuse and trash. (Ord. #512-08, Jan. 2009)

17-104. Location of containers. Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six feet (6') of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the municipal refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the municipality 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. (1997 Code, § 17-104)

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. (1997 Code, § 17-105)

17-106. Collection of leaves, lawn clippings, brush, construction debris, and other debris. The following general standards shall apply for the collection of leaves, lawn clippings, brush, construction debris and other debris:

(1) Residential collection. The city will provide free residential pick up of leaves, lawn clippings, brush and other debris. Any such material must be brought to curbside or edge of street. No leaves, brush, or any other debris shall be left on the street. During the months of March through September leaves shall be placed in strong durable bags for collection.

(2) Commercially generated materials. In no case will it be the responsibility of the City of Algood Public Works Department to pick up limbs, tree trunks, or other debris resulting from tree trimming or removal by a private

contractor, or any scrap of lumber or other debris resulting from construction or remodeling work.

(3) **Construction debris.** Construction debris shall be deposited in a construction roll-off container or alternative provisions, approved by the director of public works or his designee, and shall be made to prevent any material from blowing away. The city shall not be responsible for the removal of any construction debris containers and the owner or contractor shall regularly contract with a commercial service to empty the containers when appropriate and remove the containers at the end of construction.

(4) All refuse accumulated within the corporate limits shall be collected, conveyed and disposed of under the supervision of the director of public works. Collections shall be made regularly in accordance with an announced schedule. (Ord. #540-10, June 2010)

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. (1997 Code, § 17-107)

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 governing body is expressly prohibited. (1997 Code, § 17-108)

17-109. Burning within corporate limits. (1) It shall be unlawful for any person, firm, corporation or entity to burn or attempt to burn refuse, structure, forest, or grassland without first securing the approval in writing from the city fire chief or designate. The decision to issue a burning permit will be on a day-to-day basis with recommendations from the State of Tennessee Forestry Department, with wind speeds not greater than ten (10) miles per hour and other factors deemed necessary by the fire chief. The City of Algood Fire Chief reserves the right to revoke, suspend, or cancel any burning permit that has been previously issued if the fire chief deems necessary for safety or fire related issues. No burning shall be permitted at any time without the appropriate supervision or that the burning process has to be left unattended.

(2) Burning permits¹ shall be obtained by contacting the Algood City Hall, Monday thru Friday from 8:00 A.M. to 4:00 P.M. and also on weekends by contacting the City of Algood Police Department or the City of Algood fire chief or designate. Failure to secure said approval for burning is a violation of the City of Algood's ordinance and shall result in a citation for illegal burning. (Ord. #562-12, June 2012)

17-110. Sanitation fees, commercial. Sanitation fees for commercial services, and amendments thereto, are available in the recorder's office. (Ord. #618-17, June 2017)

¹State law reference

Tennessee Code Annotated, § 39-14-306.

For information regarding burn permits, see the Tennessee Department of Forestry website (http://burnsafetn.org/burn_permit.html) and Putnam County E.M.A. website (<http://www2.cpcema.org>)

CHAPTER 2

ONE ARM RESIDENTIAL TRASH SERVICE AND ROLL OUT CONTAINERS

SECTION

17-201. Applicability.

17-202. General standards.

17-201. Applicability. The following regulations governing refuse collection shall apply to each owner, occupant, tenant, sub-tenant, lessee, or others using or occupying any building, house, structure, or grounds within the corporate limits of the City of Algood where refuse materials or substances as defined in this chapter accumulate or are likely to accumulate. (Ord. #572-13, June 2013)

17-202. General standards. The following general standards shall apply for the collection of refuse in the city:

The volume of all refuse containers shall be adequate to accommodate the refuse of any residential use. Specific standards for containers shall as specified herein and as determined by the director of the department of public works. All refuse containers shall be securely covered except when refuse is being deposited or removed therefrom.

It shall be the responsibility of the director of the department of public works or his designee to determine the adequate volume of all containers.

(1) All residents shall be provided one (1) ninety-six (96) gallon roll out container at no charge to properly store one (1) week's accumulation of refuse.

(2) Residential households who regularly exceed ninety-six (96) gallons of garbage a week may obtain an additional container for a one (1) time user fee of one hundred dollars (\$100.00) with a fifty percent (50%) refund should the additional container be returned to the City of Algood in proper condition. When returned to the city the container is not to be painted, abused, mutilated, altered or modified in any manner.

(3) Only refuse in the container shall be collected. Additional refuse left on the ground will not be picked up.

(4) Household material that will not fit into a roll out container such as appliances, furniture, large boxes, etc. may not be set out with the regular garbage.

(5) The refuse container shall not be filled to overflowing as to prevent the lid from fully closing. Container lids are to be closed for collection. If the overflow of refuse is regular, the city shall notify the resident to obtain an additional container.

(6) All residents except those approved for special assistance due to handicap, illness or infirmity shall place their refuse containers at curbside or

at the edge of the street no later than 7:00 A.M. on the day of collection. Containers must be removed from the curb, street, or alleyway no later than 7:00 P.M. on the day of collection. An exemption may be made by any resident who is unable to push the roll out container to the curb due to handicap, illness or infirmity. A doctor's statement is required by the public works department for the roll out container to be serviced in a location other than curbside.

(7) The container shall be placed in such a manner as not to interfere with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance. Containers are to be at least four feet (4') from any tree, pole, mailbox, fire hydrant, etc. and at least ten feet (10') away from any cars parked in the street.

(8) Each resident shall be responsible for keeping the container clean and sanitary in compliance with health and sanitation requirements and shall keep the container lid closed at all times.

(a) Disposal of diapers, animal feces, and cat litter. All diapers, animal feces, cat litter and similar wastes shall be placed in durable plastic bags adequately sealed before being placed in the roll out container.

(b) Disposal of paints, stains, and similar materials. Paints, stains and similar materials still in their liquid form shall not be placed in refuse containers and shall not be collected by the department of public works as a part of regular collection.

(c) Hazardous materials. Highly flammable, combustible, explosive or hazardous materials shall not be placed in refuse containers and shall not be collected by the department of public works as a part of regular collection. Such materials shall be disposed of as prescribed by state and local laws.

(d) Syringes and other medical waste. All syringes and other medical waste shall be placed in sealed, puncture proof containers prior to being placed in a refuse container for collection by the department of public works or the authorized collector.

(9) The container is not to be painted, abused, mutilated, altered or modified in any manner.

(10) Scavenging and salvaging is unlawful. No person shall remove or attempt to remove materials from any refuse container belonging to another person or business. All materials placed in a refuse container shall be the property of the City of Algood or the authorized collector.

(11) Each resident or owner shall be responsible for replacing the container if it is damaged or destroyed by the resident or owner as a result of his negligence, by the payment of current market value plus twenty percent (20%) replacement fee to the city.

(12) The city shall replace any container that is worn out by normal wear and tear, or if it is stolen or damaged by a person other than the resident to whom it is assigned.

(13) Residents that are not in compliance with the city's roll out container rules and regulations will be notified by placement of a sticker on the container. The sticker will be clearly marked what compliance is not being met. If the resident does not meet the compliance by the next week's collection day, the container will not be emptied.

(14) Any resident moving to another location within the city limits, or out of the city limits, shall be responsible for notifying the public works department. The roll out container shall remain at the original assigned location. Additional containers shall also remain at the original assigned location unless the resident is moving to another location inside city limits or may be returned to the city for a fifty percent (50%) refund of the one hundred dollar (\$100.00) fee assessed for the additional container.

(15) Unlawful use of roll out containers. No person shall deposit refuse in a privately or publicly owned container without the expressed permission of the owner of said container. (Ord. #572-13, June 2013)

TITLE 18**WATER AND SEWERS¹****CHAPTER**

1. WATER AND SEWERS.
2. GENERAL WASTEWATER REGULATIONS.
3. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.
4. CROSS-CONNECTION CONTROL PLAN.

