

**THE  
BLAINE  
MUNICIPAL  
CODE**

Prepared by the



**Municipal Technical Advisory Service**  
*In cooperation with the Tennessee Municipal League*

February 2021

**CITY OF BLAINE, TENNESSEE**

**MAYOR**

Marvin Braden

**VICE MAYOR**

Darrell Williams

**ALDERMEN**

Gabe Black  
Tyler Braden  
James Copeland  
Earl Dunn  
Michael Fennell  
Patsy McElhaney

**RECORDER**

Elizabeth White

**CITY ATTORNEY**

Shelly Wilson

## PREFACE

The Blaine Municipal Code contains the codification and revision of the ordinances of the City of Blaine, 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 § 2-106.

By utilizing the table of contents, code index 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 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 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

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

The able assistance of the codes team: Kelley Myers and Nancy Gibson is gratefully acknowledged.

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

**6-2-101. Publication.** Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published. [Acts 1991, ch. 154, § 1.]

**6-2-102. Consideration and passage.** An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted in one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. [Acts 1991, ch. 154, § 1; Acts 1998, ch. 621, § 1.]

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**TITLE 1**

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

**CHAPTER**

1. BOARD OF MAYOR AND ALDERMEN.
2. CODE OF ETHICS.

**CHAPTER 1**

**BOARD OF MAYOR AND ALDERMEN<sup>2</sup>**

**SECTION**

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Board to act by ordinance or resolution.

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<sup>1</sup>Charter references

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

Municipal code references

Building inspector: title 12.  
Zoning: title 14.

<sup>2</sup>Charter references

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

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

1-105. Terms of mayor and aldermen.

**1-101. Time and place of regular meetings.** The board may meet in study sessions or work sessions from time to time at times agreeable to the board. (Ord. #0-01-04, March 2004)

**1-102. Order of business.** The board may establish an order of business from time to time by resolution. (Ord. #0-01-04, March 2004)

**1-103. General rules of order.** The rules of order and parliamentary procedure contained in *Robert's Rules of Order, Newly Revised*, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or other statutes of the State of Tennessee. (1997 Code, § 1-103)

**1-104. Board to act by ordinance or resolution.** The board of mayor and aldermen may act by either ordinance or resolution.

(1) The board may act by resolution upon the vote of a majority of the membership at any regular or special meeting; such resolution to become effective immediately.

(2) The board may act by ordinance pursuant to the provision of *Tennessee Code Annotated*, § 6-2-102 such ordinance to become effective immediately after passage, upon second reading. (1997 Code, § 1-104)

**1-105. Terms of mayor and aldermen.** Under the authority of *Tennessee Code Annotated*, § 6-3-102, the number of elected officials of the City of Blaine is decreased from ten (10) to seven (7), as follows:

(1) The five (5) aldermen elected in the November 2016 city election, and the mayor and the four (4) aldermen elected in the November 2018 city election, each to four (4) years terms of office, shall complete their terms of office.

(2) At the city election held in November 2020, there shall be elected three (3) aldermen elected to four (4) year terms of office.

(3) At the city election in November 2022, there shall be elected one (1) mayor and three (3) aldermen, each to four (4) year terms of office. (Ord. #O-19-05, June 2019)

## CHAPTER 2

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

#### SECTION

- 1-201. Applicability.
- 1-202. Definition of personal interest.
- 1-203. Disclosure of personal interest by official with vote.
- 1-204. Disclosure of personal interest in non-voting matters.
- 1-205. Acceptance of gratuities, etc.
- 1-206. Use of information.
- 1-207. Use of municipal time, facilities, etc.
- 1-208. Use of position or authority.
- 1-209. Outside employment.
- 1-210. Ethics complaints.
- 1-211. Violations and penalty.

**1-201. Applicability.** This chapter is the code of ethics for personnel of the City of Blaine. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city, the words "municipal" and

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

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

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

Conflict of interests disclosure statements - *Tennessee Code Annotated*, § 8-50-501 and the following sections. Consulting fee prohibition for elected municipal officials - *Tennessee Code Annotated*, §§ 2-10-122, 124.

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

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

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

"city" or "City of Blaine" include these separate entities. (Ord. #O-01-07, June 2007)

**1-202. Definition of personal interest.** (1) For purposes of §§ 1-203 and 1-204, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #O-01-07, June 2007)

**1-203. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure. (Ord. #O-01-07, June 2007)

**1-204. Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #O-01-07, June 2007)

**1-205. Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (Ord. #O-01-07, June 2007)

**1-206. Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #O-01-07, June 2007)

**1-207. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the board of mayor and aldermen to be in the best interests of the city. (Ord. #O-01-07, June 2007)

**1-208. Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (Ord. #O-01-07, June 2007)

**1-209. Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the city's charter or any ordinance or policy. A full-time employee of the city may not accept any outside employment without written authorization from the mayor or his/her designee.

**1-210. Ethics complaints.** (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

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

**1-211. Violations and penalty.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #O-01-07, June 2007)

**TITLE 2**

**BOARDS AND COMMISSIONS, ETC.**

[RESERVED FOR FUTURE USE]



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

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.
5. SEARCH AND SEIZURE.

