

THE
ARDMORE
MUNICIPAL
CODE

Prepared by the
MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

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CITY OF ARDMORE, TENNESSEE

MAYOR

Bob L. Hastings

ALDERMEN

John Baker
Raymond Crabtree
Kenneth Crosson
Garon Hargrove
Tim McConnell
Theresa Weir

RECORDER

Mary Prier

PREFACE

The Ardmore Municipal Code contains the codification and revision of the ordinances of the City of Ardmore, 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 Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, and Tracy G. Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Specialist

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
CITY CHARTER

ARTICLE XII

ORDINANCES

Section 1. Form. Be it further enacted, That all City ordinances shall begin by an enacting clause as follows: "Be it enacted by the Mayor and Board of Aldermen of Ardmore, Tennessee," and shall, at the end of the ordinance, contain the provisions: "This ordinance shall take effect from and after its passage, the public welfare requiring it," otherwise the same shall not take effect until twenty (20) days after its passage, unless another date is fixed therein.

Sec. 2. Passage. Be it further enacted, That all ordinances shall be read in open session of the Board on two different days before being placed on third and final reading, provided however, any ordinance may be introduced, read twice, once in full and once by title, and passed on third and final reading by unanimous vote of all members of the Board present at any meeting. In the event an ordinance is so passed, it will contain the following provision in the body thereof, immediately following the public welfare clause, "This ordinance was passed unanimously on three readings on this the ___ day of _____, 19___, the public good and welfare demanding that its passage not be postponed."

Sec. 3. Amendments. Be it further enacted, That all amendments to existing ordinances shall be in the form of new ordinances and shall be adopted in the same manner.

Sec. 4. Publication. Be it further enacted, That the Board may, by resolution, direct that any ordinance pending before the Board, or under consideration by it, be published in some newspaper circulated within the City, before taking final action thereon, and may, in like manner, direct the publication of any ordinance after its passage on third and final reading.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. CITY RECORDER.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

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

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:30 P.M. on the first Thursday of each month at the city hall. (1969 Code, § 1-101)

- 1-102. Order of business. The order of business shall be as follows:
- (1) Reading the minutes of last meeting.

¹Charter references

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

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.
 Fire department: title 7.
 Utilities: titles 18 and 19.
 Wastewater treatment: title 18.
 Zoning: title 14.

²Charter references

Compensation: art. V, § 14.
 Qualifications: art. V, § 4.
 Quorum: art. V, § 8.
 Term of office: art. V, § 3.
 Vacancy in office: art. V, § 5.

- (2) Reading of minutes of any special meeting.
- (3) Report of city recorder.
- (4) Report of standing committees.
- (5) Unfinished business.
- (6) New business. (1969 Code, § 1-102)

1-103. General rules of order.¹ (1) It shall be unlawful for any person to interrupt the proceedings of the board at any regular or called meeting by noise or disturbance of any kind, and any person so offending shall be arrested instantly by any policeman or police officer present and shall be fined not less than one (1) nor more than fifty (50) dollars.

(2) It shall be unlawful for any person not a member of said board to address the board or speak on any subject before the board without first asking and obtaining the permission of the board, and any person so offending shall be fined not less than one (1) nor more than ten (10) dollars for each offense. (1969 Code, § 1-103)

1-104. Compensation of aldermen. Pursuant to Article V, Section 14 respectively of the Charter of the Town of Ardmore, the Aldermen of the City of Ardmore shall receive the sum of \$100.00 per month as salary which shall become effective January 1, 2000. (Ord. #___, Oct. 1977; as replaced by Ord. #6/04/98-2, August 1998)

1-105. Business and travel expenses. Aldermen may be reimbursed for their actual and reasonable business and travel expenses incurred in the performance of their duties as members of such board. (Ord. #6/04/98-2, August 1998)

¹Charter reference
Rules of proceedings: art. V, § 9.

CHAPTER 2

MAYOR¹

SECTION

1-201. Compensation.

1-201. Compensation. The mayor of the City of Ardmore shall receive one hundred dollars (\$100.00) per month as salary. This shall become effective on January 1, 1978. (Ord. #____, Oct. 1977)

¹Charter references

Compensation: art. IV, § 5.

Oath of office: art. IV, § 6.

Powers and duties: art. IV, § 8.

Qualifications: art. IV, § 1.

Term of office: art. IV, § 2.

Vacancy in office: art. IV, § 3.

CHAPTER 3

CITY RECORDER¹

SECTION

1-301. To be bonded.

1-301. To be bonded. The recorder shall be bonded in such sum of one thousand dollars (\$1,000.00), with surety acceptable to the board of mayor and aldermen, before assuming the duties of his office. (1969 Code, § 1-301)

¹Charter references

Bond required: art. VI, § 7.

Compensation: art. VI, § 4.

Duties: art. VI, § 8.

Oath of office: art. VI, § 5.

Qualifications: art. VI, § 1.

Term of office: art. VI, § 2.

Vacancy in office: art. VI, § 3.

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. WATER SYSTEM BOARD.
2. BOARD OF HEALTH.

CHAPTER 1

WATER SYSTEM BOARD¹

SECTION

- 2-101. Creation and composition of the board.
- 2-102. Election, term of office, and vacancies of board members.
- 2-103. Qualifications of board members.
- 2-104. Oath of office of board members.
- 2-105. Organization of board.
- 2-106. Compensation of board members.
- 2-107. Meetings, quorum, and record of proceedings of the board.
- 2-108. Authority and duties of the board.
- 2-109. Bond requirements.
- 2-110. Impeachment and removal of board members.
- 2-111. Accountant for the board.
- 2-112. Board reports.
- 2-113. Expenditures for the construction of additions to the water system.
- 2-114. Disposition of funds of the water system.

2-101. Creation and composition of the board. There is hereby created and established for the Town of Ardmore, Ala. and the City of Ardmore, Tenn., a Water System Board, known as The Ardmore Water System Board, to be composed of three members and for the purpose of this chapter to be known as the water board. (1969 Code, § 13-101)

2-102. Election, term of office, and vacancies of board members. Members of the board shall be elected by the town and city councils to serve as follows: One member to serve until the first day of July 1962, and until his successor is elected and qualified, one member to serve until the first day of July 1963, and until his successor is elected and qualified, and one member to serve until the first day of July 1964 and until his successor is elected and qualified.

¹Charter reference
Water department: art. XV.

At the first regular meeting of the town and city council in the month of June of each year, the councils shall elect a successor of the member of the board whose term expires on the first day of July following, and the person so elected shall become a member of the board on the first day of July following and shall hold such a position for three years, and until his successor is elected and qualified. Should the council fail to elect a member at its first meeting in the month of June, it shall do so at any succeeding regular meeting of the governing body. A member of the board may succeed himself provided the council sees fit to reelect him. Should a vacancy occur on the water board, the council shall immediately fill the vacancy by electing another member to membership on the board, who shall serve out the remainder of the vacant member term and until a successor may be elected and qualified. (1969 Code, § 13-102)

2-103. Qualifications of board members. No person shall be eligible to membership on the board who is not a qualified voter of the town or city. (1969 Code, § 13-103)

2-104. Oath of office of board members. Before entering upon the duties of his office, each member of the board shall take and subscribe to the following oath: "I DO SOLEMNLY SWEAR THAT I WILL SUPPORT THE CONSTITUTION OF THE STATE OF ALABAMA, AND THE CONSTITUTION OF THE UNITED STATES, AND THAT I WILL FAITHFULLY, ZEALOUSLY AND IMPARTIALLY DISCHARGE THE DUTIES OF THE OFFICE WHICH I AM ABOUT TO ENTER WITHOUT FEAR OR FAVOR FOR THE PUBLIC WELFARE; SO HELP ME GOD." The successors to the members of the board shall take the same oath. (1969 Code, § 13-104)

2-105. Organization of board. At the first meeting of the board the members shall elect one of their number as chairman and one of their number as secretary. Thereafter the board shall annually elect from among their number a chairman and secretary. Vacancies in the office of chairman and secretary shall be filled by the board, if and when the same may occur. (1969 Code, § 13-105)

2-106. Compensation of board members. The members of the board shall serve without compensation. The members of the board shall be reimbursed for any actual expense incurred by them in the transactions of any business of, or for and on behalf of the board. (1969 Code, § 13-106)

2-107. Meetings, quorum, and record of proceedings of the board. The board shall hold regular monthly meetings and such other meetings at other times and places as its members may elect, and the chairman of the board or any two members may call a meeting at any time he or they may consider that the business demands a meeting be held. The chairman and any one (1)

member, or any two (2) members of the board shall constitute a quorum. A true record of proceedings of all meetings of the board shall be kept by the secretary. At the call of any member, the vote on any pending question shall be taken as ayes and naves, and the same shall be entered on the record.

The record of the proceedings of the board shall be open to any member of the town and city council and to the public at all times, and a copy from the record, certified by the secretary, shall be competent evidence in all courts. (1969 Code, § 13-107)

2-108. Authority and duties of the board. The board shall have complete control of the water works plant and the water system of the Town of Ardmore, Ala., and the City of Ardmore, Tenn., and shall have authority to employ, upon terms fixed by the board, but in no event for a term exceeding one (1) year and to discharge with or without cause, managers, cashiers, clerks, stenographers, attorneys, repairmen, plumbers, laborers and such other employees as are necessary for the operation of such water works plant and water works system, of the town and city heretofore mentioned.

It shall have the power and authority and it shall be its duty to charge for and collect all accounts due for any service which the water works plant and water works system of the above mentioned town and city may furnish to its customers, upon rates provided and approved by the water board and the town and city councils. The board shall have the right to delegate to any manager which it may employ, the authority to employ and discharge employees which may be needed, to direct their work and to manage and control and operate the water system, and to account to the board for his acts in so doing, but his authority shall be restricted as the authority of the board is restricted in this chapter. (1969 Code, § 13-108)

2-109. Bond requirements. Each officer or employee of the board handling money or exercising authority over property of the water system shall, before entering upon the discharge of his duties, give bond with some surety company authorized to do business in the state, as surety and payable to the town and city referred to in § 2-108, to be approved by the board in such penalty as the board may prescribe conditioned for the faithful discharge of his duties of his office or employment and faithfully to account for all moneys received or property coming into possession in the capacity of his employment. (1969 Code, § 13-109)

2-110. Impeachment and removal of board members. Members of the board may be removed from office in the manner and on the same grounds provided by the general law of the state for the impeachment and removal of officers as set out in section 175 of the Constitution of Alabama. (1969 Code, § 13-110)

2-111. Accountant for the board. The board shall at least once a year appoint an expert accountant or firm of accountants who shall make an examination in detail of all books and accounts of the board to cover the period since the preceding examination, and make a full report in writing, under oath to the board, of its findings at the first board's meeting after completion of such report; a copy shall also be furnished the town and city councils and the same shall be spread on the minutes of the board, but the same person or firm shall not be authorized to make such examination twice in succession without the full approval of the board and the town and city councils. For this service the accountant shall be paid such reasonable and proper sum as may be agreed upon. (1969 Code, § 13-111)

2-112. Board reports. The board shall make an annual report to the town and city councils showing in detail the receipts and expenditures of the preceding fiscal year, the physical condition of the property under the care of the board, and any other matters of public interest connected with the board. (1969 Code, § 13-112)

2-113. Expenditures for the construction of additions to the water system. (1) Expenditures for any new construction, addition, or replacement to the water system in the City of Ardmore, Tennessee, and Town of Ardmore, Alabama, and all maintenance and repairs to the water system shall be made by the Ardmore Water Board.

(2) Any new construction, addition, or replacement to the sewer system in the City of Ardmore, Tennessee, and Town of Ardmore, Alabama and all maintenance and repairs to the sewer system shall be made by the Ardmore Water Board.

(3) The Ardmore Water Board is given the full authority to act on all matters relating to the water and sewer system in the City of Ardmore, Tennessee. However, the Ardmore Water Board shall have no authority to in any way obligate the City of Ardmore and Town of Ardmore or any of its assets for any of the purposes contained herein.

(4) Full responsibility for any liabilities incurred in connection with the water and sewer system shall be taken by the Ardmore Water Board. (Ord. #94-02-03, March 1994, as amended by Ord. #95-01-12, Jan. 1995)

2-114. Disposition of funds of the water system. All funds of the Ardmore Water System shall be separate and apart from any other funds of the Town of Ardmore, Ala., and the City of Ardmore, Tenn., and in the city depository or Bank of Ardmore, Tenn., and the same shall be withdrawn only in such sums and at such times as the same shall be required for the expenditures authorized by law, in payment of all the obligations of the Ardmore Water System, together with interest on said obligations, also the expense of operating said system, including salaries for the maintenance of

water pumps, reading of meters, installing meters, and other general operating expense and supplies, also the expense of billing, auditors and accountant fees, and other necessary expense for the operating and maintenance of the water system. (1969 Code, § 13-114)

CHAPTER 2

BOARD OF HEALTH

SECTION

2-201. Creation of board of health.

2-202. General power of the board.

2-203. Rules and regulations of the board.