CHAPTER 1**WATER AND SEWERS****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Water and sewer main extensions.
- 18-108. Water and sewer main extension variances.
- 18-109. Meters.
- 18-110. Meter tests.
- 18-111. Multiple services through a single meter.
- 18-112. Billing.
- 18-113. Discontinuance or refusal of service.
- 18-114. Re-connection charge.
- 18-115. Termination of service by customer.
- 18-116. Access to customers' premises.
- 18-117. Inspections.
- 18-118. Customer's responsibility for system's property.
- 18-119. Customer's responsibility for violations.
- 18-120. Supply and resale of water.
- 18-121. Unauthorized use of or interference with water supply.
- 18-122. Limited use of unmetered private fire line.
- 18-123. Damages to property due to water pressure.
- 18-124. Liability for cutoff failures.

¹Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

- 18-125. Restricted use of water.
 18-126. Interruption of service.
 18-127. Schedule of rates.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1997 Code, § 18-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the municipality under either an express or implied contract.

(2) "Discount date" means the date ten (10) days after the date of a bill, except when some other date is provided by contract. The "discount date" is the last date upon which water and/or sewer bills can be paid at net rates.

(3) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

(4) "Household" means any two (2) or more persons living together as a family group.

(5) "Premises" means any structure or group of structures operated as a single business or enterprise; provided, however, the term "premises" shall not include more than one (1) dwelling.

(6) "Service line" means the pipe line extending from any water or sewer main of the municipality to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the municipality's water main to and including the meter and meter box. (1997 Code, § 18-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (1997 Code, § 18-103)

18-104. Application and contract for service.¹ Each prospective customer desiring water and/or sewer from Algood Water Department will be required to sign a standard form contract before service is supplied, stating the type of service desired, size of connection desired, and the applicant agrees to comply with all ordinances of the City of Algood regulating water and sewer service. In the event the applicant is entitled to water service in accordance with the rules and regulations established by the department, the department shall

¹Water service and application fees, as amended from time to time, may be found in the office of the city recorder.

make all necessary arrangements to furnish these services at the point of delivery hereinafter defined.

Each residential customer desiring water and/or sewer service from the water department shall be required to pay a non-refundable application fee of forty-five dollars (\$45.00) per meter, except when more than one (1) meter is provided for the convenience of the water department and the consumption on the separate meters is combined for billing purposes. All customers, other than residential customers, desiring water service from the water department shall pay a non-refundable application fee of seventy five dollars (\$75.00) per meter, except when more than one (1) meter is provided for the convenience of the water department. (Ord. #627-18, Jan. 2019)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1997 Code, § 18-105)

18-106. Connection charges. Service lines will be laid by the municipality from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the municipality.

Before a new water or sewer service line will be laid by the municipality, the applicant shall make a deposit equal to the estimated cost of the installation.

This deposit shall be used to pay the cost of laying such new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the municipality the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (1997 Code, § 18-106)

18-107. Water and sewer main extensions. Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Waterworks Association Standard (or other construction approved by the governing body), not less than six inches (6") in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than one thousand feet (1,000') from the most distant part of any dwelling structure and no farther than six hundred feet (600') from the most distant part of any commercial, industrial,

or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe (or other construction approved by the governing body) two inches (2") in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch (8") pipe of vitrified clay or other construction approved by the governing body shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the municipality, such water and/or sewer mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains. (1997 Code, § 18-107)

18-108. Water and sewer main extension variances. Whenever the governing body is of the opinion that it is to the best interest of the municipality and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the governing body.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the municipality to make such extensions or to furnish service to any person or persons. (1997 Code, § 18-108)

18-109. Meters. All meters shall be installed, tested, repaired, and removed only by the municipality.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the municipality. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1997 Code, § 18-109)

18-110. Meter tests. The municipality will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be

considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

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

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$ 2.00
1-1/2", 2"	5.00
3"	8.00
4"	12.00
6" and over	20.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1997 Code, § 18-110)

18-111. Multiple services through a single meter. No customer shall supply water or sewer service to more than one (1) dwelling or premises from a single service line and meter without first obtaining the written permission of the municipality.

Where the municipality allows more than one (1) dwelling or premises to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premises served. The water and/or sewer charges for each such dwelling or premises thus served shall be computed just as if each such dwelling or premises had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premises served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1997 Code, § 18-111)

18-112. Billing. Bills for residential water and sewer service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the municipality.

Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for nonpayment of the combined bill.

Water and sewer bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

No second notice will be sent to any utility customer. Bills are mailed on the last working day of each month. Bills are payable on or before the discount date shown on the bill, otherwise the gross rate shall apply. Cut offs will begin on the twenty-third of each month unless the twenty-third falls on a weekend in which case cut offs will begin on the following Monday.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the municipality if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available.

A customer may dispute any aspect of their bill at city hall during normal business hours.

In the event the bill is not paid after collection attempts have been made, the account may be referred to a collection agency. The delinquent party will be responsible for all costs of collection, including, but not limited to, attorney's fees, collections agency fees, and clerk of court's fees. (1997 Code, § 18-112, as amended by Ord. #481-07, May 2007, and Ord. #629-19, March 2019, modified)

18-113. Discontinuance or refusal of service. The municipality shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

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

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for

service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1997 Code, § 18-113)

18-114. Re-connection charge. (1) Connection charge. A service charge of ten dollars (\$10.00) shall be collected for each service connection during the hours of 8:00 A.M. to 3:00 P.M. and twenty dollars (\$20.00) for all service connections after 3:00 P.M.

(2) Disconnection charge for nonpayment of account. When service has been disconnected by the water department for nonpayment of account, a service charge of ten dollars (\$10.00) shall be assessed.

(3) Reconnection charge due to nonpayment of account. When service has been disconnected by the water department for nonpayment of account, a service charge of twenty dollars (\$20.00) shall be collected to restore service.

(4) Returned checks. A thirty dollar (\$30.00) service charge will be charged for each check returned by the bank unpaid. If it is determined that the check returned was caused by bank error then the thirty dollar (\$30.00) service charge shall be waived. (Ord. #627-18, Jan. 2019)

18-115. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days' written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the municipality reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

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

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued, by a customer other than such occupant, may be allowed by the municipality to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1997 Code, § 18-115)

18-116. Access to customers' premises. The municipality's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1997 Code, § 18-116)

18-117. Inspections. The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage, which might have been avoided had such inspection or rejection been made. (1997 Code, § 18-117)

18-118. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1997 Code, § 18-118)

18-119. Customer's responsibility for violations. Where the municipality furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1997 Code, § 18-119)

18-120. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality and no customer shall, directly or indirectly sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the municipality. (1997 Code, § 18-120)

18-121. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks,

valves, hydrants, spigots, or fire plugs without permission or authority from the municipality. (1997 Code, § 18-121)

18-122. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the municipality a written notice of such occurrence. (1997 Code, § 18-122)

18-123. Damages to property due to water pressure. The municipality shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains. (1997 Code, § 18-123)

18-124. Liability for cutoff failures. The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

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

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

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

Except to the extent stated above, the municipality shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the municipality's cutoff. Also the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained, and is kept properly drained, after his water service has been cut off. (1997 Code, § 18-124)

18-125. Restricted use of water. In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1997 Code, § 18-125)

18-126. Interruption of service. The municipality will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damage for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The municipality shall not be liable for any damage from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1997 Code, § 18-126)

18-127. Schedule of rates. All water and sewer service and tap fees shall be furnished under such rate schedules as the municipality may from time to time adopt by appropriate ordinance or resolution.¹ (1997 Code, § 18-127, modified)

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

CHAPTER 2

GENERAL WASTEWATER REGULATIONS

SECTION

- 18-201. Purpose and policy.
- 18-202. Administrative.
- 18-203. Definitions.
- 18-204. Proper waste disposal required.
- 18-205. Private domestic wastewater disposal.
- 18-206. Connection to public sewers.
- 18-207. Grinder pump wastewater systems.
- 18-208. Regulation of holding tank waste disposal or trucked in waste.
- 18-209. Discharge regulations.
- 18-210. Enforcement and abatement.
- 18-211. Validity.