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

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

**3-101. City judge.** (1) Appointment. The city judge designated by the charter to handle judicial matters within the city shall be a licensed attorney appointed by the board of mayor and aldermen and shall serve at the pleasure of the governing body. Vacancies in the office of the city judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner as prescribed for the appointment of the city judge.

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

**3-102. Jurisdiction.** The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty under the penalty provisions of this code.

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<sup>1</sup>Charter references

City judge--city court: § 6-4-301.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of penalties and costs.
- 3-203. Disposition and report of penalties and costs.
- 3-204. Collection of fines, costs and litigations taxes.
- 3-205. Contempt of court.

**3-201. Maintenance of docket.** The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; summons numbers; alleged offense; disposition; penalties and costs imposed and whether collected; and all other information which may be relevant.

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

All cases heard and determined by the city judge shall impose court costs in the amount to be determined from time to time by the board of mayor and aldermen. One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks.

In addition, pursuant to authority granted in *Tennessee Code Annotated*, § 67-4-601, the court shall levy a local litigation tax in all cases on which state litigation tax is levied as determined by state law.

Other fines and costs collected shall be forwarded by the court to the Department of Safety as required by state law.

**3-203. Disposition and report of penalties and costs.** All funds coming into the hands of the city judge or city court clerk in the form of penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month the court clerk shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all penalties and costs imposed by the court during the current month and to date for the current fiscal year.

**3-204. Collection of fines, costs and litigation taxes.** (1) Manner of collection. Unless discharged by payment, all fines, costs, penalties, and litigation taxes due may be collected in the same manner as a judgment in a

civil action, and no person shall be imprisoned for being in default solely of payment of costs and/or litigation taxes.

(2) Methods of collection. The city recorder is authorized to employ the services of a collection agency to collect amounts owed to the city court. The contract between the municipality and the collection agency must be in writing and can utilize an existing written contract awarded under the city's procurement procedures. The written contract shall include a provision specifying whether the agency may institute an action to collect fines and costs in a judicial proceeding.

(a) Except for unpaid parking tickets, if an amount owed to the city is not paid in full within sixty (60) days of the date on which the amount becomes due, the clerk shall send written notice, by regular or certified mail return receipt requested, to the debtor at the debtor's last known address according to the city's records. The notice shall state the amount owed in fines, costs and litigation taxes, if any.

(b) If the amount owed to the city is not paid in full within thirty (30) days of the date of the notice or the date stated in the request for additional time, the city may refer the debt to a collection agency to collect the outstanding amount owed to the city and the collection agency services fee.

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

**3-205. Contempt of court.** Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

## CHAPTER 3

### SUMMONSES AND SUBPOENAS

#### SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

**3-301. Issuance of summonses.** When a complaint of an alleged ordinance violation is made to the city judge, the judge has the discretion to issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the municipal code or 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/her, 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.

**3-302. Issuance of subpoenas.** The city judge may subpoena as witnesses all persons whose testimony the judge believes will be relevant and material to matters coming before the court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith.

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

3-401. Appeals.

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

**3-401. Appeals.** Any person dissatisfied with any judgment of the city court against him/her may, within ten (10) days<sup>1</sup> thereafter, Sundays exclusive, appeal to the circuit court of the county upon giving bond to the city court clerk. "Person" as used in this section includes, but is not limited to, a natural person, corporation, business entity or the municipality.

**3-402. Bond amounts, conditions, and forms.** (1) Appeal bond. An appeal bond in any case shall be two hundred fifty dollars (\$250.00) for such person's appearance and the faithful prosecution of the appeal.

(2) Pauper's oath. A bond is not required provided the defendant/appellant files the following:

(a) Oath of poverty:

I, \_\_\_\_\_, do solemnly swear under penalties of perjury, that owing to my poverty, I am not able to bear the expense of the action which I am about to commence, and that I am justly entitled to the relief sought, to the best of my belief;

(b) An accompanying affidavit of indigency. The affidavit of indigency must be sworn to by the defendant/appellant and the facts therein may be investigated.

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<sup>1</sup> <sup>1</sup>State law reference

*Tennessee Code Annotated*, § 16-18-307.

## CHAPTER 5

### SEARCH AND SEIZURE

#### SECTION

- 3-501. Authority to issue search warrants.
- 3-502. Reasons and procedure for issuing search warrants.
- 3-503. Form of search warrants.
- 3-504. Return day.
- 3-505. Execution of search warrants.
- 3-506. Seizure of property.
- 3-507. Hearings.
- 3-508. Code violation enforcement.
- 3-509. Inspection of residential rental property with code violations.

**3-501. Authority to issue search warrants.** The city judge shall have the same authority to issue search warrants as is provided by the laws of the State of Tennessee for the issuance of search warrants by magistrates or judges of courts of general sessions in the State of Tennessee. (*Tennessee Code Annotated*, § 40-1-106.)

**3-502. Reasons and procedure for issuing search warrants.**

(1) A search warrant may be issued upon any grounds provided by the general laws of the State of Tennessee.

(2) A search warrant may only be issued upon probable cause supported by affidavit naming or describing the property and the place to be searched.

(3) The city judge, before issuing the warrant, shall examine on oath the complainant and any witnesses the complainant may produce and take their affidavits in writing and cause them to be subscribed by the persons making them; the affidavits shall set forth facts tending to establish the grounds of the application or probable cause for believing that they exist.