2-201. Creation of board of health. The board of health for the City of Ardmore is hereby created and established and shall be composed of the mayor, one alderman to be named by the mayor, and a physician to be elected by the board. The physician shall be the health officer. No member of said board of health shall be entitled to compensation for any services rendered to the said board. (1969 Code, § 1-201)

2-202. General power of the board. The board of health is vested with general authority to inspect premises and any property within the corporate limits, to enter upon or into and examine any place or property, and to remove or abate any condition prejudicial to health or tending to become a nuisance. Notification shall be given by the mayor to the owner or occupant of any such premises to remove or abate the same, and if he fails to do so, such nuisance or unsanitary condition shall be removed or abated at the cost of the owner, to be recovered by suit at law. (1969 Code, § 1-202)

2-203. Rules and regulations of the board. The board of health is fully empowered to establish and enforce the observance of such sanitary regulations as it deems best calculated to guard against epidemics, infectious, contagious, or malignant disease and prevent or check their extension. (1969 Code, § 1-203)

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. Qualifications.
- 3-102. Election and term of office.
- 3-103. Vacancy in office.
- 3-104. Salary.
- 3-105. Jurisdiction.
- 3-106. Duties, powers, etc.
- 3-107. Process.
- 3-108. Fines, costs, etc.
- 3-109. Docket, records and reports.
- 3-110. Appeal.
- 3-111. City attorney may act as.

3-101. Qualifications. The city judge shall be 21 years of age, or older, and shall be a person licensed by the Supreme Court to practice law in the State of Tennessee. (Ord. #____, June 1977)

3-102. Election and term of office. The city judge shall be elected by the board of mayor and aldermen on the second Thursday in January 1979 and every two years thereafter for a term of two years commencing on the date of his election, and shall serve until his successor is elected and qualified. The city judge in office on the effective date of this Act shall continue in office until the expiration of the term for which he was elected. (Ord. #____, June 1977)

3-103. Vacancy in office. Whenever a vacancy should occur in the office of city judge by reason of the death, resignation, ouster, prolonged absence

¹Charter reference
Judicial department: art. VII.

or inability to serve of said city judge, such vacancy shall be filled for the unexpired term of such office by election, by the board of mayor and aldermen. (Ord. #____, June 1977)

3-104. Salary. The salary of the city judge shall be fixed by the board of mayor and aldermen at a sum which shall not exceed \$200.00 per month. (Ord. #____, June 1977)

3-105. Jurisdiction. The city judge shall have and he is hereby vested with jurisdiction to hear and determine all violations of the laws and ordinances passed by the board of mayor and aldermen and to impose fines, costs and forfeitures as provided by such laws and ordinances passed by the board of mayor and aldermen and to impose fines, costs and forfeitures as provided by such laws and ordinances and is further vested with concurrent jurisdiction with the General Sessions Court of Giles County in cases of the violation of the criminal laws of the state. The jurisdiction of said city judge shall extend to a distance of one mile beyond the corporate limits of the City of Ardmore for the suppression of acts and practices forbidden by the general laws or the city ordinances. (Ord. #____, June 1977)

3-106. Duties, powers, etc. The city judge shall preside over the city court, which said court is hereby created and thus designated and shall have power and authority to impose fines and forfeitures, to preserve and enforce order in the court, to enforce collections of all fines and forfeitures imposed by him, to accept and receive good and sufficient security for any fines or forfeitures imposed by him, and in default of payment of such fines and forfeitures or security for payment of the same, to commit the offender to the county jail or to such other place of confinement as may be established by ordinance for such period of time as may be provided by ordinance until such fine, costs or forfeiture shall have been fully paid at the rate of one day's imprisonment for each dollar of such fine, costs or forfeiture; provided, however, that fines, costs or forfeitures may be paid in such installments as may be provided by ordinance and provided further, that workhouse bonds may be accepted by him in such manner as may be prescribed by ordinance. In order that said city judge may effectually exercise the powers herein conferred, he is expressly empowered to issue any and all warrants or other process of a criminal nature, including, but not limited to, warrants for arrest, search warrants, attachments for contempt, subpoenas for witnesses and attachments to compel the attendance of witnesses. (Ord. #____, June 1977)

3-107. Process. All process issuing from said city court shall run in the name of the State of Tennessee for the use of the City of Ardmore and shall be so captioned. All warrants shall be signed and issued by the city judge, or in the event of his absence or disability, by the city attorney. The general law of this

state, except such parts there of as may be inconsistent with this Act relative to the issuance of warrants and process shall apply to the city court. (Ord. #____, June 1977)

3-108. Fines, costs, etc. The costs and fees in said city court shall be the same as those provided by law for justices of the peace. The fees and other compensation of the police officers shall be the same in said court as that provided by law for the sheriff in courts of justice of the peace, provided, however, all fines, costs and forfeitures shall belong to the city and shall be paid into its treasury except such portions of the costs as are claimed by witnesses except police officers, for attendance in court, it being the intent of this chapter that no member of the police force shall receive any compensation for making arrest and serving process, nor shall the city judge receive any fee or compensation except that enumerated § 3-104 above, but that such fees shall be charged as a part of the court costs and shall inure to the benefit of the city. (Ord. #____, June 1977)

3-109. Docket, records and reports. The city judge shall keep a court docket or dockets similar to that required by law by the justice of the peace, and shall keep, in addition, a complete and accurate record of all fines, costs and forfeitures imposed by him, and he shall render a monthly report of all fines, costs and forfeitures collected and of all assessed and uncollected. (Ord. #____, June 1977)

3-110. Appeal. Any person dissatisfied with the judgment of the city judge in any case or cases heard and determined, may within 10 days after said judgment, appeal to the next term of the Circuit Court of Giles County, where the cause shall be tried de novo, but no appeal shall be granted unless the same shall be prayed and obtained and proper appeal bond conditioned to pay the fine and costs including the costs of appeal, with solvent security approved by the city judge, be filed within said 10 days period after the rendition of the judgment; provided, however, such appeal may be perfected by execution of an appearance bond in the sum of \$250.00 and by taking the pauper's oath in lieu of an appeal bond, and if the pauper's oath is taken the same shall be in the form and manner provided by the general law. (Ord. #____, June 1977)

3-111. City attorney may act as. In the absence of the city judge or when he shall be unable to serve or shall be incompetent, the city attorney is hereby authorized to act in his stead. (Ord. #____, June 1977)

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Imposition of fines and costs.
- 3-202. Disposition and report of fines and costs.
- 3-203. Disturbance of proceedings.
- 3-204. Trial and disposition of cases.

3-201. Imposition of fines and costs. All fines and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of justices of the peace¹ for similar work in state cases. (1969 Code, § 1-505)

3-202. Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1969 Code, § 1-506)

3-203. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1969 Code, § 1-507)

3-204. 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. (1969 Code, § 1-503)

¹State law reference
Tennessee Code Annotated, § 8-21-401.

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

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, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1969 Code, § 1-502)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1969 Code, § 1-504)

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY.
2. MISCELLANEOUS PERSONNEL REGULATIONS.
3. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

SOCIAL SECURITY

SECTION

4-101. Exclusion.

4-101. Exclusion. No withstanding any provision(s) heretofore contained in the Social Security Agreement between said parties, it is now the intent and purpose of said board of mayor and aldermen to amend the Social Security Agreement by and between the City of Ardmore and the State Old Age and Survivors, Disability, Health Insurance, to exclude from its coverage group under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of elections workers and election officials if the remuneration paid for such services in a calendar year is less than \$1,000 on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount thereafter determined under Section 218 (c)(8)(B) of the Social Security Act, for calendar year commencing on or after January 1, 2000.

The exclusion for such services is to be effective with respect to the services performed during any calendar year in which a State's Modification is mailed, or delivered by other means, to the appropriate federal official by the Director of Old Age and Survivors Insurance Agency, State of Tennessee. (Ord. #94-10-06, Oct. 1994)

CHAPTER 2

MISCELLANEOUS PERSONNEL REGULATIONS

SECTION

- 4-201. Business dealings.
- 4-202. Acceptance of gratuities.
- 4-203. Outside employment.
- 4-204. Political activity.
- 4-205. Use of municipal time, facilities, etc.
- 4-206. Use of position.
- 4-207. Strikes and unions.

4-201. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1969 Code, § 1-701)

4-202. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business. (1969 Code, § 1-702)

4-203. Outside employment. No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1969 Code, § 1-703)

4-204. Political activity. Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work not performed for the city. Provided, however, municipal employees shall not be qualified to run for elected office in the city council. This restriction shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1969 Code, § 1-704, modified)

4-205. Use of municipal time, facilities, etc. No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1969 Code, § 1-705)

4-206. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1969 Code, § 1-706)

4-207. Strikes and unions. No municipal officer or employee shall participate in any strike against the municipality, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1969 Code, § 1-707)

CHAPTER 3

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-301. Enforcement.
- 4-302. Travel policy.
- 4-303. Travel reimbursement rate schedule.
- 4-304. Administrative procedures.

4-301. 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. #Title 1, V-14-101, July 1993)

4-302. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler 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 aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

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

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

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

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

(b) Actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

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

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #Title 1, V-14-101, July 1993)

4-303. 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. #Title 1, V-14-101, July 1993)

4-304. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

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 July 1, 1993. (Ord. #Title 1, V-14-101, July 1993)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. PRIVILEGE TAXES GENERALLY.
2. WHOLESALE BEER TAX.
3. PURCHASES.

CHAPTER 1

PRIVILEGE TAXES GENERALLY

SECTION

- 5-101. Tax levied.
- 5-102. Tax rate.
- 5-103. Revenue to be paid into general fund.
- 5-104. License required.

5-101. Tax levied. The taxes provided for in Pub. Acts 1971, ch. 387, known as the "Business Tax Act," are hereby enacted, ordained and levied on the businesses, business activities, vocations or occupations carried on in Ardmore, Tennessee at the rates and in the manner prescribed by said act and that the terms and conditions thereof are hereby adopted in this chapter as an ordinance of the City of Ardmore, Tennessee, subject to the following changes and limitations as authorized by the act:

| | | | |
|-------------------|--------------|--------------------|------------|
| Classification 1: | Retail | Gross Receipts Tax | 1/15 of 1% |
| | Wholesale | Gross Receipts Tax | |
| | | Class 1A | 1/60 of 1% |
| | | Class 1B and 1C | 1/40 of 1% |
| Classification 2: | Retail | Gross Receipts Tax | 1/10 of 1% |
| | Wholesale | Gross Receipts Tax | 1/40 of 1% |
| Classification 3: | Retail | Gross Receipts Tax | 1/8 of 1% |
| | Wholesale | Gross Receipts Tax | 1/40 of 1% |
| Classification 4: | Retail | Gross Receipts Tax | 1/15 of 1% |
| | Clerk's Fee: | \$5.00 | |

(Ord. #_____, Dec. 1972, as amended by Ord. #AO-02-07, Feb. 1991)

¹Charter reference: art. XIII.

5-102. Tax rate. The rate of tax under classifications 1, 2 and 3 for wholesale gross receipts tax shall be one-half (1/2) of the tax authorized and to be paid to the state and county. (Ord. #_____, Dec. 1972)

5-103. Revenue to be paid into general fund. The revenue derived from this act and chapter shall be paid into the general fund. (Ord. #____, Dec. 1972)

5-104. 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. (1969 Code, § 6-202)

CHAPTER 2

WHOLESALE BEER TAX

SECTION

5-201. To be collected.

5-201. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1969 Code, § 6-301)

¹State law reference

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

CHAPTER 3

PURCHASES

SECTION

5-301. Expenditures authorized by mayor.

5-302. Competitive bidding.

5-301. Expenditures authorized by mayor. A \$500.00 limit is set on the amount of expenditure/s for any one item or project which the mayor can authorize. Any expenditure over this \$500.00 limit must be approved by the board. Routine monthly operating expenses which may go over this limit are exempt from this restriction. (Ord. #93-12-05, Feb. 1994)

5-302. Competitive bidding. The dollar amount for purchases for which public advertisement and competitive bidding is required is \$4,000. Ord. #94-10-01, Nov. 1994)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1

POLICE AND ARREST¹

SECTION

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

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1969 Code, § 1-401)

6-102. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1969 Code, § 1-402)

6-103. When policemen to make arrests¹. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

¹Charter reference

Police department: art. IX.