18-201. Purpose and policy. This chapter sets forth uniform requirements for users of the City of Algood, Tennessee, wastewater treatment system and enables the city to comply with the Federal Clean Water Act and the State Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are:

- (1) To protect public health;
- (2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;
- (3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;
- (4) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (5) To promote reuse and recycling of industrial wastewater and sludge from the facility;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and
- (7) To enable the city to comply with National Pollution Discharge Elimination System (NPDES) permit conditions, sludge and biosolid use and disposal requirement, and any other federal or state industrial pretreatment rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the City of Algood 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.

This chapter shall apply to all users inside or outside the city who are, by implied contract or written agreement with the city, dischargers of applicable wastewater to the wastewater treatment facility. (Ord. #533-09, Dec. 2009)

18-202. Administrative. Except as otherwise provided herein, the public works director shall serve as the local administrative officer of the city who shall administer, implement, and enforce the provisions of this chapter. The mayor and council shall make up the local hearing authority. (Ord. #533-09, Dec. 2009)

18-203. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended and found in 33 U.S.C. §§ 1251, *et seq.*

(2) "Administrator." The Administrator or the United States Environmental Protection Agency.

(3) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

(4) "Authorized or duly authorized representative of industrial user."

(a) If the user is a corporation:

(i) The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities; provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a federal, state, or local governmental agency: a director or highest official appointed or designated to oversee the

operation and performance of the activities of the governmental facility, or their designee.

(d) The individual described in subsections (a) through (c) above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

(5) "Best Management Practices" or "BMPs." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-209 of this chapter. "BMPs" also include treatment requirement, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(6) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20) centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(7) "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.

(8) "Categorical standards." The National Categorical Pretreatment Standards or Pretreatment Standard as found in 40 CFR chapter I, subchapter N, parts 405-471.

(9) "City." The City of Algood, Tennessee.

(10) "Commissioner." The Commissioner of Environment and Conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

(11) "Compatible pollutant." BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the NPDES permit for the wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(12) "Composite sample." A sample composed of two (2) or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(13) "Control authority." The term "control authority" shall refer to the "approval authority," defined herein above; or the local hearing authority if the city has an approved pretreatment program under the provisions of 40 CFR § 403.11.

(14) "Cooling water." The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(15) "Customer." 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.

(16) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day. The daily maximum for pH is the highest value tested during a twenty-four (24) hour calendar day.

(17) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where the limit is expressed in units of mass, the limit is the maximum amount of total mass of the pollutant that can be discharged during the calendar day. Where the limit is expressed in concentration, it is the arithmetic average of all concentration measurements taken during the calendar day.

(18) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(19) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(20) "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 the said agency.

(21) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(22) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one (1) detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

(23) "Grease interceptor." An interceptor whose rated flow is fifty (50) g.p.m. (gallons per minute) or less and is generally located inside the building.

(24) "Grease trap." An interceptor whose rated flow is fifty (50) g.p.m. or more and is located outside the building.

(25) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(26) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(27) "Indirect discharge." The introduction of pollutants into the WWF from any nondomestic source.

(28) "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).

(29) "Industrial wastes." Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.

(30) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(31) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(32) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(33) "Local administrative officer." The chief administrative officer of the local hearing authority.

(34) "Local hearing authority." The mayor and councilmen or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-205.

(35) "NAICS, North American Industrial Classification System." A system of industrial classification jointly agreed upon by Canada, Mexico and the United States. It replaces the Standard Industrial Classification (SIC) System.

(36) "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.

(37) "New source." (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided that:

(i) The building structure, facility or installation is constructed at a site at which no other source is located;

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections (a)(ii) or (a)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this subsection has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

(38) "NPDES (National Pollution Discharge Elimination System)." 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 Clean Water Act as amended.

(39) "Pass-through." A discharge which exits the Wastewater Facility (WWF) into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWF's NPDES permit including an increase in the magnitude or duration of a violation.

(40) "Person." Any individual, partnership, co-partnership, firm, company, corporation, 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 and the singular shall include the plural where indicated by the context.

(41) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(42) "Pollutant." Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).

(43) "Pollution." The human-made or human-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(44) "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, biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR § 403.6(d).

(45) "Pretreatment coordinator." The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

(46) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(47) "Pretreatment standards or standards." A prohibited discharge standard, categorical pretreatment standard and local limit.

(48) "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 municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. See "WWF, Wastewater Facility", found in subsection (63) below.

(49) "Shall" is mandatory; "May" is permissive.

(50) "Significant industrial user." The "term significant industrial user" means:

(a) All industrial users subject to categorical pretreatment standards under 40 CFR § 403.6 and 40 CFR chapter I, subchapter N; and

(b) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the WWF (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR § 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR § 403.8(f)(6)).

(51) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8: (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(c) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-209, emergency order, to halt or prevent such a discharge.

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines

will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(52) "Slug." Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the WWF's regulations, local limits, or permit conditions.

(53) "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.

(54) "State." The State of Tennessee.

(55) "Storm sewer or storm drain." 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.

(56) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(57) "Superintendent." The local administrative officer or person designated by him 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.

(58) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(59) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(60) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four (24) hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(61) "User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability, *Tennessee Code Annotated*, § 68-221-201.

(62) "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 WWF.

(63) "Wastewater facility." Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and

systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formerly known as a POTW, or Publicly Owned Treatment Works. The POTW is the Cookeville, Tennessee wastewater treatment plant which treats all wastewater from Algood, Tennessee.

(64) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof.

(65) "1200-4-14." Chapter 1200-4-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements. (Ord. #533-09, Dec. 2009)

18-204. Proper waste disposal required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter or city, state or federal regulations.

(3) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage.

(4) Except as provided in subsection (6) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the provisions of this chapter. Where public sewer is available property owners shall within sixty (60) days after date of official notice to do so, connect to the public sewer. Service is considered "available" when a public sewer main is located in an easement, right-of-way, road or public access way which abuts the property.

(5) Where a public sanitary sewer is not available under the provisions of subsection (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-205 of this chapter.

(6) The owner of a 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. (Ord. #533-09, Dec. 2009)

18-205. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-204(4), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(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 from the city to do so.

(2) Requirements. (a) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the county health department. The application for such approval shall be made on a form furnished by the county health department which the applicant shall supplement with any plans or specifications that the department has requested.

(b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.

(c) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health departments. (Ord. #533-09, Dec. 2009)

18-206. Connection to public sewers. (1) Application for service.

(a) There shall be two (2) classifications of service:

(i) Residential; and

(ii) Service to commercial, industrial and other nonresidential establishments.

In either case, the owner or his agent shall make application for connection on a special form furnished by the city. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city. Details regarding commercial and industrial permits include, but are not limited to, those required by this chapter. Service connection fees for establishing new sewer service are paid to the city. Industrial user discharge permit fees may also apply. The receipt by the city of a prospective customer's application for connection shall not obligate the city to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, or state and federal requirement, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(b) Users shall notify the city of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The city may deny or limit this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way 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. Any such connections which already exist on the effective date of the ordinance comprising this chapter shall be completely and permanently disconnected within sixty (60) days of the effective day of the ordinance comprising this chapter. The owners of any building sewer having such connections, leaks or defects shall bear all of the costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of groundwater shall be separate from the sanitary sewer.

(3) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The city shall make all connections to the public sewer upon the property owner first submitting a connection application to the city.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A service connection fee shall be paid to the city at the time the application is filed.

The applicant is responsible for excavation and installation of the building sewer which is located on private property. The city will inspect

the installation prior to backfilling and make the connection to the public sewer.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner including all service and connection fees. 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 single family unit or commercial building; unless the sewer has been sized for multiple units; except where one (1) 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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer. Where property is subdivided and buildings use a common building sewer are now located on separate properties, the building sewers must be separated within sixty (60) days.

(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 may 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 as follows: Conventional sewer system shall be four inches (4").

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Building sewers shall be laid on the following grades: Four inch (4") sewers, one-eighth inch (1/8") per foot.