(4) If the city judge is satisfied of the existence of the grounds for the application or that there is probable cause of grounds to believe their existence, he shall issue a search warrant signed by him/her and directed to any police officer or other lawful officer, commanding the officer to forthwith search the person or place named for the property specified and to bring it forthwith before the city judge.

(5) The city judge shall prepare an original of said search warrant and two (2) exact copies of the same, one (1) of which is to be kept by him as a part of his official records and one of which shall be left with the person or persons on whom said warrant is served. The original search warrant shall be served and returned as provided by law. The city judge shall endorse the warrants showing the hour, date and the name of the officer to whom the warrants were

delivered for execution and the exact copy of such warrant and the endorsement thereof shall be admissible in evidence in the courts.

(6) Failure to comply with subsection (5) of this section shall make any search conducted under said warrant an illegal search or seizure.

**3-503. Form of search warrants.** The search warrant may be issued in substantially the same form as that provided by state courts.

**3-504. Return day.** Unless otherwise stated herein, a search warrant issued under this chapter shall be executed and returned to the city judge within five days after its date, after which time unless executed it is void.

**3-505. Execution of search warrants.** The search warrant may be executed by any officer of the city or any other person to whom it is directed or by any person in aid of such officers.

In order to execute said warrant, any officer may break open any door or window of a house or any part of a house and anything therein if after notice of his authority and purpose, he is refused admittance.

**3-506. Seizure of property.** (1) When any officer takes property under a search warrant, he shall, if required, give a receipt to the person from whom it was taken or in whose possession it was found.

(2) The officer shall make a proper return of the search warrant to the city judge and shall specify with particularity the property taken.

(3) When property is taken under a search warrant and delivered to the city judge, he shall, if it was stolen or embezzled, cause it to be delivered to the owner on satisfactory proof of his title; but if the warrant was issued on the grounds specified in § 3-502(1), (2), (3), (4), or (5), he shall retain the property in his possession subject to the order of the court to which he is required to return the property or of the court in which the offense is triable.

**3-507. Hearings.** (1) If the grounds on which the search warrant was issued be controverted, the city judge shall proceed to hear the testimony which must be reduced to writing and authenticated in the manner prescribed in § 3-502(4).

(2) If it shall appear that the property is not the same as described in the warrant or that there is no probable cause for believing the existence of the grounds for which the warrant is issued, the city judge shall direct it to be restored to the person from whom it was taken.

(3) The city judge shall, if the property is not directed to be restored under the provisions of subsection (2) of this section, annex together the search warrant, the return, and the affidavits and return them to the court having power to inquire into the offense in respect to which the search warrant was issued.

(4) If upon the hearing it appears that there was no probable cause for suing out the warrant, the whole cost may be taxed against the complainant and execution awarded.

**3-508. Code violation enforcement.** (1) Administrative inspection warrants; definitions; penalties. (a) "Issuing officer," as used in this section, means:

(i) Any official authorized by law to issue search warrants;

(ii) Any court of record in the county of residence of the agency making application for an administrative inspection warrant; or

(iii) Any municipal court having jurisdiction over the agency making application for an administrative inspection warrant, provided that the judge of the court is licensed to practice law in the State of Tennessee.

(b) "Building official," as used in this section, means any local government building official certified pursuant to § 68-120-113; provided, that such official is acting in their capacity as an official of a municipality or county, and provided that the official is seeking to enforce the ordinances or codes of such local government; and

(c) "Agency," as used in this section, means any county, city, or town employing a building official certified pursuant to § 68-120-113.

(2) In the event that a building official is denied permission to make an inspection and a warrant is required by the Constitution of the United States or the State of Tennessee to perform such inspection, a building official may obtain an administrative inspection warrant in accordance with the procedures outlined in this section. The provisions of title 40, chapter 6, part 1, shall not apply to warrants issued pursuant to this section.

(3) The issuing officer is authorized to issue administrative inspection warrants authorizing a building official to inspect named premises. In so doing, the issuing officer must determine from the affidavits filed by the building official, acting as an officer of the agency requesting the warrant, that:

(a) The agency has the statutory authority to conduct the inspection;

(b) Probable cause exists to believe that a violation of law has occurred or is occurring. For the purposes of this section, probable cause is not the same standard as used in obtaining criminal search warrants. In addition to a showing of specific evidence of an existing violation, probable cause can be found upon a showing of facts justifying further inquiry, by inspection, to determine whether a violation of any state law or local building, fire, or life safety code is occurring. This finding can be based upon a showing that:



(i) Previous inspections have shown violations of law and the present inspection is necessary to determine whether those violations have been abated;

(ii) Complaints have been received by the agency and presented to the issuing officer, from persons who by status or position have personal knowledge of violations of law occurring on the named premises;

(iii) The inspection of the premises in question was to be made pursuant to an administrative plan containing neutral criteria supporting the need for the inspection; or

(iv) Any other showing consistent with constitutional standards for probable cause in administrative inspections;

(c) The inspection is reasonable and not intended to arbitrarily harass the persons or business involved;

(d) The areas and items to be inspected are accurately described and are consistent with the statutory inspection authority; and

(e) The purpose of the inspection is not criminal in nature and the agency is not seeking sanctions against the person or business for refusing entry.