Municipal code reference

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1969 Code, § 1-403)

6-104. Policemen may require assistance in making arrests. It shall be unlawful for any male person to willfully refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1969 Code, § 1-404)

6-105. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1969 Code, § 1-405)

6-106. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1969 Code, § 1-406)

CHAPTER 2

WORKHOUSE

SECTION

6-201. County workhouse to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

6-201. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1969 Code, § 1-601)

6-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1969 Code, § 1-602)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed two dollars (\$2.00) per day as credit toward payment of the fines and costs assessed against him. (1969 Code, § 1-603)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

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

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as follows: (1969 Code, § 7-101)

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

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations.
- 7-208. Dispensing gasoline at service stations.
- 7-209. Owner or employees to dispense gasoline.
- 7-210. Self service devices at service stations prohibited.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,² 1994 edition with 1995 revisions, as recommended by the Southern Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1969 Code, § 7-201, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1969 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Ardmore, Tennessee. (1969 Code, § 7-203)

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

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

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

The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is 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. (1969 Code, § 7-204)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1969 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board. (1969 Code, § 7-206)

7-207. Violations. 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 board of mayor and aldermen 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. (1969 Code, § 7-207)

7-208. Dispensing gasoline at service stations. The dispensing of gasoline or other similar liquids at service stations or garages or from pumps or devices from which the public is served shall be under the direct control of the

owner, manager or an employed attendant of such service station or similar business. (Ord. #_____, June 1971)

7-209. Owner or employees to dispense gasoline. No person other than the owner or manager of any service station or an employed attendant at such service station or garage or any establishment using pumps or devices from which the public is served shall dispense any motor fuel. (Ord. #_____, June 1971)

7-210. Self service devices at service stations prohibited. The use of automatic vending or self service devices for the discharge of gasoline or other volatile inflammable liquids for public use in any service station or garage or from any pump or device from which the public is served is prohibited; with the exception, that automatic shutoff nozzles with latch-open devices may be installed and used for the dispensing of gasoline or other similar liquids into the fuel tanks of motor vehicles; provided, that such nozzles shall be judged to be acceptable for listing as to safety by the Examination Service of Underwriters Laboratories, Inc., such corporation being sponsored by the American Insurance Association. This section shall not be construed to permit the installation and use of coin-operated dispensing devices for inflammable liquids.

Sections 7-208--7-210 shall be construed in pari materia with the provisions of the fire prevention code which said fire prevention code is adopted in § 7-201 of the Municipal Code of the City of Ardmore, except where these sections are in conflict with said fire prevention code. In the event of such conflict the provisions of these sections shall prevail. (Ord. #_____, June 1971)

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 board of mayor and aldermen 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 and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1969 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. (1969 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. (1969 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,

¹Charter reference

Fire department: art. X.

Municipal code reference

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

and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1969 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 board of mayor and aldermen. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board.

All personnel of the fire department shall receive such compensation for their services as the board may from time to time prescribe. (1969 Code, § 7-305)

7-306. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1969 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. (1969 Code, § 7-308)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

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

7-401. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on city property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless expressly authorized in writing by the board of mayor and aldermen. (1969 Code, § 7-307)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally.

8-101. Prohibited generally. Except when he is lawfully acting pursuant to the authority of an applicable state law², it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within the City of Ardmore. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than six percent (6%) of alcohol by weight. (Ord. #02-07-1991, Feb. 1991, as amended by Ord. #A0 99-03-08, March 1999)

¹State law reference
Tennessee Code Annotated, title 57.

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

CHAPTER 2

BEER¹

SECTION

- 8-201. "Beer" defined.
- 8-202. Beer board established.
- 8-203. Meetings of the beer board.
- 8-204. Record of beer board proceedings to be kept.
- 8-205. Requirements for beer board quorum and action.
- 8-206. Powers and duties of the beer board.
- 8-207. Permit required for engaging in beer business.
- 8-208. Application for retail permit.
- 8-209. Additional rules concerning application.
- 8-210. Permits not transferable.
- 8-211. Duration of permit.
- 8-212. Display of permit.
- 8-213. Number of licenses permitted per individual.
- 8-214. Interference with public health, safety, and morals prohibited.
- 8-215. Geographical limitations.
- 8-216. Issuance of permits to persons convicted of certain crimes.
- 8-217. Issuance of permits to hotels, clubs, etc.
- 8-218. Retail off-premises, restrictions.
- 8-219. On premises (taverns) restrictions.
- 8-220. Restaurants: definitions and resident requirements.
- 8-221. Sanitation.
- 8-222. Minor, fraudulent evidence of age, etc., misdemeanor.
- 8-223. Investigation of applicant, agent, and/or employees,
- 8-224. Prohibited conduct.
- 8-225. Chain stores and restaurants.
- 8-226. Restrictions upon granting permits.
- 8-227. Suspension and revocation of beer permit.
- 8-228. Status of license pending charges.
- 8-229. Death of a permit holder.
- 8-230. Civil penalty in lieu of suspension.
- 8-231. Privilege tax.

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).

8-201. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five per cent (5%) by weight. (Ord. #02-07-1991, Feb. 1991)

8-202. Beer board established. There is hereby established a beer board to be composed of all the members of the governing body. The mayor shall be its chairman and shall preside at its meetings. Its members shall serve without compensation. (Ord. #02-07-1991, Feb. 1991)

8-203. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings following each regular meeting of the governing body at the city hall whenever there is business to come before the beer board. A special meeting of the beer board may be called by its chairman provided he gives a reasonable notice thereof and the board may adjourn a meeting at any time to another time and place. (Ord. #02-07-1991, Feb. 1991)

8-204. Record of beer board proceedings to be kept. The recorder shall make a separate record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: the date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provision of each beer permit issued by the board. The recorder shall also maintain an up to date list of the names and addresses of all beer permit holders. (Ord. #02-07-1991, Feb. 1991)

8-205. Requirement 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. (Ord. #02-07-1991, Feb. 1991)

8-206. Powers and duties of the beer board. The board shall have the power and it is hereby directed to regulate the selling, distributing, or manufacturing of beer and the storing and distributing for sale within this municipality in accordance with the provisions of this chapter. (Ord. #02-07-1991, Feb. 1991)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer

board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to T.C.A. 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250). Said fee shall be payable to the City of Ardmore. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. (Ord. #A0-93-09-3, Sept. 1993)

8-208. Application for retail permit. (1) Each application for a beer permit shall reflect:

(a) That the applicant is an adult citizen (21 years or older) of the United States.

(b) Those applying for a permit to sell beer for consumption on or off the premises must be a resident citizen of Giles County, Lincoln County, Tennessee or Madison County, Limestone County, Alabama for at least twelve (12) months preceding the date of the application. In the event an applicant has been a resident for only six (6) months, this provision may be waived if the application is accompanied by a certificate of moral character from three citizens of the area in which the applicant previously lived and a statement from the chief law enforcement officer located therein concerning the applicant's reputation for peace and quiet and for obeying the law.

(c) The location of the premises at which the business shall be conducted.

(d) The owner or owners of such premises.

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

(f) Whether the applicant will operate the business in person or by agent and, if by agent, the name and address of such agent.

(g) [Deleted.] This subsection was deleted by Ord. #A0 99-03-08, March 1999.

(h) That the applicant shall not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit to such applicant.

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

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

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

(l) That the applicant shall not allow any liquor with an alcoholic content greater than five percent (5%) to be consumed on the premises.

(m) That the applicant will require each employee to read and sign the portion of the city's beer ordinance, on a form supplied by the city, which applies to minors and the related penalties for violations. Such completed forms will be filed with the city. (Ord. #02-07-1991, Feb. 1991, modified, as amended by Ord. #A0 99-03-08, March 1999, and Ord. #A0 00-09-07, Sept. 2000)

8-209. Additional rules concerning application. (1) That the applicant must secure a certificate or a statement from the health department or health officer that the premises which the application covers meets the requirements as provided by the laws of the State of Tennessee and the other provisions of this chapter.

(2) The application shall be submitted to the city recorder for an amount of time sufficient to allow an investigation into the applicant, and, in no event, less than fifteen (15) days preceding the next succeeding board meeting. The beer board shall act upon the application at its next regular meeting following the fifteen (15) days. This provision may be waived only if there has been a sufficient amount of time for the chief of police to make his investigation.

(3) Permittee must be in full operation within six (6) months of approval of his application.

(4) The application must be signed by the chief of police indicating that he has checked into the background of the applicant and to the circumstances of the premises upon which the beer is to be sold.

(5) No permit shall be issued by the beer board until the application therefore shall have been subscribed to and approved in writing by the city attorney. However, the city attorney is only authorized to disapprove applications when there is a failure to comply with a city ordinance or state law governing the issuance of the permit. (Ord. #02-07-1991, Feb. 1991)

8-210. Permits not transferable. Beer permits shall not be transferable from one person to another or from one location to another. (Ord. #02-07-1991, Feb. 1991)

8-211. Duration of permit. Permits issued under the provisions of this chapter shall be issued until revoked or suspended by change of location, sale of business, death or incapacity of the permit holder, violation of the state or city laws and/or ordinances, abandonment of the business, or otherwise ceases to do business or goes out of business at the same location, or ceases to sell beer to the public as an ongoing and vital part of their business. (Ord. #2-0-1992, Feb. 1992)

8-212. Display of permit. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder together with all permits, licenses, and stamps as required by law. (Ord. #02-07-1991, Feb. 1991)

8-213. Number of licenses permitted per individual. A beer permit holder may hold more than one permit, provided, however, that no one individual shall hold more than one outstanding permit for an address only i.e. for subsequent locations the business must be in full operation before a permit for another location will be granted to that individual. (Ord. #02-07-1991, Feb. 1991, as replaced by Ord. #A0 00-06-01b, June 2000)

8-214. 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, nursing homes, funeral homes, or public parks or would otherwise interfere with the public health, safety and morals. (Ord. #02-07-1991, Feb. 1991)

8-215. Geographical limitations. (1) For the purpose of this section, a restaurant is defined as in § 8-221(1). All other permits for license to sell for consumption on the premises shall be defined as a tavern.

(2) No permit will issue for the sale of beer where the building housing a restaurant is within 350 feet of any building housing any church, school, hospital or nursing home approved by the Tennessee Health Facilities Commission, or playground, park or funeral home.

(3) No permit will issue for the sale of beer for the consumption on the premises in a building housing a tavern if the tavern is within 1000 feet of any building housing any church, school, hospital or nursing home approved by the Tennessee Health Facilities Commission, or playground, funeral home, or public park.

(4) No permit will issue where the building housing the retail outlet for consumption off the premises if the same is within 350 feet of any public playground, church, school, hospital, nursing home, funeral home or public park.

(5) The distances provided in this section shall be calculated by measuring the pedestrian distance from the front door of the beer establishment to the entrance of the playground or the nearest corner of the building housing the church, school, hospital, nursing home or funeral home.

(6) The provision of this section may be waived if the applicant can show reasonable cause for the waiver to be granted. (Ord. #02-07-1991, Feb. 1991)

8-216. Issuance of permits to persons convicted of certain crimes. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacturing or transporting of intoxicating liquors or any other drug or any crime involving moral turpitude within the past ten (10) years. (Ord. #02-07-1991, Feb. 1991)

8-217. Issuance of permits to hotels, clubs, etc. It shall be lawful for the beer board to issue a permit for the sale of beverages coming within the provisions of this chapter to hotels, motels, clubs and lodges, subject to the limitations and restrictions contained in the state law covering this subject and the rules and regulations promulgated thereunder and subject to all limitations and restrictions contained in the permit provided for by this chapter. (Ord. #02-07-1991, Feb. 1991)

8-218. Retail off premises, restrictions. (1) No permit to sell at retail coming within the provisions of this chapter shall be issued for the operation of any place except one with enough of the front enclosed in glass and of such design that the interior can be easily seen from the sidewalk or street or in front of such place. No curtains, drapes, shades, blinds, screens or other things shall be used in the front of any place that hinders a clear and unobstructed view of the interior of such place from the sidewalk or street in front of such place. No permit to sell at retail coming within the provisions of this chapter shall be issued for the operation of any place except one which is twelve hundred (1200) square feet or greater and on a permanent foundation.

(2) All places shall be adequately lighted.

(3) All such retail establishments shall have a telephone on the premises to the end that both customers and the owners and managers shall have quick access to the police.

(4) At no time shall the number of beer permits issued by the beer board and outstanding in the City of Ardmore for off premises consumption (package beer) exceed eight (8) with two (2) of these permits being limited to grocery stores.

(5) "Package beer" is defined as beer (§ 8-201) sold for off premises consumption.

(6) Two (2) of the permits for the off premises sale of beer shall be issued according to the following classes and limitations:

(a) Off premises where beer is sold at a grocery (food store).

Grocery shall mean a business establishment whose primary business is the retail sale of food merchandise and household items (a minimum of 51% of gross receipts). The building housing the grocery shall have a minimum of ten thousand (10,000) square feet of operating area. (Ord. #02-07-1991, Feb. 1991, as amended by Ord. #A0 99-03-08, March 1999)

8-219. On premises (taverns) restrictions. (1) Each outlet for on premises consumption shall have a seating capacity for at least fifty (50) patrons.

(2) Each retail outlet is required to have a telephone on the premises to the end that both customers and the owners and managers shall have quick access to the police.

(3) Each retail outlet must have a front and rear exit.

(4) Each outlet must list all employees with the city recorder's office within ten (10) days from the date of employment.

(5) Each retail outlet must provide off street parking for at least twenty-five (25) automobiles and must be on a lot at least one hundred (100) feet in width and with only one business on said lot.

(6) At no time shall the number of beer permits issued by the beer board and outstanding in the City of Ardmore for taverns exceed five (5).

(7) No gambling shall be allowed on the tavern premises. (Ord. #02-07-1991, Feb. 1991, as amended by Ord. #A0 99-03-08, March 1999)

8-220. Restaurants: definitions and resident requirements.