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinyl chloride pipe Schedule 40 or better. Joints shall be solvent welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five feet (5') outside of the building, as it crosses the property line and one (1) at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") or four inch (4") nominal diameter and not

more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4"). Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.

(vii) Connections of building sewers to the public sewer system shall be made only by the city and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with 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 using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. Bedding must support pipe to prevent damage or sagging. All such connections shall be made gastight and watertight.

(viii) 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 pump system according to § 18-207 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 by the ASTM. 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, sump pumps, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(h) Inspection of connections. (i) 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 authorized representative.

(ii) 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 shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the city. Owners failing to maintain or repair building sewers or who allow stormwater or groundwater to enter the sanitary sewer may face enforcement action by the city up to and including discontinuation of water and sewer service.

(5) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the city. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works, located at <http://www.state.tn.us/environment/wpc/publications/>. Contractors must provide the superintendent or manager with as-built drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one (1) year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the city. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service. (Ord. #533-09, Dec. 2009)

18-207. Grinder pump wastewater systems. When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, a Grinder Pump (GP) system may be installed subject to the approval of the city.

(1) Equipment requirements. Pumps and related appurtenances must be approved by the city.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the city. Installation shall follow design criteria for GP systems as provided by the city.

(3) Costs. GP equipment shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specifications of the city and connection will be made to the city sewer only after inspection and approval of the city.

(4) Ownership and agreement. All single and individual grinder pump installations shall remain the property of the owner. Homeowners or developers shall provide the city, at the election of the city, with ownership of the equipment and an agreement for access to perform necessary maintenance or repair for establishments served by more than one (1) water meter. Access by the city to the GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

(5) Use of GP systems. (a) Home or business owners shall follow the GP users guide provided by the superintendent.

(b) Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.

(c) Home or business owners shall be responsible for maintenance of drain lines from the building to the GP tank.

(d) Prohibited uses of the GP system.

(i) Connection of roof guttering, sump pumps or surface drains.

(ii) Disposal of toxic household substances.

(iii) Use of garbage grinders or disposers.

(iv) Discharge of pet hair, lint, or home vacuum water.

(v) Discharge of fats, grease, and oil.

(6) Additional charges. The city shall be responsible for maintenance of the units in which the city assumes ownership. Customer shall be assessed a monthly maintenance charge as determined by the city per pump unit which will be added to customer's sewer bill. (Ord. #533-09, Dec. 2009)

18-208. Regulation of holding tank waste disposal or trucked in waste. (1) No person, firm, association or corporation shall haul in or truck in to the WWF any type of domestic, commercial or industrial waste unless such person, firm, association, or corporation obtains a written approval from the city 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 this 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 the applicant shall agree in writing by the provisions of this section and pay an

annual service charge to the city to be set as specified in § 18-207. Any such permit granted shall be for a specified period of time, and shall continue in full force and effect from the time issued until the expiration date, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three inch (3") permanent letters 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. The superintendent may refuse to accept any truckload of waste at his discretion where it appears that the waste could interfere with the operation of the WWF.

(4) Revocation of permit. Failure to comply with all the provisions of the permit or 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 Algood.

(5) Trucked in waste. This part includes waste from trucks, railcars, barges, etc., or temporally pumped waste, all of which are prohibited without a permit issued by the superintendent. This approval may require testing, flow monitoring and record keeping. (Ord. #533-09, Dec. 2009)

18-209. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the WWF. These general prohibitions apply to all such users of a WWF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions of § 18-210. A user may not contribute the following substances to any WWF:

(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 WWF or to the operation of the WWF. Prohibited flammable

materials including, but not limited to, wastestreams with a closed cup flash point of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Celsius (60°C) using the test methods specified in 40 CFR § 461.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, 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) Any wastewater having a pH less than 5.5 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 WWF.

(c) 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 including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes.

(d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the WWF.

(e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWF which exceeds forty degrees Celsius (40°C) or one hundred four degrees Fahrenheit (104°F) unless approved by the State of Tennessee.

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.

(h) 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, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Act.

(i) Any trucked or hauled pollutants except at discharge points designated by the WWF.

(j) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWF cause the WWF to be in noncompliance with sludge use or disposal criteria, 40 CFR part 503, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations 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.

(k) Any substances which will cause the WWF to violate its NPDES permit or the receiving water quality standards.

(l) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(m) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(n) Any waters containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(o) Any wastewater which causes a hazard to human life or creates a public nuisance.

(p) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(q) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.

(r) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.

(s) 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 Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(2) Local limits. In addition to the general and specific prohibitions listed in this section, users permitted according to Chapter 2 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the WWF (Cookeville Wastewater Treatment Plant) from interference or protect the receiving waters from pass through contamination.

(3) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards necessary to protect the Cookeville, Tennessee Wastewater Treatment Plant.

(4) Fats, oils and grease traps and interceptors. (a) Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (i) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(ii) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must:

(A) Implement the plan within a reasonable amount of time; and

(B) Service and maintain the equipment in order to prevent impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent the user continues to impact the collection system and

treatment plan, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(d) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the Tennessee Department of Environment and Conservation engineering standards or applicable city guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the city. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the city has under this chapter, or state or federal law. The city retains the right to inspect and approve installation of control equipment.

(f) Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited. The use of other products for the purpose of keeping FOG dissolved or suspended until it has traveled into the collection system of the city is prohibited.

(g) The superintendent may use industrial wastewater discharge permits under § 18-206 to regulate the discharge of fat, oil and grease. (Ord. #533-09, Dec. 2009)

18-210. Enforcement and abatement. Violators of these wastewater regulations may be cited to city court, general sessions court, chancery court, or

other court of competent jurisdiction face fines, have sewer service terminated or the city may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health. Repeated or continuous violation of this chapter is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The city may take any or all the following remedies:

(1) Cite the user to city or general sessions court, where each day of violation shall constitute a separate offense.

(2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.

(3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user.

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system. (Ord. #533-09, Dec. 2009)

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. (Ord. #533-09, Dec. 2009)

CHAPTER 3

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Regulated.
- 18-303. Statement required.
- 18-304. Violations and penalty.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

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

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

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

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

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

(6) "Public water supply." The waterworks system furnishing water to the municipality for general use and which supply is recognized as the public water supply by the Tennessee Department of Health. (1997 Code, § 18-401)

18-302. Regulated. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

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 waterworks of this municipality. (1997 Code, § 18-402)

18-303. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or insanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the waterworks a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, 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 until the construction and operation of same have received the approval of the Tennessee Department of Health, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the waterworks. (1997 Code, § 18-403)

18-304. Violations and penalty. 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 such provisions. After a thorough investigation of existing conditions and an appraisal for the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the waterworks. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the waterworks shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, bypass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been discontinued. (1997 Code, § 18-404)

CHAPTER 4

CROSS-CONNECTION CONTROL PLAN

SECTION

- 18-401. Introduction.
- 18-402. Authority for controlling cross-connections.
- 18-403. Program to be pursued.
- 18-404. Procedures for inspections.
- 18-405. Protective measures required.
- 18-406. Inspection and testing of protective measures.
- 18-407. Premises requiring maximum protective measures.
- 18-408. Testing of protective devices.

18-401. Introduction. (1) Goal. The goal of the City of Algood Water Department is to supply safe water to each and every customer under all foreseeable circumstances. Each instance where water is used improperly so as to create the possibility of backflow threatens the health and safety of our customers and threatens our chances of realizing this goal. The only protection against such occurrences is the elimination of such cross-connections or the isolation of such hazards from the water supply lines by properly installed approved backflow prevention devices.