(4) The issuing officer shall immediately make a finding as to whether an administrative inspection warrant should be issued and if the issuing officer so determines, issue such warrant. No notice shall be required prior to the issuance of the warrant.

(5) All warrants shall include at least the following:

(a) The name of the agency and building official requesting the warrant;

(b) The statutory or regulatory authority for the inspection;

(c) The names of the building official or officials authorized to conduct the administrative inspection;

(d) A reasonable description of the property and items to be inspected;

(e) A brief description of the purposes of the inspection; and

(f) Any other requirements or particularity required by the Constitutions of the United States and the State of Tennessee regarding administrative inspections.

(6) All warrants shall be executed within ten (10) days of issuance.

(7) Any person who willfully refuses to permit inspection, obstructs inspection or aids in the obstruction of an inspection of property described in an administrative inspection warrant commits a Class C misdemeanor.

(8) Any person aggrieved by an unlawful inspection of premises named in an administrative inspection warrant may in any judicial or administrative proceeding move to suppress any evidence or information received by the agency pursuant to such inspection.

(9) If the court or the administrative agency finds that the inspection was unlawful, such evidence and information shall be suppressed and not considered in the proceeding. (*Tennessee Code Annotated*, § 68-120-117.)

**3-509. Inspections of residential property with code violations.**

If any residential rental property has three (3) code violations cited on three (3) separate dates within a six (6) month period, the municipal agency or department that is responsible for enforcement of building codes is authorized to conduct an in-home inspection of the property, regardless of whether the landlord or a tenant is in possession of the property.

(1) The municipal agency or department that is responsible for enforcement of building codes may enter the dwelling unit only:

(a) With the consent of the tenant in possession;

(b) With a validly issued search warrant; or

(c) In the event of an emergency presenting an immediate threat to the health, safety, and welfare of the tenant in possession.

(2) Entry shall comply in all respects with Amendment IV of the Constitution of the United States, as well as Article I, § 7 of the Constitution of Tennessee. Entry shall be made in such manner as to cause the least possible inconvenience to the tenant in possession. (*Tennessee Code Annotated*, § 6-54-511)

**TITLE 4**

**MUNICIPAL PERSONNEL**

[RESERVED FOR FUTURE USE]

**TITLE 5****MUNICIPAL FINANCE AND TAXATION<sup>1</sup>****CHAPTER****1. DEBT POLICY.****CHAPTER 1****DEBT POLICY<sup>2</sup>****SECTION**

- 5-101. Purpose.
- 5-102. Definition of debt.
- 5-103. Approval of debt.
- 5-104. Transparency.
- 5-105. Role of debt.
- 5-106. Types and limits of debt.
- 5-107. Use of variable debt.
- 5-108. Use of derivatives.
- 5-109. Costs of debt.
- 5-110. Refinancing outstanding debt.
- 5-111. Professional services.
- 5-112. Conflicts.
- 5-113. Review of policy.
- 5-114. Compliance.

**5-101. Purpose.** The purpose of this debt policy is to establish a set of parameters by which debt obligations will be undertaken by the City of Blaine, Tennessee. This policy reinforces the commitment of the city and its officials to manage the financial affairs of the city so as to minimize risks, avoid conflicts of interest and ensure transparency while still meeting the capital needs of the

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<sup>1</sup>Charter references

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

<sup>2</sup>State law reference

Contracts, leases, and lease purchase agreements, *Tennessee Code Annotated* title 7, part 9  
Local Government Public Obligations Law, *Tennessee Code Annotated*, title 9, part 21

city. A debt management policy signals to the public and the rating agencies that the city is using a disciplined and defined approach to financing capital needs and fulfills the requirements of the State of Tennessee regarding the adoption of a debt management policy.

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

**5-102. Definition of debt.** All obligations of the city to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of city resources. This includes, but is not limited to, notes, bond issues, capital leases, and loans of any type (whether from an outside source such as a bank or from another internal fund). (Ord. #\_\_\_, Feb. 2012)

**5-103. Approval of debt.** Bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and revenue anticipation notes will be submitted to the State of Tennessee Comptroller's Office and the board of mayor and aldermen prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the comptroller's office prior to issuance. Capital or equipment leases may be entered into by the board of mayor and aldermen; however, details on the lease agreement will be forwarded to the comptroller's office on the specified form within forty-five (45) days. (Ord. #\_\_\_, Feb. 2012, modified)

**5-104. Transparency.** (1) The city shall comply with legal requirements for notice and for public meetings related to debt issuance.

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

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

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

(5) A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed to the citizens/members, board of mayor and aldermen, and other stakeholders in a timely manner. (Ord. #\_\_\_, Feb. 2012, modified)

**5-105. Role of debt.** (1) Long-term debt shall not be used to finance current operations. Long-term debt may be used for capital purchases or construction identified through the capital improvement, regional development, transportation, or master process or plan. Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the city will minimize the use of short-term cash flow borrowings by maintaining adequate working capital and close budget management.

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

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

(b) Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence. (Ord. #\_\_\_, Feb. 2012, modified)

**5-106. Types and limits of debt.** (1) The city will seek to limit total outstanding debt obligations to not exceed fifteen percent (15%) of proposed expenditures, excluding overlapping debt, enterprise debt, and revenue debt.