(1) A restaurant is defined as a retail establishment serving food prepared on the premises where seventy-five percent (75%) of the gross income as calculated from the sales tax receipts is derived from the sale and serving of food and where there is a seating capacity for fifty (50) customers.

(2) In the event a person not living in Giles, Lincoln, Limestone or Madison County for twelve (12) months desires to open a restaurant and secure a beer permit for consumption on the premises, the residence requirements may be waived upon the presentation of three certificates of good moral character from the community in which he lived prior to moving to Ardmore.

(3) At no time shall the number of beer permits issued by the beer board and outstanding in the City of Ardmore for on premises consumption exceed two (2), as defined under this section (restaurants).

(4) License holder shall be responsible for meeting with the appropriate city official with sufficient documentation to calculate annual revenue to show compliance with this section on or before Jan. 15 for the year immediately preceding. (Ord. #02-07-1991, Feb. 1991, as amended by Ord. #A0 99-03-08, March 1999)

8-221. Sanitation. Any person holding a permit under this chapter for sale for consumption on the premises shall keep and maintain the premises in a clean and sanitary, condition. The city health officer or any other properly authorized person is hereby authorized to enter the premises at all reasonable times for the making of such inspections as may be necessary. The determination of the sanitary condition is solely a question for the City of Ardmore. (Ord. #02-07-1991, Feb. 1991)

8-222. Minor, fraudulent evidence of age, etc., misdemeanor. It shall be unlawful for any minor to purchase, attempt to purchase or possess any such beverages covered under this chapter or for anyone to purchase such beverages for a minor. It shall be unlawful for any minor present to offer to any permittee, his agent or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchases or attempting to purchase such beverages. Any minor who acts in violation of any one or more provisions of this section shall be taken before the juvenile judge for appropriate disposition. (Ord. #02-07-1991, Feb. 1991)

8-223. Investigation of applicant, agent, and/or employees. Applicants for retail permits under this section are subject to be investigated by municipal, county and state authorities and any agent of said applicant or his employees must register with the police department of the City of Ardmore prior to beginning work. The applicant must submit such information and records as the beer board may require and secure a permit from said police department for all employees and applicants. (Ord. #02-07-1991, Feb. 1991)

8-224. Prohibited conduct. It shall be unlawful for any beer permit holder to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquors or drugs or any crime involving moral turpitude within the last given amount of years as set by the board. The board may at its discretion set the time, but in no event shall the time be less than one (1) year nor more than five (5) years. This amendment will be applied retroactively; meaning any persons not allowed to be employed under the old law will be subject to the new provision.

(2) To employ any minor under 21 years of age to assist in or make the sale, service, or dispensing of beer. This section has no application to employees working at a business which holds a permit which is only for off premises consumption.

(3) Make or allow any sale of package beer between the hours of 2 A.M. and 6 A.M. on Sunday.

Make or allow any sale of beer for on premises consumption between the hours of 2 A.M. and 12 Noon on Sunday.

For point of clarification Sunday beer sales of package beer shall be allowed from 6 A.M on Sunday until midnight. The sale of beer for on premises consumption on Sunday will be allowed between the hours of 12 Noon and 12 Midnight on Sunday.

All times to be governed by the time zone applicable in Ardmore, Tennessee.

(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) Any minor under twenty-one (21) years of age to loiter and/or be in or around the business premises for any reason other than a valid business purpose at any time. The purpose of this provision is to insure that no person under twenty-one (21) years of age is to be in, on, or about the premises of an establishment which holds a permit for on premises consumption for any purpose other than a valid business reason. However, nothing herein shall prohibit a minor from being a patron or employee in a restaurant as defined in this chapter or an establishment which holds a permit for off premises consumption.

(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, or persons of questionable character 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 five per cent (5%) by weight.

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

(11) It shall be unlawful for any person authorized to sell beer to erect or maintain more than one advertising or display sign outside of the building. The sign may use the word "beer". The advertising or display sign shall not exceed three (3) feet in depth and five (5) feet in length.

(12) The beverages regulated by this chapter shall not be sold, given away, served or otherwise dispensed to persons in automobiles or other motor vehicles. Subsections 11 and 12 of this section shall not apply to those establishments in existence at the time of adoption of this chapter; until such license is granted to a different individual for the establishment.

(13) Definitions.

(a) "Licensee." A person, partnership or corporation who holds a beer permit issued by the City of Ardmore.

(b) "Live performances." Shall be defined for the purpose of this chapter to mean any person who for consideration monetary or otherwise, performs in person on a licensed premises as a signer, musician, dancer, comedian or model.

(c) "Beer permit holder." Any person, partnership, or corporation who holds a permit from the City of Ardmore for the sale of beer or other alcoholic beverage of alcoholic content of not more than five percent (5%) by weight.

(14) Live performances/nudity prohibited. No live performances are permitted on a license premises which involve the removal of clothing, garments or any other costumes. Such prohibition does not include the removal of headwear or footwear; sweater or similar outer garment. Incidental removal for

purposes of this section shall mean the removal of a garment or article of clothing which is not a part of the act or performance. The restriction applies to all licensed premises.

(15) Entertainment restricted. No entertainment on a license premises shall contain:

(a) The performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation of any sexual acts which are prohibited by law;

(b) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;

(c) The actual or simulated display of the pubic hair, anus, vulva or genitals, or the nipples of a female.

(16) Nudity prohibited. It shall be unlawful for any licensee, employee, agent or license, patron or guest of licensee to:

(a) Appear with his or her genitals or pubic region less than completely covered by an opaque substance or material;

(b) Appear with his or her buttocks less than completely covered by an opaque substance or material;

(c) Any female to appear with either or both of her breast less than completely covered by an opaque substance or materials below the uppermost or highest part of the areola.

(17) Films and pictures restrictions. It shall be unlawful for any licensee, any employee, or agent to permit or allow the showing of film, still pictures, electronic reproductions, or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(b) Any person being touched, caressed, or fondled on the breasts, buttocks, anus or genitals;

(c) Scenes wherein a person displays the vulva, anus, or genitals; or

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above in (a) through (c).

(18) License revoked or suspended. Any licensee violating these sections shall have its license revoked or suspended as provided by this chapter and it shall further be a ground for revocational suspension if there appears any false statements in the application.

(19) Penalty. Any licensee, employee, agent, or person violating these sections shall be guilty of a misdemeanor and punished in accordance with the penalty clause of the Municipal Code of the City of Ardmore. (Ord. #02-07-1991, Feb. 1991, as amended by Ord. #2-06-1992, Feb. 1992; Ord. #_____, May 1994, modified, and amended by Ord. #A0 00-06-01, June 2000)

8-225. Chain stores and restaurants. Nothing herein shall prevent a nonresident owner of a chain store or restaurant from presenting an application and having the same considered, so long as there is a responsible resident manager and so long as the other provisions of this law are complied with. In the event the resident manager is transferred and a new manager is employed, this fact shall be certified by the owner of the chain to the beer board and the application will be approved if all other aspects of this law are complied with.

This section includes 7-Eleven type markets and convenience stores. (Ord. #02-07-1991, Feb. 1991)

8-226. Restrictions upon granting permits. (1) No permits shall be issued to sell any beverage coming the provisions of this section:

(a) In violation of any provision of the state law,

(b) In violation of the zoning ordinance of the City of Ardmore.

(2) The judgment of the beer board on such matters shall be final except as same is subject to review at law under Tennessee Code Annotated, § 57-5-105. (Ord. #02-07-1991, Feb. 1991)

8-227. Suspension and revocation of beer permit. All permits issued by the beer board under the provisions of chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of the state beer act; any provisions of this chapter; or any false representations made in the application. Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board, and the beer board is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked.

Complaints filed against any permit holder for the purpose of suspending or revoking such permits shall be made in writing and filed with the board. When the board shall have reason to believe that any permit holder shall have violated the provisions of the state beer act or any of the provisions of this chapter, the board is authorized to notify the permittee of said violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the police department of the City of Ardmore. The notice shall served upon the permittee at least five (5) days before the date of the hearing.

At the hearing, the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend, or revoke said permit. The action of the board in all such hearings shall be final, subject to review by the courts as provided in the state beer act.

When a permit is revoked, no new permit shall be issued hereunder for the sale of beer to the same person until the expiration of one (1) year from the date said revocation becomes final. (Ord. #02-07-1991, Feb. 1991)

8-228. Status of license pending charges. Any person charged with a criminal offense involving the sale of alcohol or drugs or the violation of state law with reference to alcohol or drugs or any crime involving moral turpitude may have his or her license suspended pending the outcome of those charges. (Ord. #02-07-1991, Feb. 1991)

8-229. Death of a permit holder. In the event of the death of a beer permit holder, the establishment shall not be allowed to sell beer, but his successors shall be given thirty (30) days to make formal application and have first option on the available license. (Ord. #02-07-1991, Feb. 1991)

8-230. Civil penalty in lieu of suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (Ord. #AO-93-09-3, Sept. 1993)

8-231. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the City of Ardmore, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #AO-93-09-3, Sept. 1993)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. POOL ROOMS.
5. CABLE TELEVISION.
6. YARD SALES AND GARAGE SALES.
7. 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. (1969 Code, § 5-101)

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

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

9-201. Permit required. It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1969 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1969 Code, § 5-202)

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

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

¹Municipal code reference
Privilege taxes: title 5.

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

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

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

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

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

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

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1969 Code, § 5-203)

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

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1969 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. 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. (1969 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1969 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the 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. (1969 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1969 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1969 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1969 Code, § 5-210)

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

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1969 Code, § 5-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1969 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1969 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.
- 9-305. Roadblocks used to conduct solicitations.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1969 Code, § 5-301)

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

(1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity. Evidence of good character and reputation for honesty and integrity shall be furnished in the following manner: If the applicant be a resident of Giles County, Tennessee, then the application shall be accompanied by two certificates so stating, and if the applicant be a non-resident of Giles County, the application shall contain five (5) statements of good character and reputation for honesty and integrity by people living in their home community, which said recommendation shall contain the official title, if any or the profession or occupation of the person making the statement.

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

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

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

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1969 Code, § 5-302, as amended by Ord. #_____, July 1979)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1969 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1969 Code, § 5-304)

9-305. Roadblocks used to conduct solicitations. It is prohibited for any solicitations to be conducted by the use of roadblocks or standing in the streets, stopping cars, or approaching cars while stopped in streets in conducting a solicitation. (Ord. #____, July 1979)

CHAPTER 4

POOL ROOMS¹

SECTION

9-401. Hours of operation regulated.

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

9-401. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 12:00 P.M. and 6:00 A.M. on other days. (1969 Code, § 5-401)

9-402. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1969 Code, § 5-402)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 5

CABLE TELEVISION

SECTION

9-501. To be furnished under franchise.

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

¹For complete details relating to the cable television franchise agreement see Ord. #80-11-06 dated November 6, 1980 in the office of the city recorder.

CHAPTER 6

YARD SALES AND GARAGE SALES

SECTION

9-601. Limited number of sales per year.

9-602. Exempt from chapter.

9-601. Limited number of sales per year. No resident citizen of the City of Ardmore shall conduct or allow to be conducted any sale of items of personal property more often than four (4) four per year, per residence, with each sale limited to not more than three (3) days in duration.

The sale of items of personal property shall include, but not be limited to, the terms yard sale and garage sale.

The provisions of this chapter have no application to merchants or those people who maintain a business license for sale of such items to the consuming public for a livelihood. (Ord. #____, July 1983)

9-602. Exempted from chapter. The local charitable and non-profit organizations are exempt from the provisions of this chapter. (Ord. #____, July 1983)

CHAPTER 7

ADULT ORIENTED ESTABLISHMENTS

SECTION

9-701. Purpose.

9-702. Definitions.

9-703. Tennessee Code Annotated requirements.

9-704. Unlawful acts.

9-705. Locations.

9-706. Fines.

9-701. Purpose. It is the purpose of this chapter to regulate sexually oriented businesses and related activities to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter 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. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene materials. (Ord. #98-05-07, May 1998, as replaced by Ord. #A0 99-10-07, Oct. 1999)

9-702. Definitions. (1) Establishment means and includes any of the following:

- (a) The opening or commencement of any sexually oriented business as a new business;
- (b) The conversion of any existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (c) The additions of any sexually oriented business to any other existing sexually oriented business; or
- (d) The relocation of any sexually oriented business; or
- (e) A sexually oriented business or premises on which the sexually oriented business is located.

(2) "Sexually oriented business/establishment" means any commercial establishment which for a fee or incidentally to another service, regularly presents material or exhibitions distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined in this section for observation by patrons therein. "Sexually oriented business/establishment" also means any commercial establishment to which the public, patrons or members are invited or admitted

and where are so physically arranged as to provide booths, separate from the common areas of the premises for the purpose of viewing sexually oriented motion pictures, sexually oriented movies, sexually oriented films or sexually oriented videos.

(3) "Sexually oriented" means any exhibition of any motion pictures, films or videos depicting "specified sexual activities" or "specified anatomical area" or any live performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers a significant or substantial portion of which depicts any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas."