(2) Plan of action. The City of Algood Water Department is determined to take every reasonable precaution to see that cross-connections are not allowed to contaminate the water being distributed to its customers. This cross-connection plan outlines a program of action designed to control cross-connections within the area served by the water system. This plan is intended to be a practical guide for safeguarding the quality of water distributed from becoming contaminated or polluted through backflow. (Ord. #577-14, March 2014)

18-402. Authority for controlling cross-connections. This chapter prohibits cross-connections within the water system, authorizes the water system to make inspections of the customer's premises, requires that cross-connection hazards be corrected, and provides for enforcement. This chapter expresses a clear determination on the part of the city council that the water system is to be operated free of cross-connections that endanger the health and safety of those depending upon the public water supply. This chapter is considered to be a sound basis for the control of cross-connection hazards by the operating staff and management of the City of Algood Water Department. The provisions contained within this chapter are in keeping with the requirements set forth in *Tennessee Code Annotated*, § 68-221-711 and section 0400-5-1-.17(6) of the Tennessee Department of Environment and Conservation

Rules for governing public water systems. (Ord. #577-14, March 2014, as amended by Ord. #580-14, July 2014)

18-403. Program to be pursued. The City of Algood Water Department has established an active ongoing cross-connection control program. This program will be a continuing effort to locate and correct all existing cross-connection hazards and to discourage the creation of new problems. Safeguarding the quality of water being distributed to our customers is a high priority concern.

(1) Staffing. Personnel who work on the cross-connection control program are recommended to have a valid certification for evaluating and testing of backflow devices and all personnel testing such devices are required to have a valid certification.

(2) Cross-connection surveys. A representative will visit the premises of all customers considered likely to have cross-connections. The various water uses within the premises will be investigated to determine if backflow can occur. Follow-up visits will continue until the threat of backflow has been corrected. In addition, routine visits will be made periodically to determine if backflow prevention measures are maintained, and are functioning properly and that new cross-connections have not been created.

(3) Public awareness efforts. The department recognizes that it is important to inform its customers of the health hazards associated with cross-connections and to acquaint them with the program being pursued to safeguard the quality of water being distributed.

The following measures will also be used to inform our customers about the need to control cross-connections:

(a) Posters displayed periodically at the department.

(b) Personal visits to commercial, industrial, institutional, and agricultural customers to explain the need for controlling cross-connections.

(c) Whenever possible, any such potential customer will be informed of needed cross-connection measures in the design or construction stage.

(4) Customer's responsibility. Cross-connections, created and maintained by the customer for his convenience, endanger the health and safety of all who depend upon the public water supply. Therefore, the customer who creates a cross-connection problem shall bear the expense of providing necessary backflow protection and for keeping the protective measures in good working order and informing the department of any changes made to the plumbing system.

(5) Enforcement. Where cross-connections are found to exist, the water system will require the problem to be eliminated or isolated by a properly installed, approved backflow prevention device to prevent the possibility of backflow into the distribution system. Such protective measures will include a

backflow protection device on the customer's water service line ahead of any water outlets. Every effort will be made to secure the voluntary cooperation of the customer in correcting cross-connection hazards. If voluntary corrective action cannot be obtained within a reasonable period of time, water service will be discontinued, for the protection of the health and safety of the other customers. (Ord. #577-14, March 2014)

18-404. Procedures for inspections. The department hopes that its efforts to acquaint its customers with the hazards of cross-connections will be successful to the point that the customer will try to maintain their internal water delivery system free of cross-connections. It is recognized that many customers may not recognize that they have a situation that would permit backflow into the water supply lines. Therefore, a thorough investigation will be made of all premises considered likely to have cross-connections. The findings will be discussed with the owner or occupant.

(1) Inspection visits. Most visits will be unannounced, or preceded by a brief notice. Such will usually be the case where:

- (a) The establishment is small and no difficulty is expected in locating the occupant or a knowledgeable representative;
- (b) Where unannounced visits will not be disruptive; or
- (c) Where it is felt that advance notice of the visit would likely result in an unrealistic picture of typical water use practices.

Appointments may be necessary to conduct inspections for other facilities.

(2) Reports to customers. The findings of the investigation will be summarized and discussed with the onsite representative. Cross-connections found will be described briefly along with the recommended method of correction. The discussion will indicate a willingness to assist the customer in working out any details with which he may have questions. The customer will be given a time limit for making the needed corrections. Time for making corrections may vary from thirty to sixty (30-60) days and in some cases ninety (90) days, depending upon the seriousness of the cross-connection involved and upon the complexity and difficulty of correcting the problems.

(3) Follow-up visit and re-inspections. Follow-up visits will be made as needed to assist the customer and to assure that satisfactory progress has been made, if satisfactory progress is not being made a written notice will be given with a dead line for corrections to be made. Such visits will continue until all corrective action has been completed to the satisfaction of the water system.

(4) Installation of backflow prevention devices. Where the customer is asked to install a reduced pressure or double check valve assembly, the customer will be supplied a list of acceptable units, and in addition, minimum acceptable installation criteria, it will be pointed out that a unit cannot be accepted until the department has verified that the installation fully meets the installation criteria and has been tested to verify that the unit is meeting accepted performance standards. Such backflow prevention units must be of a

make and model currently listed as acceptable by the Tennessee Department of Environment and Conservation.

The reduced pressure backflow preventer should be installed with adequate space to facilitate maintenance and testing. No lower than twelve inches (12") from the floor and no higher than sixty inches (60") from the floor and at least six inches (6") from the wall. The water line should be thoroughly flushed to expel all debris prior to installing a reduced pressure backflow prevention device. Debris lodging under one (1) of the check valves is one (1) of the most common causes of trouble with these devices. Therefore, it is highly recommended that a strainer installed upstream of all devices.

The effectiveness of the device is nullified if the relief port is subject to flooding. Therefore, reduced pressure backflow prevention devices must never be installed below ground level or in other locations subject to flooding. The relief valve discharge opening should be located a minimum of twelve inches (12") plus the nominal diameter of the unit above ground level and must never be subject to flooding.

Under no circumstances should the relief discharge opening be plugged. The device depends upon an open relief port for safe operation. Care must also be taken to protect the device from freezing.

(5) Technical assistance. The customer will be urged to notify the water system when they are ready to begin installing either a reduced pressure or double check valve type backflow preventer device. The department's cross-connection representative can visit the site to detail how the units must be installed to achieve the desired protection and to minimize maintenance and testing problems. (Ord. #577-14, March 2014)

18-405. Protective measures required. (1) Main line protection. Main line protection, or protective devices on the customer's service line, will be required on all premises where the water system has reservations that anything less could compromise the goal of the water system to deliver safe water under all foreseeable circumstances to all of its customers.

(2) Acceptable protective devices. All backflow prevention devices used for the protection of the water system must be of a make and model acceptable to the department. All such devices will be installed at a location and in a manner approved by the department and shall meet the minimum standards established by the water system and the Tennessee Department of Health and Environment. (Ord. #577-14, March 2014)

18-406. Inspection and testing of protective measures.

(1) Approval of new installations. The department will not consider the installation of protective measures to be complete until:

(a) The installation has been inspected and approved by the water system; and

(b) Where applicable, tested to determine that the protective device meets acceptable performance standards.

(2) Routine inspection and testing of protective measures. To assure that all protective devices are functioning properly, they must be inspected and tested within a reasonable time frame by an assembly tester with a valid certification in testing and evaluation backflow prevention assemblies issued by the State of Tennessee using certified equipment.

(3) Routine revisits. In conjunction with visits for testing and backflow prevention devices, the water system's representatives will investigate to determine that cross-connections, actual or potential, have not been added ahead of the protective device and that the protection has not been bypassed or altered in some other way that would compromise the desired protection.

Where service line protection is not in place, the system's cross-connection control representative will make a complete inspection of the internal plumbing system and all water uses. Where only internal devices are utilized for the protection of the public water system and the occupants, a thorough investigation will be made of all water uses from the supply side of the protective devices. It is the department's goal to make such inspections at least annually.

(4) Re-inspection of premises where:

(a) Cross-connections were not found previously but are likely to be created.

(b) Plumbing and equipment modifications have been made or are likely to be made will be scheduled for re-inspection approximately one (1) year from the previous visit, or more often to assure that the water system is still properly protected. During such repeat inspections, the water system's representative will make a thorough evaluation of each water use within the premises to detect any cross-connections that may have been created between visits. (Ord. #577-14, March 2014)

18-407. Premises requiring maximum protective measures.