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

(3) The city's total outstanding debt obligation will be monitored and reported to the board of mayor and aldermen by the mayor. The mayor shall monitor the maturities and terms and conditions of all obligations to ensure compliance. The mayor shall also report to the board of mayor and aldermen any matter that adversely affects the credit or financial integrity of the city.

(4) The city has issued loans in the past and is authorized to issue general obligation bonds, revenue bonds, TIFs, loans, notes and other debt allowed by law. The city will seek to structure debt with level or declining debt service payments over the life of each individual bond issue or loan.

(5) As a rule, the city will not backload, use "wrap-around" techniques, balloon payments or other exotic formats to pursue the financing of projects. When refunding opportunities, natural disasters, other non-general fund revenues, or other external factors occur, the city may utilize non-level debt methods.

However, the use of such methods must be thoroughly discussed in a public meeting and the mayor and governing body must determine such use is justified and in the best interest of the city.

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

(7) Bonds backed with a general obligations pledge often have lower interest rates than revenue bonds. The city may use its general obligation pledge with revenue bond issues when the populations served by the revenue

bond projects overlap or significantly are the same as the property tax base of the city. The board of mayor and aldermen and management are committed to maintaining rates and fee structures of revenue supported debt at levels that will not require a subsidy from the city's general fund. (This provision is necessary only if the city has a source of repayment for a revenue bond, such as a water or sewer system.) (Ord. #\_\_\_, Feb. 2012, modified)

**5-107. Use of variable debt.** (1) The city recognizes the value of variable rate debt obligations and that cities have greatly benefitted from the use of variable rate debt in the financing of needed infrastructure and capital improvements.

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

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

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

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

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

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

**5-108. Use of derivatives.** (1) The city chooses not to use derivative or other exotic financial structures in the management of the city's debt portfolio.

(2) Prior to any reversal of this provision:

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

(b) The board of mayor and aldermen must adopt a specific amendment to this policy concerning the use of derivatives or interest

rate agreements that complies with the state funding board guidelines. (Ord. #\_\_\_, Feb. 2012, modified)

**5-109. Costs of debt.** (1) All costs associated with the initial issuance or incurrence of debt, management and repayment of debt (including interest, principal, and fees or charges) shall be disclosed prior to action by the board of mayor and aldermen in accordance with the notice requirements stated above.

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

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

**5-110. Refinancing outstanding debt.** (1) The city will refund debt when it is in the best financial interest of the city to do so, and the chief financial officer shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the governing body, and all plans for current or advance refunding of debt must be in compliance with state laws and regulations.

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

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

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

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



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

(e) Arbitrage. The city shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any refunding. (Ord. #\_\_\_, Feb. 2012)

**5-111. Professional services.** The city shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the city and the lender or conduit issuer, if any. This includes "soft" costs or compensations in lieu of direct payments.

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

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

Whether in a competitive sale or negotiated sale, the financial advisor shall not be permitted to bid on, privately place or underwrite an issue for which they are or have been providing advisory services for the issuance or broker any other debt transactions for the city.

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

**5-112. Conflicts.** (1) Professionals involved in a debt transaction hired or compensated by the city shall be required to disclose to the city existing client and business relationships between and among the professionals to a transaction (including but not limited to financial advisor, swap advisor, bond counsel, swap counsel, trustee, paying agent, liquidity or credit enhancement

provider, underwriter, counterparty, and remarketing agent), as well as conduit issuers, sponsoring organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow the city to appreciate the significance of the relationships.

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

**5-113. Review of policy.** This policy shall be reviewed at least annually by the board of mayor and aldermen with the approval of the annual budget. Any amendments shall be considered and approved in the same process as the initial adoption of this policy, with opportunity for public input. (Ord. #\_\_, Feb. 2012, modified)

**5-114. Compliance.** The mayor is responsible for ensuring compliance with this policy. (Ord. #\_\_, Feb. 2012)

**TITLE 6****LAW ENFORCEMENT****CHAPTER****1. POLICE DEPARTMENT.****CHAPTER 1****POLICE DEPARTMENT****SECTION**

- 6-101. Establishment, equipment, and membership.
- 6-102. Objectives.
- 6-103. Organization, rules, and regulations.
- 6-104. Chief responsible for training and maintenance.
- 6-105. Police officers subject to chief's orders.
- 6-106. Police officers to preserve law and order, etc.
- 6-107. Police officers to wear uniforms and be armed.
- 6-108. When police officers to make arrests.
- 6-109. Police department records.
- 6-110. General orders.

**6-101. Establishment, equipment, and membership.** There is established a police department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The police department shall be composed of a chief and such number of physically fit subordinate officers as the city shall hire.

This provision shall not be read to preclude police department use of funds that are provided by statute or available through grants provided that acquisition of such funds and their expenditure are approved by the board of mayor and aldermen.

- 6-102. Objectives.** The police department shall have as its objectives:
- (1) To detect and suppress criminal activities within the City of Blaine.
  - (2) To prevent and/or end breaches of the peace within the confines of the Constitution of the State of Tennessee and the Constitution of the United States.
  - (3) To enforce the criminal and motor vehicle laws and regulations of the United States of America, the State of Tennessee, and the municipal ordinances of the City of Blaine.
  - (4) To aid in the prosecution of persons found violating the laws of the United States, the State of Tennessee, or the ordinances of the City of Blaine.