(4) "Specified sexual activities" means and includes any of the following:

- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, female breasts;
- (b) Sex acts, normal or perverted, actual or simulated; or
- (c) Masturbation, actual or simulated; or
- (d) Human genitals in a state of sexual arousal.

(5) "Specified anatomical areas" means:

- (a) Less than completely and opaquely covered:
 - (i) Human genitals;
 - (ii) Pubic region;
 - (iii) Buttocks; and
 - (iv) Female breasts below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

(6) "Sexually oriented businesses" shall include but not limited to: adult cabaret, massage parlor, adult bookstore, and adult video store.

(7) "Adult cabaret" means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

(8) "Massage parlor" means an establishment or place primarily in the business of providing massage or tanning services for purposes of sexual stimulation or where one or more of the employees exposes to public view of the patrons within said establishment, at any time, "specified anatomical areas."

(9) "Adult bookstore" means an establishment having as a substantial or significant portion its stock and trade in books, films, video cassettes, magazines, computer software, other periodicals, sex novelties or other objects of a sexual nature which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities;" or "specified anatomical area."

(10) "Sexually oriented video store" means a commercial establishment having a majority of its stock or a majority of its floor space dedicated to

"sexually oriented videos," which are rented or sold. "Sexually oriented videos" means a video, CD, laser disk or similar medium with a cover that depicts "specified sexual activities" or "specified anatomical areas" or a transparent or less than opaque cover through which "specified sexual activities" or "specified anatomical areas" can be viewed. (Ord. #98-05-07, May 1998, as replaced by Ord. #A0 99-09-02, Sept. 1999, and Ord. #A0 99-10-07, Oct. 1999)

9-703. Tennessee Code Annotated requirements. (1) All persons, operators, or owners of an adult-oriented establishments, as defined herein, or by applicable state law, shall comply to the requirements of Tennessee Code Annotated, §§ 39-17-901 through 39-17-908 and Tennessee Code Annotated, § 39-17-911, and Tennessee Code Annotated, § 39-17-914, and Tennessee Code Annotated, §§ 39-17-918 through 39-17-920, or be subject to prosecution under said state law.

(2) All persons, operators or owners of an adult-oriented establishment, as defined herein, or by applicable state law, shall comply with the requirements of Tennessee Code Annotated, § 39-13-511 or be subject to prosecution under the provisions of said statute. (as added by Ord. #A0 99-10-07, Oct. 1999)

9-704. Unlawful acts. No person who maintains, owns or operates an adult-oriented establishment shall permit "specified sexual activities" as defined in this chapter to occur on the premises. (as added by Ord. #A0 99-10-07, Oct. 1999)

9-705. Locations. No adult-oriented establishment may begin to operate except within the confines of an M-1 zoning district as defined under the zoning laws of the City of Ardmore.

No adult-oriented establishment shall be operated or maintained within two thousand (2000') feet of a residentially zoned district, the property line of a lot devoted to residential use, a church, a state licensed day care facility, public library, or private/public education facility, funeral parlor, a public park, or another adult oriented establishment as defined herein. To determine the distance requirements under this section, said distance limitation shall be measured in a straight line from and to the nearest lot lines of the premises for the adult-oriented establishment and the lot lines of the above defined areas. (as added by Ord. #A0 99-10-07, Oct. 1999)

9-706. Fines. Any person violating this chapter shall commit an offense against the City of Ardmore, Tennessee, and upon conviction shall be fined under appropriate state law, or shall be fined for a conviction with the City Court of Ardmore, Tennessee, with the maximum fine allowed by law. Each day such violation shall continue shall constitute a separate offense and be subject to the maximum fine. Nothing in this chapter shall be construed to infringe

upon or to violate the First Amendment of the United States Constitution or any provisions of the Constitution of the State of Tennessee. (as added by Ord. #A0 99-10-07, Oct. 1999)

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Running at large prohibited.
- 10-102. Pen or enclosure to be kept clean.
- 10-103. Adequate food, water, and shelter, etc., to be provided.
- 10-104. Keeping in such manner as to become a nuisance prohibited.
- 10-105. Cruel treatment prohibited.
- 10-106. Inspections of premises.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1969 Code, § 3-101)

10-102. 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. (1969 Code, § 3-102)

10-103. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1969 Code, § 3-103)

10-104. 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 either because of noise, odor, contagious disease, or other reason. (1969 Code, § 3-104)

10-105. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1969 Code, § 3-105)

10-106. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1969 Code, § 3-106)

CHAPTER 2

DOGS

SECTION

10-201. Rabies vaccination and registration required.

10-202. Dogs to wear tags.

10-203. Running at large prohibited.

10-204. Vicious dogs to be securely restrained.

10-205. Noisy dogs prohibited.

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

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1969 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1969 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1969 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1969 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1969 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of police may cause such dog to be confined or isolated for such time as he

¹State law reference

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

reasonably deems necessary to determine if such dog is rabid. (1969 Code, § 3-206)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

CHAPTER 1

ALCOHOL²

SECTION

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

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an opened or unopened can or bottle of an alcoholic beverage in or on any public park or other public place unless the place has a beer permit and a license for on premises consumption. (Ord. #____, March 1981)

¹Municipal code references

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

²Municipal code reference

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

State law reference

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

11-102. Minors in beer places. No person under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1969 Code, § 10-222, modified)

CHAPTER 2

FORTUNE TELLING, ETC.

SECTION

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1969 Code, § 10-235)

CHAPTER 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1969 Code, § 10-201)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1969 Code, § 10-202)

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

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

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

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

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

disturb the quiet, comfort, or repose of any 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.

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1969 Code, § 10-234)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-501. Escape from custody or confinement.

11-502. Impersonating a government officer or employee.

11-503. False emergency alarms.

11-504. Resisting or interfering with an officer.

11-505. Coercing people not to work.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1969 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the municipality shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1969 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1969 Code, § 10-217)

11-504. Resisting or interfering with an officer. It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1969 Code, § 10-210)

11-505. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1969 Code, § 10-231)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Weapons and firearms generally.

11-601. 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. (1969 Code, § 10-213)

11-602. Throwing missiles. It shall be unlawful for any person to maliciously throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1969 Code, § 10-214)

11-603. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the united States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. (1969 Code, § 10-212)

CHAPTER 7

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC

SECTION

- 11-701. Trespassing.
- 11-702. Trespassing on trains.
- 11-703. Malicious mischief.
- 11-704. Interference with traffic.

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

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1969 Code, § 10-226)

11-702. 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. (1969 Code, § 10-221)

11-703. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1969 Code, § 10-225)

11-704. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1969 Code, § 10-233)

CHAPTER 8

MISCELLANEOUS

SECTION

11-801. Abandoned refrigerators, etc.

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

11-803. Posting notices, etc.

11-804. Curfew for minors.

11-805. Wearing masks.

11-801. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1969 Code, § 10-223)

11-802. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1969 Code, § 10-232)

11-803. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1969 Code, § 10-227)

11-804. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 11:00 P.M. unless upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1969 Code, § 10-224)

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

(1) Children under the age of ten (10) years.

(2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.

(3) Persons wearing gas masks in civil defense drills and exercises or emergencies.

(4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1969 Code, § 10-236)

CHAPTER 9

BINGO REGULATIONS

SECTION

- 11-901. Definitions.
- 11-902. Authorization.
- 11-903. Application for license.
- 11-904. General restrictions.
- 11-905. Insurance and duration of license.
- 11-906. Hearing; amendment of license.
- 11-907. License form.
- 11-908. City clerk - treasurer to supervise all games.
- 11-909. Age limitation.
- 11-910. Number of games limited.
- 11-911. Persons operating and conducting games; expenses; compensation.
- 11-912. Advertising games.
- 11-913. Statement of receipts, expenses, etc.
- 11-914. Examination of books and records; examination of managers; etc.; disclosure of information.
- 11-915. Offense; forfeiture of license; ineligibility to apply for license.

11-901. Definitions. As used in this chapter, unless the context requires otherwise, the following terms shall have the following meanings:

(1) "Bingo" shall mean and include a specific game of chance, commonly known as bingo in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

(2) "Authorized organization" shall mean and include any bona fide non-profit religious or charitable organization or bona fide educational, fraternal, civic or service organization or bona fide organization of veterans, which by its charter, certificate of incorporation, constitution operates without profit to its members and provided that each such organization shall have existed for a period of five years immediately prior to applying for a license under this chapter. During the entire five-year periods mentioned herein the applicant shall have carried on the principal activity authorized by its corporate charter. Phrasing it another way, the organization is defined as one that has been carrying on and operating its principal business on a regular basis throughout a continuous five-year period.

(3) "License" shall mean a license issued pursuant to the provisions of this chapter and pursuant to the statutory laws of the State of Tennessee. (Ord. #_____, Jan. 1983)

11-902. Authorization. It shall be lawful for any authorized organization, upon obtaining a license therefor as hereinafter provided, to conduct the game of bingo within the territorial limits of the City of Ardmore subject to the provisions of this chapter. (Ord. #____, Jan. 1983)

11-903. Application for license. (1) Each applicant shall file with the City Clerk of the City of Ardmore a written application in a form prescribed by the clerk treasurer duly executed and verified.

(2) In each application there shall be designated an active member or members of the applicant organization under whom the game or games of bingo are to be conducted, and there shall be appended to the application a statement executed by the member or members so designated that he, she or they will be responsible for the conduct of such bingo games in accordance with the terms of the license and the provisions of this chapter and the Constitution of the State of Tennessee. (Ord. #____, Jan. 1983)

11-904. General restrictions. Any game or games of bingo licensed hereunder shall be subjected to the following restrictions in addition to such other restrictions as may be provided herein or contained in the Constitution of the State of Tennessee.

(1) No person, firm, association, corporation or organization other than a licensee under the provisions of this chapter, shall conduct such game.

(2) No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

(3) No person may conduct bingo on behalf of an organization who has not been a member thereof in good standing for not less than one year and a bona fide resident of the state and county for not less than six months prior to the commencement by the organization to conduct bingo; and no member of an exempt organization shall receive compensation for conducting or assisting in the conduct of bingo.

(4) Bingo games and/or raffles may be conducted only at the place of the organization's domicile and after the organization has been in existence for a period of not less than five years during all of which time it shall have carried on the principal activity authorized by its corporate charter.

(5) The organization shall under no circumstances co-mingle its bingo proceeds with its general funds, but shall maintain a separate segregated account for its bingo operation into which no other money shall be deposited.

(6) Bingo may be conducted by an exempt organization on not more than three days per week or one-hundred fifty days per year.

(7) That the organization shall present to the board of mayor and aldermen as hereinafter set up a complete list of prizes and receipts upon request.

(8) That the organization shall provide and maintain at its expense a telephone for public use for incoming and outgoing calls at all times during its operation.

(9) No person shall receive any remuneration for participating in the management or operation of any game of bingo.

(10) The unauthorized conduct of a bingo game and any willful violation of any provision of this chapter and based upon this chapter shall constitute and be punishable as a misdemeanor.

(11) In addition to the restrictions hereinabove concerning the five years of active membership and active participation and as a part and parcel thereof, each applicant for a license shall demonstrate that it has habitually and continuously sponsored charitable or educational projects within the community where funds were raised for such projects by participation of the membership during the same time. (Ord. #_____, Jan. 1983, as amended by Ord. #_____, Nov. 1984)

11-905. Insurance and duration of license. The City Clerk of the City of Ardmore shall cause to be investigated the qualifications of each applicant and the merits of each application with due expedition after the filing of the application. The city clerk shall deliver to the board of mayor and aldermen the application together with the supporting documents therefor and a detailed report of the results of his investigation to determine that the applicant is duly qualified to be licensed to conduct bingo under this chapter; that the member or members of the applicant designated in the application to conduct bingo are bona fide active members of the applicant and are persons of good moral character and have never been convicted of a crime or, if convicted, have received a pardon; that such games are to be conducted in accordance with the provisions of this chapter, and that the proceeds thereof are to be disposed of as provided by this chapter, and if the board of mayor and aldermen is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation and conduct of any such games, the board of mayor and aldermen shall authorize the issuance of a license to the applicant for the conduct of bingo upon payment of a license fee of \$250.00 for each license year, provided, however, that for the balance of the year 1983 said license shall be prorated on a monthly basis. Provided further that where the application indicates that bingo will be conducted for a period of time limited to one calendar week, then the license fee shall be \$25.00, and the license shall be limited to the period of time designated in the application. (Ord. #_____, Jan. 1983, as amended by Ord. #_____, Nov. 1984)

11-906. Hearing; amendment of license. No application for a license hereunder shall be denied by the board of mayor and aldermen until after a hearing, held on due notice to the applicant, at which the applicant shall be

entitled to be heard upon the qualifications of the applicant and the merits of the application. In the event the application for a license is denied by the board of mayor and aldermen, the applicant may appeal to the board of mayor and aldermen by filing a notice of appeal to the city clerk within ten days from said denial. The board of mayor and aldermen shall set a hearing on said appeal within a reasonable time. The decision of the board of mayor and aldermen shall be final. (Ord. #____, Jan. 1983, as amended by Ord. #____, Nov. 1984)