(1) Because of the high degree of hazards involved in the following types of establishments, it is deemed essential that maximum protection, consisting of an air-gap separation or a reduced pressure type backflow preventer or other device meeting the requirements of plumbing code which has been adopted by city:

(a) Mortuaries, morgues, or autopsy facilities.

(b) Hospitals, medical buildings, animal hospitals, doctor, and dental offices.

(c) Sewage treatment, water treatment, and pumping facilities.

(d) Premises with auxiliary water supplies or industrial piping systems.

(e) Chemical plants (manufacturing, processing, compounding, or treatment).

- (f) Laboratories (industrial, commercial, schools).
- (g) Packing houses and rendering plants.
- (h) Manufacturing plants.
- (i) Food and beverage processing plants.
- (j) Car wash facilities.
- (k) Exterminating companies.
- (l) Airports, railroads, bus terminals, piers, boat docks with fueling or washing facilities.
- (m) Bulk distributors, storage facilities and users of pesticides, herbicides, liquid fertilizers, etc.
- (n) Metal plating, pickling, and anodizing operations.
- (o) Dry cleaners.
- (p) Film laboratories.
- (q) Petroleum processing and storage plants.
- (r) Restricted establishments.
- (s) Penal institutions and jails.
- (t) Nursing homes.
- (u) Schools.
- (v) Multistory buildings with water booster pumps.
- (w) Irrigation with chemical injection (commercial and residential).
- (x) Facilities with treated water for boilers, fire systems, chilled water systems, etc.
- (y) Facilities with water from public systems stored in unapproved facilities, or from facilities that may not receive adequate circulation to maintain the desired free chlorine residual, or be degraded in any other manner.
- (z) Others (as found present).

(2) Facilities to be evaluated on a case-by-case basis for required protection to be determined by the department. (Facilities that would only be classified as a high hazard due to a carbonated beverage machine will not be classified as such if the machine meets the requirements of the plumbing code referencing the American Society of Sanitary Engineers (ASSE) 1022 - Performance requirements for backflow preventer for carbonated beverage machines.)

- (a) Agricultural (farms and dairies).
- (b) Service stations.
- (c) Beauty parlor, barber shops, beauty and barber schools.
- (d) Shopping centers.
- (e) Mobile home parks, recreational vehicle parks, campgrounds.
- (f) Swimming pools, recreational areas, parks.
- (g) Restaurants, convenience marts, and facilities with food preparation.

- (h) Hotels and motels.
- (i) Processing facilities for sand, gravel, concrete, etc.
- (j) Buildings over two (2) stories (excluding basements).
- (k) Greenhouses and nurseries.
- (l) Convalescent homes, sanitariums.
- (m) Others (as found present).

(3) The Tennessee Division of Water Supply has approved the use of Double Check-Detector Check Valve Assemblies (DCDA) for installation only on certain private fire service lines. Reduced pressure backflow prevention devices are to continue to be used for domestic and process service lines as well as auxiliary intakes, and fire sprinkler systems that use antifreeze and/or additives. (Ord. #577-14, March 2014)

18-408. Testing of protective devices. The department recognizes that it is essential that qualified individuals holding a valid certification and using approved test equipment and test procedures test continuous pressure type backflow prevention devices on a regular basis if the devices are to be relied upon. It is recognized that the devices can fail to meet the performance standards of which they were designed due to fouling, wear, or mechanical problems. Routine testing and proper maintenance is considered essential for proper operation. It is noted that there are numerous backflow protection devices in facilities that in the city's opinion are not required, such as a retail shop. If the city is not requiring the device it will not be responsible for tracking and/or testing the device.

(1) (a) Routine testing of backflow prevention devices. All reduced pressure backflow prevention devices utilized for the protection of the department will be tested routinely by a trained certified tester in keeping with the following criteria:

- (i) Immediately following installation.
- (ii) At least annually where high hazards are involved.

Devices installed at facilities that the department does not see a need for the device installed may not be inspected by the department.

(iii) Any time protective devices have been partially disassembled for cleaning and/or repairs.

(iv) Where there is indication that the unit may not be functioning properly (i.e., excessive or continuous discharges from relief valve, chatter or vibration or internal parts).

(b) Double check valves or double check-detector valve assemblies will be tested by the fire sprinkler company contracted by the owner of the facility in keeping with the following criteria:

- (i) Immediately following installation.
- (ii) At least annually and more frequently where high hazards are involved.

(iii) Any time devices have been disassembled for cleaning or repairs.

(2) Accepted test procedures. Will be performed using the latest test procedures accepted by the division of water supply.

(3) Repairs. Should a protective device be found defective (not meeting above referenced performance standards), the water system will require the device to be repaired promptly and placed in proper operating condition. Following repairs, the device is to be tested again to verify that it is meeting performance standards. Cleaning is not considered a repair. The owner will be held responsible for maintaining protective measure in a good state of repair. The owner of a device needing repairs or maintenance will be permitted to do the work, if such owner is properly qualified or the owner may elect to secure the services of someone else experienced in the repair of the devices and only with approved parts.

(4) Official tests. Since the department is vitally interested in the proper performance of backflow prevention devices, only tests performed by experienced certified testers approved by the department or by the department's cross-connection personnel will be considered official tests. Approved testers must hand a copy of their certification and test kit information on file with the department. No third party testing is considered official tests until the testing documentation is submitted to the department.

(5) Prior arrangements for testing. Prior arrangements will be made for a mutually agreeable time for testing the devices prior to actually making the test. In all cases, the time which water service is interrupted will be held to a minimum in order to minimize the inconvenience to the customer. The customer, upon notification by the water system, has an obligation to work out a mutually agreeable time for testing protective devices within fourteen (14) days.

(6) Parallel units. The water system may require the installation of parallel units if the customer cannot readily accommodate interruptions of water service for periodic testing and repairs of the backflow prevention device or is unwilling to cooperate in scheduling a shutdown promptly for testing during normal hours worked by water system personnel.

(7) Records. Good records are invaluable in the water system's efforts to safeguard the quality of water being distributed against degradation from backflow through cross-connections. Adequate records will be maintained for at least five (5) years. (Ord. #577-14, March 2014)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20**MISCELLANEOUS****CHAPTER**

1. FALSE FIRE ALARMS.
2. PUBLIC RECORDS POLICY.
3. PUBLIC PARKS, GROUNDS AND MUNICIPAL AREAS.

CHAPTER 1**FALSE FIRE ALARMS****SECTION**

- 20-101. Definitions.
- 20-102. Notices and penalties.
- 20-103. First false emergency alarm.
- 20-104. Second false emergency alarm.
- 20-105. Third false emergency alarm.
- 20-106. Fourth and subsequent false emergency alarms.

20-101. Definitions. (1) "False emergency alarm" Any signal actuated by an emergency alarm to which the fire department responds which is not the result of fire or other actual emergency, and not caused by an extraordinary act of nature.

(2) "Owner and/or operator" A person or persons ,who resides,. owns, or operates a residence or business in which an emergency alarm is connected.

20-102. Notices and penalties. The following sections contain notices, warnings, penalties. and costs shall be assessed to the owners and/or operators of emergency alarm systems for false emergency alarms transmitted to the fire department within any continuous twelve (12) month period, beginning with the first false emergency alarm.

20-103. First false emergency alarm. Written notification by the fire chief informing the owner or operator of the alarm system of the provisions of this chapter.

20-104. Second false emergency alarm. Written warning informing the owner or operator of the alarm system o f the provisions of this chapter and of the occurrence of a second violation.

20-105. Third false emergency alarm, A fine of up to fifty dollars (\$50.00) shall be imposed.

20-106. Fourth and subsequent false emergency alarms. For each violation, a fine of fifty dollars (\$50.00) shall be imposed, and the actual costs of such response by the fire department including the costs of equipment, fuel, personnel, administration, and other such factors as determined by the fire chief may also be imposed.

CHAPTER 2**PUBLIC RECORDS POLICY****SECTION**

20-201. Adopted.