- (5) To work with the community to maintain a high quality of life.
- (6) To render aid in time of need to the limits of officer training and adjustment.

**6-103. Organization, rules, and regulations.** The chief of police shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules, regulations, policies and procedures as shall be necessary for the orderly and efficient operation of the police department, consistent with the personnel rules and regulations, the city's safety manual, and any other city-wide policies or rules duly adopted by the board of mayor and aldermen.

**6-104. Chief responsible for training and maintenance.** The chief of police shall be fully responsible for the training of police officers. The minimum training shall consist of that which is required pursuant to statute by the Tennessee Police Officer Standards and Training Commission, state and federal regulatory agencies, such as OSHA, and City of Blaine policies and requirements.

**6-105. Police officers subject to chief's orders.** All police officers shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue.

**6-106. Police officers to preserve law and order, etc.** Police officers shall preserve law and order within the city. They shall patrol the city and shall assist the city, state, and federal courts during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court.

**6-107. Police officers to wear uniforms and be armed.** All police officers shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall be armed with approved weapons at all times while on duty unless otherwise expressly directed by the chief for special assignments or specialized duty.

**6-108. When police officers to make arrests.** Unless otherwise authorized or directed by this code or applicable law, an arrest of the person shall be made by a police officer in the following cases:

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
- (3) Whenever an officer has probable cause to believe that a felony has been committed and the person committed it.

All arrests made by officers of the Blaine Police Department shall be made in accordance with the Constitution of the State of Tennessee and the Constitution of the United States.

**6-109. Police department records.** The police department shall keep a comprehensive and detailed daily record in the permanent form, showing:

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

(2) All arrests made by police officers.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department.

(4) Such other information as may be required by state or federal laws.

**6-110. General orders.** The chief of police shall be responsible for adopting, revising and enforcing the Blaine Police Department General Orders on an as needed basis.

## TITLE 7

### FIRE PROTECTION AND FIREWORKS<sup>1</sup>

#### 1. FIREWORK SALES.

#### CHAPTER 1

#### FIREWORKS SALES

#### SECTION

7-101. Sale of fireworks.

7-102. Violations and penalty.

**7-101. Sale of fireworks.** The sale of fireworks shall be permitted within the municipal boundaries of the city as allowed by the applicable laws of the State of Tennessee, in addition to those requirements, any holder or owner of a license to sell fireworks under the laws of the State of Tennessee who shall seek to sell fireworks within the municipal limits of the City of Blaine shall further meet and comply with the following conditions.

(1) Sales of fireworks shall be allowed from a permanent location only. Permanent location for this purpose shall be defined as a permanent structure constructed and standing year round within the municipal limits of the City of Blaine. No tents or temporary structures shall be acceptable. The location shall have a 911 address and be on commercially zoned property.

(2) Any person seeking to sell fireworks within the municipal limits of the City of Blaine shall also obtain any necessary retail business sales license from Grainger County and the City of Blaine. Such structure shall meet all pertinent building codes and be equipped with at least two (2) fire extinguishers.

(3) Any person or entity seeking to sell fireworks within the municipal limits of the City of Blaine shall have first obtained all necessary licenses issued by the State of Tennessee for same and present them to the city recorder, mayor or other designated authority. The premises and/or licenses are subject to inspection by these authorities as well as the chief of police and the fire chief.

(4) Any present or future premises from which fireworks are sold shall be equipped with permanent electrical wiring and plumbing and have at least two (2) emergency exits. The building shall be of block and masonry construction on a concrete foundation. Plumbing shall include appropriate restroom facilities for use of patrons of the business. Said plumbing facilities must be of a

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<sup>1</sup>Municipal code reference  
Building, etc. codes: title 12.

permanent nature and handicapped accessible. Portable sanitary facilities will not be acceptable.

(5) This chapter is passed pursuant to authority of *Tennessee Code Annotated*, § 6-2-201. (Ord. #O-04-04, July 2004)

**7-102. Violations and penalty.** Any person or entity who shall sell fireworks in violation of this chapter within the municipal limits of the City of Blaine shall be subject to civil penalty in the amount of fifty dollars (\$50.00) per day for each day of violation. Further, any person or entity so violating this chapter shall be subject to immediate restraint through appropriate court order obtained by the City of Blaine acting on appropriate authority. (Ord. #O-04-04, July 2004, modified)

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

1. GENERAL.
2. SALES OF BEER AND LIGHT ALCOHOLIC CONTENT BEVERAGES.
3. SALE FOR CONSUMPTION ON-PREMISES: WINE, BEER,  
HIGH ALCOHOL CONTENT BEER, AND INTOXICATING LIQUOR.
4. WINE SALES IN RETAIL FOOD STORES.

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

- 8-101. Definitions.
- 8-102. Sale or furnish to minors and/or underaged persons prohibited.
- 8-103. Identification required prior to the sale of alcoholic beverages.
- 8-104. Sale to intoxicated persons prohibited.
- 8-105. Duties and prohibited activities of permittee and licensees.
- 8-106. Employment of minors prohibited.
- 8-107. Loitering of minors or underaged persons prohibited.
- 8-108. Signs required.
- 8-109. Manufacturing, selling and distributing generally.
- 8-110. Exceptions.
- 8-111. Hours of sale.
- 8-112. Violations and penalty.