11-907. License form. Each license shall be in such form as shall be prescribed by the city clerk-treasurer and shall contain a statement of the name and address of the licensee, of the names and addresses of the member or members of the licensee under whom the games will be conducted, of the place or places where and the date or dates and time or times when such games are to be conducted and of the specific purposes to which the entire net proceeds of such games are to be devoted. (Ord. #____, Jan. 1983)

11-908. City clerk - treasurer to supervise all games. The city clerk-treasurer shall have the exercise rigid control and close supervision over all games of bingo conducted under such license, and shall have the power and authority to suspend any such license, and after notice and hearing, to revoke the same for violation of any provision of such license, this chapter. (Ord. #____, Jan. 1983)

11-909. Age limitation. No person under the age of 18 years shall be permitted to play in any game or games of bingo conducted pursuant to any license issued under this chapter. (Ord. #____, Jan. 1983)

11-910. Number of games limited. No game or games of bingo shall be conducted under any license issued under this chapter or on any licensed premises more often than three times in any one calendar week or one-hundred fifty days per year. No licensed organization shall permit any other organization, which is affiliated therewith, a part thereof, or an auxiliary thereto, to use the licensed premises for any bingo operation. It being the intent of this provision that no licensed organization shall have or permit bingo games on the premises except for the enumerated sections. (Ord. #____, Jan. 1983)

11-911. Persons operating and conducting games; expenses; compensation. No person shall hold, operate or conduct any game or games of bingo under any license issued under this chapter except an active member of the authorized organization to which the license is issued, and no person shall assist in the holding, operating or conducting of any game or games of bingo under such license except such an active member or a member of an organization or association which is an auxiliary or a member of an organization or association, which is affiliated with the licensee by being, with it, auxiliary

to another organization or association and except bookkeepers or accountants as hereinafter provided, and no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of bingo, held, operated or conducted pursuant to any license issued under this chapter, except those that are reasonable and are necessarily expended for bingo supplies and equipment, prizes, bookkeeping or accounting services, janitorial services and utility supplies, if any, and license fees. (Ord. #____, Jan. 1983)

11-912. Advertising games. No game of chance to be conducted under any license issued under this chapter shall be advertised to its location, the time when it is to be or has been played, or the prizes awarded or to be awarded, by means of newspapers, radio, television, or sound trucks or by means of billboards, posters, or handbills or any other means addressed to the general public, except that one sign not exceeding 12 feet in diameter may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization. Further, that no more than one paid advertisement per month in a local newspaper shall be permitted and such advertisement may not exceed six inches by four columns. Advertising is allowed in an organization's own publication and mailing lists. (Ord. #____, Jan. 1983, modified)

11-913. Statement of receipts, expenses, etc. Within fifteen days after the conclusion of any calendar year, and within fifteen days after expiration of any weekly license, the authorized organization which conducted the same, and its members who were in charge thereof, shall each furnish to the city clerk a statement subscribed by the member in charge and affirmed by him, as true, under the penalties of perjury, showing the amount of the gross receipts derived therefrom and each item of expense incurred or paid, and each item of expenditure made or to be made, the name and address of each person to whom each such items has been paid, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from such game or rental, as the case may be, and the use to which such proceeds have been or are to be applied and a list of prizes offered and given, with the respective values thereof, and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement. The city will provide forms ninety (90) days before the end of the year. If the forms are not provided in ninety (90) days forty-five (45) days will be allowed. (Ord. #____, Jan. 1983, modified)

11-914. Examination of books and records; examination of managers; etc.; disclosure of information. The city clerk-treasurer or any officer designated by him shall have power to examine or cause to be examined the books and records of any licensed organization so far as they may relate to bingo including the maintenance, control and disposition of net proceeds derived from bingo or from the use of its premises for bingo, and to examine any

manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game under any such license or the use of its premises for bingo, as the case may be. (Ord. #____, Jan. 1983)

11-915. Offense; forfeiture of license; ineligibility to apply for license. Any person, association or corporation who or which shall:

(1) Make any false statement in any application for any license authorized to be issued under this chapter;

(2) Fail to keep such books and records as shall fully and truly record all transactions connected with the conducting of bingo;

(3) Falsify or make any false entry in any books or records so far as they relate in any manner to the conduct of bingo, to the disposition of the proceeds thereof;

(4) Divert or pay any portion of the net proceeds of any game of bingo to any person, association or corporation, except in furtherance of one or more of the lawful purposes defined herein;

(5) Violate any of the provisions of this chapter or of the Constitution of the State of Tennessee relating to the conduct of bingo in Giles County of any term of any license issued under this chapter.

Shall be guilty of a misdemeanor and shall forfeit any license issued under this chapter and be ineligible to apply for a license under this chapter for one year thereafter.

(6) No person, organization, or corporation licensed to operate a bingo game shall conduct or permit to be conducted any business, game, amusement, sport, or activity, not directly related to the operation of the bingo game itself, including video game machines, to be transacted or operated in or about the premises used by the licensed person, organization or corporation to conduct the bingo game. (Ord. #____, Jan. 1983)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

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

CHAPTER 1

BUILDING CODE¹

SECTION

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

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code², 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1969 Code, § 4-101, modified)

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-102. Modifications. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of mayor and aldermen. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code. The schedule of permit fees set forth in Appendix "B" is amended so that the fees to be collected shall be exactly one-half of the sums therein prescribed. Provided, however, that the minimum fee for an inspection shall be \$1.50. Section 107 of the building code is hereby deleted. (1969 Code, § 4-102)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1969 Code, § 4-103, modified)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1969 Code, § 4-104)

CHAPTER 2

PLUMBING CODE¹

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code,² 1994 edition with 1995 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1969 Code, § 4-201, modified)

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

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the plumbing code. Section 107 and Note 4 to § 501.3 of the plumbing code is hereby deleted. (1969 Code, § 4-202)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code with

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1969 Code, § 4-203, modified)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1969 Code, § 4-204)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, Regulation 15 of the Tennessee Department of Commerce and Insurance, Fire Prevention Division,² and the National Electrical Code,³ 1996 edition, as prepared by the National Fire Protection Association and modified by Regulation 15, are hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1969 Code, § 4-301, modified)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of Regulation 15 and the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1969 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within this municipality until a permit therefor has been issued by the municipality. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1969 Code, § 4-303)

¹Municipal code references

Fire protection, fireworks and explosives: title 7.

²Copies of this regulation are available from the Department of Commerce and Insurance, Fire Prevention Division, 500 James Robertson Parkway, Nashville, TN 37243-1131.

³Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1969 Code, § 4-304)

12-305. Enforcement. The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1969 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1969 Code, § 4-306)

CHAPTER 4

GAS CODE

SECTION

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

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

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

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

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

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

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

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1969 Code, § 4-401)

12-402. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall

conform to the requirements of this chapter and to the Standard Gas Code,¹ 1994 edition with 1996 revisions, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1969 Code, § 4-402, modified)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1969 Code, § 4-403)

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

(2) Upon approval of said bond, the person desiring to do such work shall secure from the city recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city recorder.

(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. (1969 Code, § 4-404)

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

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the board of mayor and aldermen and the compensation for such office shall be determined at the time of appointment. (1969 Code, § 4-405)

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

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

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1969 Code, § 4-406)

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

(2) When only temporary use of gas is desired, the 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. (1969 Code, § 4-407)

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

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1969 Code, § 4-408)

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1969 Code, § 4-409)

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

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

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

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

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1969 Code, § 4-410)

12-411. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1969 Code, § 4-411)

12-412. 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. (1969 Code, § 4-412)

CHAPTER 5

HOUSING CODE

SECTION

12-501. Housing code adopted.

12-502. Modifications.

12-503. Available in recorder's office.

12-504. Violations.

12-501. Housing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,¹ 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1969 Code, § 4-501, modified)

12-502. Modifications. Wherever the housing code refers to the "Housing Official" it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of mayor and aldermen. Section 108 of the housing code is deleted. (1969 Code, § 4-502)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1969 Code, § 4-503, modified)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1969 Code, § 4-504)

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

CHAPTER 6

MODEL ENERGY CODE¹

SECTION

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

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

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

12-603. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has

¹State law reference

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

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

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

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

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
 13-102. Smoke, soot, cinders, etc.
 13-103. Stagnant water.
 13-104. Weeds.
 13-105. Dead animals.
 13-106. Health and sanitation nuisances.
 13-107. House trailers.
 13-108. Milk ordinance adopted by reference.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1969 Code, § 8-401)

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. (1969 Code, § 8-405)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1969 Code, § 8-406)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-224(10).

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1969 Code, § 8-407)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1969 Code, § 8-408)

13-106. 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. (1969 Code, § 8-409)

13-107. 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. (1969 Code, § 8-404)

13-108. Milk ordinance adopted by reference.¹ (1) The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for ultimate consumption within the City of Ardmore or its police jurisdiction; the inspection of dairy herds, dairy farms, and milk plants; and the issuance and revocation of permits to milk producers, haulers, and distributors shall be regulated in accordance with the provisions of Part 1 of the Grade A Pasteurized Milk Ordinance--1965 Recommendations of the United States Public Health Service,² three (3) copies

¹The provisions in this section are taken substantially from the model ordinance prepared and distributed by the Tennessee Department of Health.

²This ordinance is Public Health Service Publication No. 229 and is for sale by the Superintendent of Documents, U. S. Government Printing Office, (continued...)

of which shall be filed in the office of the city recorder; provided, that in Section 1, "Definitions," A, "Milk" - Milk shall be understood to contain not less than 8 1/2 per cent milk solids-not-fat and not less than 3 1/2 per cent milkfat and that "not less than 8 1/4 per cent milk solids-nonfat and not less than 3 1/4 per cent milkfat" shall be deleted; D - "Reconstituted or Recombined Milk and Milk Products" and, I - "Fortified Milk and Milk Products" shall be deleted; O - "Milk Products"--It shall be understood that "cottage cheese" and "creamed cottage cheese" have been added to this definition as defined in footnote No. four and that "modified skim milk," "modified flavored skim milk drink," and "modified cultured buttermilk" as defined in the Tennessee Dairy Laws are included in this definition; provided further, that in Section 3, the paragraph beginning with the words, "Upon written application of any person whose permit has been suspended - - - - -," shall be deleted in its entirety, and any reference elsewhere in this ordinance dealing with hearings before a permit can be suspended is also deleted; provided further, that the last sentence in the first paragraph of Section 5 shall read "Any violation of the same requirement of Section 7 on such reinspection shall call for permit suspension in accordance with Section 3 as amended, and/or court action."; provided further, that Sections 9, 16, and 17 of said unabridged ordinance shall be replaced respectively by Sections 2, 3, and 4 below.

(2) From and after the date on which this ordinance is adopted, only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded."

(3) Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$50.00, and/or such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

(4) All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon its adoption as provided for by law. (1969 Code, § 8-411)

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 (6) feet 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. (1969 Code, § 8-410)

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).

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

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

14-101. Creation and membership. 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 board of aldermen selected by the board; the other five (5) members shall be appointed by the mayor and they may or may not be members of the board of aldermen. The terms of the five (5) appointive members shall be for three (3) years, excepting that in the appointment of the first municipal planning commission under the terms of this chapter, three (3) of said members shall be appointed for terms of three (3) years, one (1) for terms of two (2) years, and one (1) for a term of one (1) year. Any vacancy in an appointed membership shall be filled for the unexpired term by the mayor, who shall have the authority to remove any appointed member at his pleasure. The term of the member selected from the board of aldermen shall run concurrently with his membership on said board of aldermen. All members shall serve without compensation. (1969 Code, § 11-101)

14-102. Organization, rules, staff, and finances. The municipal planning commission shall elect its chairman from its appointive members. The term of chairman shall be one (1) year with eligibility for re-election. The commission shall adopt such rules for its transactions, findings, and determinations, which shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contact the city planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, if any, shall be within the

amounts appropriated for the purpose by the board of mayor and aldermen.
(1969 Code, § 11-102)

14-103. Powers and duties. From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of such rules and procedures as deemed necessary, then said commission shall have all of the powers, duties, and responsibilities as set forth in Tennessee Code Annotated, §§ 13-4-201 through 13-7-401 or other statutes or acts relating to the duties and powers of municipal planning commissions. (1969 Code, § 11-103)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance. Land use within the City of Ardmore shall be governed by the ordinance titled "Zoning Ordinance, City of Ardmore, Tennessee, as adopted 1990" and any amendments thereto.¹

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

CHAPTER 3

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

14-301. Flood damage control to be governed by flood damage prevention ordinance.

14-301. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the City of Ardmore shall be governed by Ordinance #0 02-05-02, titled "Flood Damage Prevention Ordinance" and any amendments thereto.¹

¹Ordinance #0 02-05-02, May 2002, 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. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.

¹Municipal code reference

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

²State law references

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

- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.
- 15-123. Compliance with financial responsibility law required.

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. (1969 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1969 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1969 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1969 Code, § 9-109)

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

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

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

(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. (1969 Code, § 9-110)

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

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1969 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1969 Code, § 9-112)

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

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1969 Code, § 9-113)

15-109. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the municipality. This section shall not be construed as being mandatory but is merely directive. (1969 Code, § 9-114)

¹Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-508.