20-201. Adopted. The Public Records Policy for the City of Algood¹ is available for inspection and duplication in the office of the city recorder and city administrator. Additionally, this policy is posted online at www.algood-tn.com. This policy shall be reviewed periodically as needed. (Ord. #615-17, June 2017)

¹The public records policy and all pertinent forms are available in the office of the recorder.

CHAPTER 3

PUBLIC PARKS, GROUNDS AND MUNICIPAL AREAS

SECTION

- 20-301. Parks are open to the public at large; a special use event permit is required for special use of the Algood Community Center.
- 20-302. Operating hours of parks, city-maintained grounds, and public areas.
- 20-303. Rules and regulations for city parks.
- 20-304. Authority of park manager/director.

20-301. Parks are open to the public at large; a special use event permit is required for special use of the Algood Community Center.

It is generally accepted that all park areas or municipal areas are open and accessible to, and maintained for, the general public at large. The following areas within parks may be made available for exclusive use by individuals or organizations for special use events by permit only: The Algood Community Center. A special use event permit may be issued for the pavilion on a first come, first served basis only. The City of Algood does not provide nor guarantee exclusive use of the area surrounding the pavilion structure. Prior to being issued a special use event permit for the pavilion, the person or organization must complete a rental agreement and pay the appropriate fees as outlined in the facility rental agreement.

20-302. Operating hours of parks, city-maintained grounds, and public areas. It shall be unlawful to loiter in or otherwise use any park or public area outside the hours established by this section. Opening and closure hours for all parks, city-maintained grounds and other public areas shall be established by the city manager and posted at each respective area. A list of hours of operation shall be located in the city clerk's office at Algood City Hall. Nothing in this section is to be construed as restricting any official work or activity in said areas during restricted hours by any department of the City of Algood.

20-303. Rules and regulations for city parks. The City of Algood provides parks, recreation and leisure service facilities for the recreational use of the public. To prevent abuse and misuse of the privileges and facilities provided, the following rules and regulations governing public uses are adopted:

(1) **Definitions.** The following definitions shall apply throughout this chapter:

- (a) "Department." The City of Algood Parks and Recreation Department."

(b) "Director." The Director of the Algood Parks and Recreation Department, or their designee.

(c) "City clerk." The City Clerk of the City of Algood.

(d) "City manager." The City Manager of the City of Algood, or their designee.

(e) "City code." A reference to, or a section of, the Algood Municipal Code.

(f) "City council." The elected five-member legislative body of the City of Algood.

(g) "Park" shall include any park, recreation area, or designated natural area of the City of Algood. The following buildings are excluded and are not a part of a park:

(h) "Special use permit." Required for rental use of the Algood Community Center, or any other property/facility as required by the Director, in order to hold/host special events.

(2) Penalties. Any violation of these rules and regulations for the care and management of the parks, recreation and leisure services facilities of the City of Algood shall constitute a civil offense and shall be punishable by a civil penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

(3) Rules and regulations. The following rules and regulations shall apply for the parks, recreation and leisure services facilities of the City of Algood:

(a) Abandonment of any vehicle or other personal property for longer than twenty-four (24) hours is prohibited. Any property so left may be impounded. In the event unattended property interferes with a safe and orderly management of the park area, it may be impounded immediately.

(b) Commercial notices or advertisements shall not be displayed, posted or distributed on park area lands except in conjunction with a special use events and then only for the duration of that special use event.

(c) No person shall erect any structure, stand, or platform, with the exception of tents.

(d) The fastening of any showcard, poster, or other advertising device upon any park or park property is prohibited.

(e) Any concessionaire which through contractual agreement with the department operates any concession shall supply and provide any required permits for such operation.

(f) All concession areas staffed and operated by either the City of Algood, or approved rental users, shall be operated according to the *Concession Policy Manual* of the department.

(g) Consumption of alcoholic beverages within park and recreation areas is prohibited except as specifically allowed under other sections of Algood municipal code.

(h) Commercial peddling and commercial soliciting of any kind is strictly prohibited. However, distribution of expressive materials, including but not limited to materials or objects with expressive content such as newspapers, books, bumper stickers, pamphlets, handbills, leaflets, or writings, or visual art such as paintings, prints, drawings, photography, or sculpture is permitted. In the event a person or organization wishes to sell these items or provide these items in exchange for a donation (collectively hereinafter "vend"), such person or organization may do so upon issuance of a vending permit as provided in subsection (5) of this section. This section shall not apply to transactions with authorized concessionaires within the park or recreation facility. Nothing in this section shall be construed to prohibit communication of an expressive message orally or by tangible means.

(i) Bicycle riders must comply with all applicable traffic regulations. Bicycles shall not be ridden abreast of one another except on trails designated as bicycle trails.

(j) Camping, including tent, trailer, or other types of units, is prohibited in all parks. No camping or temporary residence shall be permitted.

(k) Construction of any building, structure, utility or any other entity upon, across, over, through, or under any park area, except in accordance with the provisions of a valid permit and contract is prohibited.

(l) Noise. (i) The playing of any radio, television sets, musical instruments, loud speakers, or other devices for amplification of sound, and noise producing devices such as electric generating plants or other equipment driven by motors or engines in such a manner and at such times so as to unreasonably interfere with use of the park by others is prohibited. This paragraph shall not be construed to prevent expressive activity, including a performance.

(ii) The operation or use of public address systems, whether fixed, portable, or vehicle mounted is prohibited except when such use or operation is in connection with special use events, or other public gatherings, including demonstrations.

(iii) Any artificial system, instrument, or device producing noise permitted in accordance with this Section shall comply with Tennessee State Law and/or Algood Municipal Code as applicable to a commercial use.

(m) No person shall disobey the lawful and reasonable order of a park employee in the discharge of their duties, or disobey or disregard the notices, prohibitions, instructions, rules or regulations on any park sign.

(n) Dogs, cats and other pets are prohibited unless they are crated, caged, on a leash, or otherwise under physical restrictive control at all times, except for dogs within the confines of designated dog parks.

(o) Dogs, cats, or other pets shall wear vaccination tags, and shall not be allowed to bark loudly or otherwise disturb the peace and quiet of the patrons of the park.

(p) All dogs, cats and other pets shall comply with the animal control ordinance¹ of The Algood Municipal Code.

(q) The use or possession of explosives is prohibited as outlined in current adopted fire code, except for events conducted by the City of Algood.

(r) The use or possession of fireworks and firecrackers is prohibited.

(s) It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brassknucks, pistol, revolver, rifle, shotgun, air rifle, air gun, "BB gun", or any other dangerous weapon such as hand-thrown spears, bows and arrows or crossbows, or any other implements designed to discharge missiles in the air or under the water which are capable of destroying animal life, except as specifically permitted by, and in strict compliance with *Tennessee Code Annotated*, § 13-17-1311.

(t) The creation of any fire in any park outside a specifically designed picnic grill, fireplace or other similarly designed enclosure installed by the City of Algood is prohibited. Only approved material may be used in the creation of such fires. No live plant material may be used for the creation of any fire.

(u) Throwing or dropping a lighted cigarette, cigar, pipe heel, match or other burning material is prohibited.

(v) Digging for bait or for any other purpose is prohibited within all park areas.

(w) Anyone not removing all trash and debris which accumulate during any activity shall be guilty of littering.

(x) Flea markets, garage sales, rummage sales, and all other such sales by a person, persons, or organizations for either private or nonprofit purposes are prohibited in park and recreation areas unless

¹Municipal code reference
Animal control: title 10.

approved on an individual basis by the city administrator or park director.

(y) Horses and other saddle animals are allowed only on trails so designated as "horse trails."

(z) Opening and closure hours for all parks and recreation areas shall be established by the city manager upon recommendation of the director and posted at each site, and shall be on file in the office of the city clerk and the director. Nothing in this section shall restrict any official work or activity in said areas during restricted hours by any department of the City of Algood.

(aa) Entering or leaving any park or recreation facility except at established entranceways or exits at established times is prohibited.

(bb) The installation and planting of any memorial tree, or any memorial tree marker, without the permission of the director is prohibited.

(cc) Memorial trees may be planted in designated areas as established by the director at that time. Flush to the ground markers may be purchased and will be installed by park crews upon approval by the director.