- 8-101. Definitions.** (1) "Alcoholic beverage." (a) Means and includes:
- (i) Any and all intoxicating liquor, beer, light alcoholic content beverage, wine, and high alcoholic content beer, as hereinafter defined and, to the extent not included within such definitions;
  - (ii) Any alcohol, spirits, liquor, wine, beer, ale, malt beverages, high alcohol content beer, and every liquid containing alcohol, spirits, liquor, wine, beer, ale, malt beverages, high alcohol content beer capable of being consumed by a human being; and

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, title 57.



(iii) Any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol, regardless of alcohol content.

(b) But does not mean and include:

(i) Products or beverages containing less than one-half of one percent (.5%) alcohol by volume, other than wine as defined in this § 8-101; and

(ii) Patent medicine as defined in *Tennessee Code Annotated*, § 57-5101(b).

(2) "Beer" means an alcoholic beverage having an alcoholic content of not more than eight percent (8%) by weight and made by the alcoholic fermentation of an infusion or decoction or combination of both in potable brewing water of malted grains with hops or their parts or their products; provided, however, that not more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol but not including wine as defined below.

(3) "Beer permit" means the tangible approval of the beer board allowing a business to sell and/or serve beer.

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

(5) (a) "Church" means a building or property where a congregation meets for religious worship services.

(b) "Church property" shall be defined as any real property parcel whereupon the primary worship building or structure has been erected to conduct regularly scheduled religious worship services.

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

(7) "Event stadium" means a controlled spectator facility designed primarily for sporting, recreational, and/or entertainment use, whether indoor, open air, or amphitheater in design, and may contain space and facilities for exhibitions, retail sales, retail food dispensing, and restaurants.

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

(9) "High alcohol content beer," herein after referred to as "HACB," means beer having an alcoholic content of more than eight percent (8%) by weight and not more than twenty percent (20%) by weight and is brewed, regulated, distributed or sold pursuant to chapter 3 of this title; provided, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

(10) "Inspection fee" means the monthly fee a licensee is required by this title to pay, the amount of which is determined by a percentage of the gross sales of a licensee at a retail food store.

(11) "Intoxicating liquor" or "intoxicating drinks," as defined in this chapter, means and includes alcohol, spirits, liquors, wines and every liquid or solid, patented or not, containing alcohol, spirits, liquor or wine, and capable of being consumed by human beings; but nothing in this chapter shall be construed or defined as including or relating to the manufacture of beer as defined in § 57-5-101(b) (see *Tennessee Code Annotated*, § 57-2-101).

(12) "License fee" means the annual fee a licensee is required by this chapter to pay prior to the time of the issuance or renewal of a retail food store wine license.

(13) "Licensee" means the holder or holders of a retail food store wine license. In the event of co-licensees, each person who receives a certificate of compliance and retail food store wine license shall be a licensee subject to the rules and regulations herein.

(14) "Light alcoholic content beverage," herein after referred to as "LACB," means any alcoholic beverage, not including beer and wine, whose alcohol content is not more than eight percent (8%) by weight.

(15) "Manufacturer" means anyone who manufactures any alcoholic beverage and, without limiting the foregoing, includes a brewer, brewer of high alcohol content beer, distiller, vintner and rectifier.

(16) "Minor" means anyone under the age of eighteen (18) years; provided, however, this provision shall not be construed as prohibiting any person eighteen (18) years of age or older from selling, transporting, possessing, or dispensing alcoholic beverages, wine, HACB, or beer, in the course of his employment, as authorized by *Tennessee Code Annotated*, § 57-4-203 (b)(3).

(17) "Permittee" means the holder of a beer permit.

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

(19) "Retail food store" means an establishment that is open to the public that derives at least twenty percent (20%) of its sales taxable sales from the retail sale of food and food ingredients for human consumption taxed at the rate provided in § 67-6-288(a) and has retail floor space of at least one thousand two hundred square feet (1,200 sq. ft.).

(20) "Retail food store wine license" means a license issued under the provisions of chapter 4 of this title for the purpose of authorizing the holder or holders thereof to engage in the business of selling wine at retail in the city at a retail food store. Such retail food store wine license will only be granted to a person or persons who has or have a valid retail food store wine license issued by the TABC.

(21) "Retail sale" or "sale at retail" means the sale to a consumer or to any person for any purpose other than for resale.

(22) "Retailer" means any person who sells at retail any alcoholic beverage for the sale of which a license or permit is required under the provisions of this chapter.

(23) (a) "School" means an institution where regular classes and specialized classes are conducted under the supervision of a teacher or instructor and taught to persons enrolled in grades pre-kindergarten through the 12th grade.

(b) "School property" means any parcel or parcels of real property, whether contiguous or not, where regularly scheduled educational activities including athletic events are conducted for students enrolled in grades pre-kindergarten through the 12th grade.

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

(25) "Tavern" means a business establishment whose primary business is or is to be the sale of beer or high alcoholic content beer to be consumed on the premises.

(26) "Vehicle" means a machine that has the means of transporting or carrying an object across a distance including, but not limited to, automobiles, trucks, motorcycles, and four wheelers.