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

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1969 Code, § 9-115)

15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper municipal authority. (1969 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1969 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1969 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1969 Code, § 9-120)

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1969 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1969 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1969 Code, § 9-123)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1969 Code, § 9-124)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1969 Code, § 9-125)

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

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1969 Code, § 9-126)

15-121. Damaging pavements. No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1969 Code, § 9-119)

15-122. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor scooter shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor scooters.

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

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

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

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

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

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

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian to knowingly permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1969 Code, § 9-127)

15-123. Compliance with financial responsibility law required.

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

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision of 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.

(3) 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.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #0 02-02-07, Feb. 2002)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1969 Code, § 9-102)

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

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1969 Code, § 9-103)

¹Municipal code reference

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

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1969 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1969 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones and near playgrounds.

15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1969 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1969 Code, § 9-202)

15-303. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle at a rate of speed in excess of fifteen (15) miles per hour when passing a school during recess or while children are going to or leaving school during its opening or closing hours. (1969 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1969 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

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

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

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1969 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1969 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1969 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1969 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1969 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

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

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1969 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1969 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1969 Code, § 9-403)

¹Municipal code reference

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

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

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

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

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

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1969 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1969 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1969 Code, § 9-406)

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

(1) Green alone, or "Go":

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

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

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

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

(b) Pedestrians facing such signal shall not enter the roadway.

- (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.
- (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.
- (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. (1969 Code, § 9-407)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected 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. (1969 Code, § 9-408)

15-509. 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. (1969 Code, § 9-409)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

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

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

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

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. (1969 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1969 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1969 Code, § 9-503)

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

- (1) On a sidewalk.
 - (2) In front of a public or private driveway.
 - (3) Within an intersection or within fifteen (15) feet thereof.
 - (4) Within fifteen (15) feet of a fire hydrant.
 - (5) Within a pedestrian crosswalk.
 - (6) Within fifty (50) feet of a railroad crossing.
 - (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
 - (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
 - (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (10) Upon any bridge.
 - (11) Alongside any curb painted yellow or red by the municipality.
- (1969 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1969 Code, § 9-505)

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the 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. (1969 Code, § 9-506)

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. (1969 Code, § 9-507)

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

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (1969 Code, § 9-508)

15-609. Unlawful to occupy more than one parking meter space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (1969 Code, § 9-509)

15-610. Unlawful to deface or tamper with meters. It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1969 Code, § 9-510)

15-611. Unlawful to deposit slugs in meters. It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1969 Code, § 9-511)

15-612. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1969 Code, § 9-512)

CHAPTER 7

ENFORCEMENT

SECTION

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

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1969 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1969 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1969 Code, § 9-603, modified)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle

¹State law reference

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

or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is illegally 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 otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1969 Code, § 9-604)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1969 Code, § 9-605)

15-706. Deposit of license in lieu of bail. (1) Whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Department of Safety is issued a citation or arrested and charged with a violation of any ordinance of this city regulating traffic, except driving under the influence of intoxicant or narcotic drug or leaving scene of accident, in this municipality, the municipality may allow said person to have the option of depositing his chauffeur's or operator's license issued with the officer or court demanding bail in lieu of any other security required for his appearance in the court of the municipality in answer to any such charge before said court.

(2) Whenever any person hereof deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as hereinabove described, shall issue said person a receipt for said license upon a form approved or provided by the Department of Safety, and thereafter said person shall be permitted to operate a motor vehicle upon the highways of this state during the pendency of the case in which the license was deposited.

(3) The judge of the municipal court accepting the license shall thereafter forward to the Department of Safety, the license of a driver deposited in lieu of bail if the driver fails to appear in answer to the charge filed against him and which license shall not be released by the Department of Safety until the charge for which such license was so deposited has been disposed of by the court in which pending.

(4) The licensee shall have his license in his immediate possession at all times when driving a motor vehicle and shall display it upon demand of any officer of this municipality, except that where the licensee has previously deposited his license with the officer or court demanding bail, and has received a receipt from the officer or the court, the same to serve as a substitute for the license until the specified date for court appearance of licensee or the license is

otherwise returned to the licensee by the officer or court accepting the same for deposit.

(5) The provisions of this section are in addition to the provisions of Tennessee Code Annotated, §§ 7-63-101 through 7-63-107 inclusive and are implemented as alternative procedure to the provisions of Tennessee Code Annotated, §§ 7-63-101 through 7-63-107 inclusive and any other sections of the Code of the State of Tennessee in conflict herewith, the same being done by passage of this chapter. (Ord. #_____, Nov. 1972)

15-707. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

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

(b) Other parking violations. For other parking violations, the offender may similarly waive his right to a judicial hearing and have the charges disposed of out of court but the fines shall be three dollars (\$3.00) within ten (10) days and five dollars (\$5.00) thereafter. (1969 Code, § 9-603, 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 regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.

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

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

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

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1969 Code, § 12-204)

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

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

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

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

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

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such

¹Municipal code reference
Building code: title 12, chapter 1.

representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1969 Code, § 12-210)

16-111. 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. (1969 Code, § 12-211, modified)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1969 Code, § 12-212)

16-113. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1969 Code, § 12-213)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

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

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1969 Code, § 12-101)

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

¹State law reference

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

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1969 Code, § 12-102)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1969 Code, § 12-103)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1969 Code, § 12-104)

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

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the

street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the municipality, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1969 Code, § 12-106)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1969 Code, § 12-107)

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

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the municipality and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1969 Code, § 12-109)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is

to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1969 Code, § 12-110)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. ARDMORE ANTI-LITTER ORDINANCE.

CHAPTER 1

ARDMORE ANTI-LITTER ORDINANCE²

SECTION

17-101. Ardmore anti-litter ordinance.

17-101. Ardmore anti-litter ordinance. This chapter shall be known and cited as the "Ardmore Anti-Litter Ordinance" and is hereby adopted and incorporated by reference as a part of this code.³ (1969 Code, § 8-101, as replaced by Ord. #A0 01-05-03, May 2001)

¹Municipal code reference

Property maintenance regulations: title 13.

²This chapter was originally titled "Refuse" and was replaced by the "Ardmore Anti-Litter Ordinance," (Ord. #A0 01-05-03, May 2001).

³Ord. #A0 01-05-03, May 2001, and any amendments thereto are of record in the office of the city recorder.

TITLE 18

WATER AND SEWERS¹

CHAPTER

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

CHAPTER 1

WATER SERVICE²

SECTION

- 18-101. Application for service.
- 18-102. Equipment composing water system.
- 18-103. Map of water system.
- 18-104. Opening and closing valves on pipes and mains.
- 18-105. Maintenance of water system.
- 18-106. Street or yard sprinklers.
- 18-107. Discontinuance of service in cases of leakage or waste.
- 18-108. Maintenance of the water pipes beyond the water meter shall be the responsibility of the customer.
- 18-109. Discontinuance of water from mains for repair or extensions.
- 18-110. Pollution of water supply.
- 18-111. Use of hydrants and water pipes restricted.
- 18-112. Approval required before discontinued water service can be restored.
- 18-113. Damaging meters, hydrants, etc., prohibited.
- 18-114. Specifications for laying new water pipes in streets, etc.
- 18-115. License and bond required for plumbers working on water mains.
- 18-116. Application and permit required before water connection can be made.
- 18-117. Issuance of water connection permits shall be restricted.
- 18-118. Water connections made without a permit are prohibited.
- 18-119. Water system board shall determine place where connections shall be made.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

²Charter reference

Water department: art. XV.

- 18-120. Responsibility of water system for meters.
- 18-121. Duty of water system to supply water meters.
- 18-122. Meters on private property.
- 18-123. Unauthorized use of water is prohibited.
- 18-124. Record of meters installed and reading of meters.
- 18-125. Deposit required of persons desiring water service.
- 18-126. Free water service is prohibited.
- 18-127. Discontinuance of service on non-payment of charges.
- 18-128. Schedule of rates.
- 18-129. When meter fails to register.
- 18-130. Charges in case of leaks or waste.
- 18-131. Billing.
- 18-132. Penalties.
- 18-133. Reconnection and charges after service has been discontinued.
- 18-134. Effect of failure to receive a bill.
- 18-135. Effect of acceptance of check which is dishonored.
- 18-136. Wells.

18-101. Application for service. Each prospective customer desiring water service shall be required to sign the water system's standard form of application for service or contract before service is supplied by the system. (1969 Code, § 13-201)

18-102. Equipment composing water system. The wells, machinery, reservoir tank, mains and branches, fireplugs, meters and hydrants and all other equipment now in use or that may hereafter be used as such, are hereby established as, and declared to be, the water system of the Town of Ardmore, Ala., and the City of Ardmore, Tenn. (1969 Code, § 13-202)

18-103. Map of water system. A complete map of the water system as mentioned in the preceding section shall be kept at the town hall or the city hall in the city or town clerk's office, showing the location of the pipes, main and branch and the size of each, the location of each fireplug and of each hydrant public or private. (1969 Code, § 13-203)

18-104. Opening and closing valves on pipes and mains. No person, except an employee of the water system, shall be permitted to open or close the valves upon pipes or mains. (1969 Code, § 13-204)

18-105. Maintenance of water system. Persons receiving water from the water system must keep their own water pipes and all fixtures connected therewith in good condition and protected from frost and freeze. They must provide a cut-off in the water line beyond the water meter which may be used

to cut off the water in case of burst pipe and/or fittings until the plumber or repairman can replace same for normal operation. (1969 Code, § 13-205)

18-106. Street or yard sprinklers. Street or yard sprinklers shall not be converted into hydrants, jets, or fountains, or be allowed to run to waste in gutters and streets, or upon lawns or in yards, but must be kept closed. (1969 Code, § 13-206)

18-107. Discontinuance of service in cases of leakage or waste. The water system shall have the right and power and authority to cut off the water from any house, building, or property when the underground service pipe or service line or any part thereof leading from the water meter to the house, building, or property shall become defective or out of repair so as to cause a leakage or waste of water. (1969 Code, § 13-207)

18-108. Maintenance of the water pipes beyond the water meter shall be the responsibility of the customer. It shall not be the duty of the water system to keep in repair any underground pipe, service pipe, or service line or any valve, fitting, or any part thereof, except the main pipe generally known as the water system main, the water meter, and that part of pipe extending to the water meter from the water main. It shall be the responsibility of the water customer to maintain all pipe, fittings, valves, and all plumbing equipment in a satisfactory manner to avoid leakage and waste of unnecessary water. (1969 Code, § 13-208)

18-109. Discontinuance of water from mains for repair or extensions. The water system expressly and without notice reserves the right to cut off the water from any or all of its water mains for the purpose of making necessary repairs or extensions. (1969 Code, § 13-209)

18-110. Pollution of water supply. No person shall defile or pollute or attempt to defile or pollute in any way or manner the water in the reservoir or pumps or any pipe connected to the water system. (1969 Code, § 13-210)

18-111. Use of hydrants and water pipes restricted. No person having charge or control of any hydrant or water pipe connected to the water system shall allow or permit any other person to take, draw, or use any water from any such hydrant or water pipe without obtaining the consent and permission of the water system. (1969 Code, § 13-211)

18-112. Approval required before discontinued water service can be restored. If the water has been cut off from any premises for any reason whatever as mentioned in §§ 18-107 through 18-109 of this code, no person shall allow or cause such premises to be supplied with water from the water system

without the authority and permission of the water system board. (1969 Code, § 13-212)

18-113. Damaging meters, hydrants, etc., prohibited. No person shall mar, deface, break, or otherwise injure any of the buildings, machinery, pipe, hydrants, valves, meters, or fixtures or any other property of the water system. All persons, firms, or corporations found guilty of such act shall pay the penalty prescribed for such offense. (1969 Code, § 13-213)

18-114. Specifications for laying new water pipes in streets, etc. All water pipes of any kind or character together with their service outlets and connections that may hereafter be laid or connected in the streets, alleys, or public highways shall be laid in the following manner:

(1) They shall be placed not less than eighteen (18) inches below the surface of the street, alley, or public highway.

(2) All pipe two (2) inches or smaller in diameter shall be of copper, brass, or galvanized iron pipe.

(3) All pipes more than two (2) inches in diameter shall be of cast iron pipe, copper, or brass pipe.

(4) All service pipes from the water system mains to curb lines shall be placed on a solid foundation and shall test not less than one hundred (100) pounds working pressure.