(dd) The City of Algood Parks and Recreation Department shall have the authority to make additional rules and regulations as is necessary to insure the orderly growth and protection of the park, recreation and natural resource areas under its control.

(ee) The director shall enforce rules and regulations relating to the park, recreation, natural resources, historical, and cultural areas of the City of Algood. The city manager shall be the appeal authority in cases where the decision of the director is in dispute.

(ff) The creation or maintenance of a nuisance upon City of Algood properties is prohibited.

(gg) Interfering with, encumbering, obstructing or rendering dangerous any part of a park is prohibited.

(hh) The intentional or wanton destruction, defacement, or removal of any natural or cultural feature or non-renewable natural resource is prohibited without specific written permission from the director.

(ii) The intentional or wanton destruction, injury, defacement, removal or disturbance in any manner of any public buildings, signs, equipment, monument, marker, or other structure or of any relic, artifact, historic structure or of any other similar public property is prohibited. The intentional or wanton possession of park equipment is prohibited.

(jj) The gathering or collecting of natural products of a renewable living resource such as plant material for personal use or

for commercial sale is prohibited. The destroying, digging, cutting, removing, or possession of any tree, shrub, or other plant is prohibited.

(kk) No person shall molest, kill, wound, hunt, or remove any animal, reptile, bird, or the eggs of such animals.

(ll) Persons, corporations, or organizations conducting public gatherings of any type, including but not limited to events, activities, entertainment, meetings, assemblies, worship services, demonstrations, protests or political rallies, within the general confines of a park or municipal area involving twenty-five (25) or more persons must notify the director in writing a minimum of three (3) business days in advance of the intended use whenever practicable. This notice provision is not intended to require a permit or restrict use, but is to enable the City of Algood Parks and Recreation Department to be aware of planned activities that may affect staffing or services within the park, such as lawn maintenance or custodial services. This advance notice requirement shall not apply to any gathering that is not expected to involve twenty-five (25) or more persons and also shall not apply to gatherings for which notice is not reasonably possible. This advance notice requirement shall not be construed under any circumstance to prohibit spontaneous or other rapidly developing gatherings, in response to developing events, such as demonstrations, protests, or counter-protests in response to other activities.

(mm) No park or facility within a park with the exception of The Algood Community Center may be reserved. All play equipment, athletic facilities, parking areas, and other amenities are for the use of the public at large.

(nn) Picnic tables/areas, playgrounds, and other park facilities are available for use free of charge on a first come, first served basis, with the exception of ball fields that may be reserved for official league play as approved by the director. Approved leagues will have priority use of ball fields only during approved game and practice times. This priority does not apply to the parking areas which are open for park users on a first come first served basis.

(oo) All garbage, papers, cans, bottles and waste material of any kind must be disposed of only in provided trash receptacles, or removed from site.

(pp) Polluting or contaminating in any manner any watershed or water supply is prohibited.

(qq) Depositing of any bodily waste in or on any portion of any restroom facility or other public structure except into fixtures provided for that purpose is prohibited. Placing any item in any of the plumbing fixtures in such a station or facility for the purpose of interfering with or blocking the plumbing is prohibited. All restroom facilities shall be used in a clean and sanitary manner.

(rr) Using the public waste containers for dumping of household or commercial garbage or trash brought as such from private property is prohibited.

(ss) Smoking, vaping or any other tobacco use is prohibited in any City of Algood building/facility or park grounds

(tt) In certain instances, it may be in the best interest of the City of Algood to co-sponsor a special event or sporting event with an outside entity. This shall be done via written agreement which spells out responsibilities for all parties involved.

(uu) Swimming and bathing are prohibited except in designated aquatic facilities specifically designed for such.

(vv) Violators of posted rules governing the use of aquatic facilities will be subject to removal from the premises if the violation is flagrant or repeated or the continued presence of the violator would create a hazardous condition in the area.

(ww) Specific rules governing the usage of municipal aquatic facilities in the City of Algood can be found in a posting at Algood City Hall as well as near aquatic facilities.

(xx) Motorized vehicles shall be limited to roadways and parking lots within parks. Motorized vehicles are prohibited on grass, designated trails and park sidewalks, with the exception of maintenance vehicles of the City of Algood or authorized contractor.

(yy) All operators of motor vehicles in parks must conform to all traffic rules and regulations of the City of Algood and the State of Tennessee.

(zz) The speed limit in all parks and recreation areas is fifteen (15) m.p.h.

(aaa) No driver shall stop, park, or leave any vehicle, whether attended or unattended, upon the paved or maintained surface of a road or parking area so as to leave less than ten feet (10') of the width of the same traffic lane for the free or unobstructed movement of other vehicles, except in the event of an accident or as otherwise directed by an authorized person.

(bbb) Pedestrians have right-of-way over motor vehicles in all parks.

(ccc) Operating a motor vehicle in areas other than established roadways, parking areas, or designated routes is prohibited.

(ddd) All operators of motorcycles, trail bikes, off-road vehicles and other motorized vehicles must conform to the same rules and regulations as those of any other motor vehicle.

(eee) No person shall grease, lubricate, or make repairs to any vehicle, except those of a minor nature, and then only in case of emergency.

(4) Special use event permit. (a) The Algood Community Center is available for rent upon approval and agreement with the City of Algood. That structure will be exclusively available to the permit holder for the duration indicated on the permit. The seating, parking, grass and other facilities around the community center may not be restricted for exclusive use and must remain open to the public at large for any lawful purpose.

(b) A permit holder may not restrict any lawful activity within the area of the community, including but not limited to any demonstration or protest consistent with the provisions of this chapter.

(c) Park areas. Other park areas are open to the public at large, and a special use event permit, and exclusive use, will not be provided.

(5) Vending permit. (a) Persons or organizations may distribute (other than vending) expressive matter as discussed by subsection (3)(h) of this section without a vending permit.

(b) Persons or organizations may vend expressive matter as discussed in this section, but a vending permit is required.

(c) A vending permit may be obtained by submitting an application to the City of Algood. An application must be received three (3) business days prior to the proposed vending activity to provide the department ample processing time to review the application and determine the applicability of this section. The advance application period may be waived by the parks and recreation director if the applicant indicates a hardship, that the proposed use is in response to a rapidly developing circumstance, or other good cause. A vending permit will not be denied unless it appears that the purpose is purely commercial in nature unconnected to the distribution of an expressive matter.

(d) A vending permit may be issued for up to thirty (30) days at a time.

(i) There will be no charge for the issuance of a vending permit.

(ii) All materials and any tents, temporary structure, or stand, must be removed from the park during the park's closing hours.

(iii) A vending permit will not be issued for purely commercial peddling or solicitation unconnected to the distribution of an expressive matter.

(6) Purpose. It is intended that all rules under this code be prescribed and enforced in a content-neutral manner with regard to every person, organization, or expressive message. The City of Algood makes a finding that the restrictions herein are narrowly-tailored to permit free and

open expression, and to preserve the open and peaceful public use of the city of Algood parks for all persons and entities.

20-304. Authority of park manager/director. The park manager/director employed by the City of Algood shall have the authority to issue citations to city court to any individual violating the provisions of Algood Municipal Code related to all parks and recreation directives, activities and regulations.

ORDINANCE NO. 685-22

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF ALGOOD, TENNESSEE.

WHEREAS some of the ordinances of the City of Algood 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 Aldermen of the City of Algood, 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 "Algood Municipal Code," now, therefore:

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

Section 1. Ordinances codified. The ordinances of the City of Algood 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 "Algood Municipal Code," hereinafter referred to as the "Municipal Code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in

favor of said city; any ordinance establishing or authorizing the establishment of a social security system or providing or changing 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, closing, 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 fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

Each day any violation of the municipal code continues shall constitute a separate civil offense.¹

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading May 10, 2002.

Passed 2nd reading June 14, 2002.

Lisa Chapman-Fowler
Mayor

Ann Flatt
Recorder

APPROVED AS TO FORM:

David A. Redette
City Attorney