(5) All pipes one-half inches in diameter and larger shall have swing joint connections at water main. (1969 Code, § 13-214)

18-115. License and bond required for plumbers working on water mains. All plumbers making any connection or doing any work upon the mains of the water system, pipes, or water system, shall apply and obtain a license from the town clerk or the city clerk to do such kind of work; but before receiving such license he shall give bond in the sum of five thousand dollars (\$5,000.00) to indemnify the water system for any injury that may result from his carelessness, incompetency, or his not conforming to the rules and regulations of the water system and the town or city in which work is done. (1969 Code, § 13-215)

18-116. Application and permit required before water connection can be made. All persons desiring to install a water connection to water mains or service lines shall, before commencing such installations, file a written application with the water system, showing the point at which they wish to form such connection and obtain a written permit from the water system for the right and authority to make such a connection. (1969 Code, § 13-216)

18-117. Issuance of water connection permits shall be restricted. No person except a licensed and registered plumber of the Town of Ardmore,

Ala., or the City of Ardmore, Tenn., as the case may be, shall receive a permit required by the preceding section for connecting to the water mains, except by an employee of the water system which may have permission to perform such work for same. (1969 Code, § 13-217)

18-118. Water connections made without a permit are prohibited. No person shall make any connection whatsoever to the water system without first obtaining the permit required in § 18-116. (1969 Code, § 13-218)

18-119. Water system board shall determine place where connections shall be made. The board of the water system shall fix the place at which the connection shall be made with the mains, shall forthwith mark it upon the map mentioned in § 18-103 of this code, and see that a meter is installed and the connection made by a licensed plumber or employee of the water system in accordance with the rules and regulations of the water system. (1969 Code, § 13-219)

18-120. Responsibility of water system for meters. The water system shall see that water meters of a uniform type are installed throughout the system on the connection of all water consumers for the purpose of regulating and measuring the amount of water that may be used by all customers from the water system as set out in § 18-102. (1969 Code, § 13-220)

18-121. Duty of water system to supply water meters. It shall be the duty of the water system to install a uniform type meter at the expense of the water system. No meter shall be furnished and installed by the consumer under any conditions.

Every consumer, whether it be residence, house trailer, living quarters of any kind, each business establishment, store, cafe, beauty or barber shop, poolroom, filling station, offices and clinics, and all other business shall be required to have a separate meter for each establishment as required by this code. (1969 Code, § 13-221)

18-122. Meters on private property. Where the meter is located on private property and is connected with the water system for service, the water system shall at all times have the right and authority, by and through its agents and employees, to go upon and enter such premises for the purpose of reading, installing the water meter or to cut off or cut on the water or make any such necessary repairs to the water meter as it deems necessary. Where any property owner or tenant refuses to allow the water system or its properly authorized agent, officer, or employee to enter such premises for the purpose above set out, the water system shall have the right and authority to cut off the water from such premises at any other convenient place, and the services shall not be reinstated until the property owner or tenant shall have caused such water

meter to be removed and placed in service at whatever place the water system may designate. The water system shall not be liable for cutting off water upon such premises. (1969 Code, § 13-222)

18-123. Unauthorized use of water is prohibited. If any person shall permit another, not a guest, employee, or boarder in his home or place of business, to use water through his meter he shall be guilty of a misdemeanor and shall be subject to punishment for such violation. (1969 Code, § 13-223)

18-124. Record of meters installed and reading of meters. The water system shall ascertain and keep a record of all water meters now installed or may hereafter be installed and shall read such meters or cause such meters to be read and ascertain as soon as practical after the first day of each month the amount of water consumed by each and every customer during the next preceding thirty (30) days. (1969 Code, § 13-224)

18-125. Deposit required of persons desiring water service. Each person desiring to become a water customer of the water system shall before receiving water service, make a cash deposit with the system in the amount of five dollars (\$5.00) together with a fee for tapping the water main where necessary in the amount of fifty dollars (\$50.00) for a three-quarter inch service; larger service lines run for the consumer will be charged according to size desired. Arrangements shall be made and agreed upon with the water system on service lines run for long distances and various sizes of pipes. It shall be unlawful for any person, firm, or corporation to use water from the system until deposits are made and all necessary tapping fees and water line charges have been paid. (1969 Code, § 13-225)

18-126. Free water service is prohibited. The water system will not furnish or permit to be furnished by or from the water system any free water or free service of any kind whatsoever to itself or to any county or incorporated municipality or agency, instrumentality, person, firm, or corporation whatsoever except as may be required under the Tennessee contract. All water and services furnished from the system shall be charged for at the rates at the time established therefor. It is hereby found and determined that the reasonable value to the Town of Ardmore, Ala., and the City of Ardmore, Tenn., of the fire hydrant service of the system will be an amount equal to fifty dollars (\$50.00) per hydrant per year, which amount the Town of Ardmore, Ala., and the City of Ardmore, Tenn., agrees to pay from current funds or from proceeds of taxes in equal monthly installments as the service accrues into the gross revenue account. (1969 Code, § 13-226)

18-127. Discontinuance of service on non-payment of charges. If the account of any user of water or services supplied from the water system

shall remain unpaid for a period of thirty (30) days after such account shall become due, the water system thereupon will promptly discontinue supplying water and rendering service to such user whose account shall remain so unpaid, but upon subsequent payment of such account, including any penalties which may be provided for in the schedule of rates of the water system, the system may thereafter furnish water and services to such user until such time as his account shall again remain unpaid for a period of thirty (30) days after such account shall become due, whereupon such water and services shall again be discontinued. The schedule of rates for such water and services shall provide that all accounts for such water and services shall become due not less often than once each calendar month. (1969 Code, § 13-227)

18-128. Schedule of rates. The rates charged to customers of water by the water system for monthly consumption shall be in accordance with the schedule of rates established by the board of mayor and aldermen from time to time by ordinance.¹ (1969 Code, § 13-228)

18-129. When meter fails to register. When any water meter fails to register, a daily average shall be obtained from the readings taken from such meter for the next preceding month during which the meter was known to be operating correctly and this reading used as a basis for payment for water consumed through such meter for the period in which the meter is out of order and until repaired. (1969 Code, § 13-229)

18-130. Charges in case of leaks or waste. If any leak or waste is found to have occurred at any water meter box, due to defective plumbing by the water system, a water bill or charge for the current month shall be rendered to the consumer equal to the average bill or charge for the past three (3) preceding months. If any leak or waste is found on private property underground, or where such leak or waste is not plainly visible, a bill or charge for the then current month shall be rendered to the consumer at such place or the owner of the property, equal to the average bill for the past three (3) preceding months plus fifty (50) per cent of the difference between the average bill for the past three (3) preceding months and the charge for the current month if no allowances or adjustments were made; provided, however, that no such adjustment bill or charge shall exceed one hundred and fifty (150) per cent of the bill or charge for the next preceding month. Provided, however, that if such leak shall occur in any water fixture, or if it shall be otherwise visible or known to the consumer, a bill or charge for the full amount of the water used as shown by the meter reading shall be rendered against such customer and no allowance

¹A copy of the schedule of rates is available in the recorder's office.

or credit thereon shall be made. In which case the customer shall be required to pay the full amount of the bill rendered. (1969 Code, § 13-230)

18-131. Billing. The water system shall, as soon as practical after the first of each month, cause to be either mailed or delivered to the premises a statement to each consumer of water furnished by the system or to the owner of the house, building, or property where such water service is furnished. Such statement shall show quantity of water consumed by the consumer for the next preceding thirty (30) days and the amount due therefor. In case of the first billing of new accounts and final billing of all accounts where the period covered involves fractions of a month, the minimum charges shall be adjusted to a basis proportionate with the period of time during which service was furnished. Any consumer requiring service for a period not exceeding thirty (30) days and consuming less than three thousand (3,000) gallons of water during such period shall be required to pay the minimum per month charge of three dollars (\$3.00). (1969 Code, § 13-231)

18-132. Penalties. A penalty of ten (10) per cent shall be charged on all water bills based upon the rates set out in § 18-128 of this code, in the event such bill is not paid in full on or before the date shown on such bill. Should the final date for payment of the bill at the net rates fall on a Sunday or a holiday, the business day next following the final date will be held as a day of grace for delivery of payment. Net rate remittance received by mail after the time for payment of net rates will be accepted by the water system, if the incoming envelope bears United States post office date stamp of the final date for payment of the net amount or any date prior thereto. (1969 Code, § 13-232)

18-133. Reconnection and charges after service has been discontinued. Service may be discontinued for failure to pay bill, and the water shall not be turned on again until the bill or charge shall be paid in full, together with the further sum of two dollars (\$2.00) for turning the water off and on. Water service is to be restored only when all bills are paid in full and a two dollar (\$2.00) fee paid for turning the water off and on.

No member of customer family or anyone else living in the same house, building, or on such property with the consumer where the water has been cut off shall have the right to make or offer to make a deposit for water or demand that the water system turn on the water at such place as long as the delinquent customer lives thereon and the water bill or charges and the additional two dollars (\$2.00) as mentioned above has been paid. (1969 Code, § 13-233)

18-134. Effect of failure to receive a bill. Failure to receive a statement or water bill shall not entitle any person to the net rates nor shall it prevent the water system from discontinuing service or cutting off the water in accordance with § 18-133 of this code. (1969 Code, § 13-234)

18-135. Effect of acceptance of a check which is dishonored. When a check or order is delivered to the water system in payment of any water account or water bill and the same is accepted and such check or order, upon due presentation to the bank or trust company upon which it is drawn, is not paid, the city shall charge the amount of such check or order back to the water bill or water account of such person, and such water bill or water account shall be considered a delinquent account and the water system shall be authorized to discontinue service in accordance with § 18-133 of this code the same as if the check or order had not been given.

Any person who shall turn on the water after the same has been cut off for failure to pay water bill or who shall continue to use water after the fifteenth of the next month after service is rendered without having paid the bill for the preceding month, or offering to pay the same to the water system shall be guilty of a misdemeanor. (1969 Code, § 13-235)

18-136. Wells. A permit is required to dig, enlarge, or repair wells within the city limits or the police jurisdiction thereof. Any person desiring to dig, drill, bore, construct, enlarge or construct any well shall make application for permit. It shall be unlawful to dig, drill, bore, construct or enlarge without a permit issued by the town or city. (1969 Code, § 13-236)

CHAPTER 2

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-201. Definitions.
- 18-202. Places required to have sanitary disposal methods.
- 18-203. When a connection to the public sewer is required.
- 18-204. When a septic tank shall be used.
- 18-205. Registration and records of septic tank cleaners, etc.
- 18-206. Use of pit privy or other method of disposal.
- 18-207. Approval and permit required for septic tanks, privies, etc.
- 18-208. Owner to provide disposal facilities.
- 18-209. Occupant to maintain disposal facilities.
- 18-210. Only specified methods of disposal to be used.
- 18-211. Discharge into watercourses restricted.
- 18-212. Pollution of ground water prohibited.
- 18-213. Enforcement of chapter.
- 18-214. Carnivals, circuses, etc.
- 18-215. Violations.

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

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

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

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

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

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks

¹Municipal code reference
Plumbing code: title 12, chapter 2.

and Disposal Fields." The liquid depth may range from 30 inches to 60 inches with the preferred liquid depth of 48 inches. For tanks of a given capacity and depth, the shape of a septic tank is unimportant. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

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

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

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

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

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

18-204. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

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

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

18-206. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-202 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1969 Code, § 8-206)

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

18-208. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-202, or the agent of the owner to provide such facilities. (1969 Code, § 8-208)

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

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

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

18-212. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1969 Code, § 8-212)

18-213. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1969 Code, § 8-213)

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

18-215. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1969 Code, § 8-215)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Violations.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

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

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

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

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

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

(6) "Person." Any and all persons, natural or artificial, including any individual firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (Ord. #60580, June 1980)

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

18-302. Standards. The Ardmore Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #60580, June 1980)

18-303. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Water Superintendent of the City of Ardmore, Tennessee. (Ord. #60580, June 1980)

18-304. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the water superintendent 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. (Ord. #60580, June 1980)

18-305. Inspections required. It shall be the duty of the Ardmore Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the Water Superintendent of the Ardmore Public Water Supply and as approved by the Tennessee Department of Health. (Ord. #60580, June 1980)

18-306. Right of entry for inspections. The water superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Ardmore Public Water Supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. #60580, June 1980)

18-307. Violations. The requirements contained herein shall apply to all premises served by the Ardmore Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Ardmore corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), and each day of continued violation after conviction shall constitute a separate offense. (Ord. #60580, June 1980)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. GAS.

CHAPTER 1

GAS

SECTION

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.¹

¹Ord. #98-11-5, Nov. 1998, if of record in the office of the city recorder.

TITLE 20

MISCELLANEOUS

CHAPTER

1. TELEPHONE SERVICE.

CHAPTER 1

TELEPHONE SERVICE

SECTION

20-101. To be furnished under franchise.

20-101. To be furnished under franchise. Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the board of mayor and aldermen shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.¹

¹The agreements are of record in the office of the recorder.

ORDINANCE NO. 97-09**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF ARDMORE TENNESSEE.**

WHEREAS some of the ordinances of the City of Ardmore 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 Ardmore, 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 "Ardmore Municipal Code," now, therefore:

BE IT ENACTED BY THE MAYOR AND BOARD OF ALDERMEN OF ARDMORE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Ardmore 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 a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and 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.

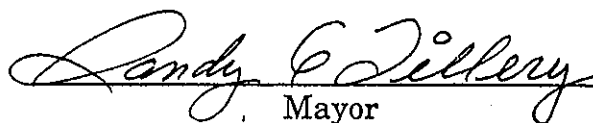
Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

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, September 4, 1997.

Passed 2nd reading, September 4, 19⁹⁷.

Passed 3rd reading, September 4, 1997.


Mayor


Recorder