(27) "Wholesaler" means any person who sells at wholesale any alcoholic beverage for the sale of which a license or permit is required under the provision of this chapter.

(28) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, and includes champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced or an artificial or imitation wine. For the purposes of chapter 6 of title 8 only, the alcoholic content of "wine" shall not exceed eighteen percent (18%) by volume, and "wine" shall not include alcohol derived from wine that has had substantial changes to the wine due to the addition of flavorings and additives.

(29) "Underaged" means anyone over the age of eighteen (18) but under the age of twenty-one (21) years; provided, however, this provision shall not be construed as prohibiting any person eighteen (18) years of age or older from selling, transporting, possessing, or dispensing alcoholic beverages, wine, HACB, or beer, in the course of his employment, as authorized by *Tennessee Code Annotated*, § 57-4-203(b)(3).

(30) "TABC" means the Tennessee Alcoholic Beverage Commission.

(31) The following terms shall have the same definition as stated in *Tennessee Code Annotated*, § 57-4-102:

- (a) Club;
- (b) Convention center;
- (c) Hotel; and
- (d) Restaurant. (Ord. #O-1903, March 2019)

**8-102. Sale or furnish to minors and/or underaged persons prohibited.** It shall be unlawful for any person to knowingly sell, furnish, give, or allow to be sold any alcoholic beverages to a minor and/or an underaged person at any time or to allow such persons to drink alcoholic beverage in the building or on the premises where such alcoholic beverages are being sold. (Ord. #O-1903, March 2019)

**8-103. Identification required prior to the sale of alcoholic beverages.** Any person selling alcoholic beverages within the corporate limits of the City of Blaine shall be required to have produced to him or her a valid government issued photo identification showing that the age of the prospective purchaser of the alcoholic beverage is twenty-one (21) years of age or older. Persons fifty (50) years of age or greater shall not be required to show a photo identification but instead shall be allowed to purchase alcoholic beverages based on an otherwise facially valid government issued identification. In either case, the identification provided shall be a document issued by a state or federal governmental agency. If the identification required herein is not produced by the prospective purchaser, the alcoholic beverages shall not be sold. Notwithstanding the above, any permittee or licensee allowing on premises consumption of alcoholic beverages in the city shall be permitted to serve alcoholic beverages to a person for on premises consumption without seeing such identification if, in the discretion of a manager on the premises, a person wishing to purchase such beverages is, beyond a reasonable doubt, twenty-one (21) years of age or older. (Ord. #O-1903, March 2019)

**8-104. Sale to intoxicated persons prohibited.** It shall be unlawful to sell alcoholic beverages or permit the same to be sold to any person in an intoxicated condition. (Ord. #O-1903, March 2019)

**8-105. Duties and prohibited activities of permittee and licensees.** It shall be unlawful for any person operating a place of business regulated by this title to allow any persons under the influence of intoxicants, including alcoholic beverages, upon the premises, and it shall be the affirmative duty of any such operator to notify the police department of any person upon the premises in an intoxicated condition. (Ord. #O-1903, March 2019)

**8-106. Employment of minors prohibited.** It shall be unlawful for the operator to use minors in the sale, transport, possession or dispensing of alcoholic beverages, wine or beer, except as provided in § 8-101 herein. (Ord. #O-1903, March 2019)

**8-107. Loitering of minors or underaged persons prohibited.** It shall be unlawful for any permit or license holder, business operator, or their employees and agents, to allow or permit any minor and/or underaged person to loaf or loiter in any place where alcoholic beverages are sold or offered for sale for consumption on the premises. Violation of this section is punishable in the City of Blaine Municipal Court and may subject a permit holder to beer board penalties. (Ord. #O-1903, March 2019)

**8-108. Signs required.** (1) Any establishment within the corporate limits of the city which sells or gives away alcoholic beverages shall prominently display on the premises a sign:

(a) Not less than six inches (6") high and ten inches (10") wide reading: "A Minor or Underaged Person attempting to purchase Alcoholic Beverages will be prosecuted to the fullest extent of the law," and

(b) Such establishment shall further prominently display a sign not less than six inches (6") high and ten inches (10") wide reading: "State law, and Blaine Municipal Code § 8-103, requires the production of a valid governmental issued photo ID prior to the purchase of alcoholic beverages."

(2) Signs required under this part shall be the responsibility of each permittee or licensee. Signs must be posted within ninety (90) days of the final passage of this section. It will be a violation of this section to fail to post such signs.

(3) Any sign in place pursuant to subsection (1)(a) of this section prior to November 1, 2017, does not need to be replaced unless or until the sign falls into disrepair or is further or otherwise required to be replaced. Notwithstanding the foregoing signage, the prohibited sale to a minor or underaged person shall apply. All signs newly placed or replaced after November 1, 2017 shall contain the wording set forth in subsection (1).

(4) A violation of this section is punishable in the City of Blaine Municipal Court and may subject a permit holder to beer board penalties. (Ord. #O-1903, March 2019)

**8-109. Manufacturing, selling and distributing generally.** It shall be unlawful for any person to engage in the business of manufacturing, selling, or distributing any alcoholic beverage within the corporate limits of the city except as provided by all applicable laws, rules and regulations of the State of Tennessee applicable to alcoholic beverages as now in effect or as they may

hereinafter be changed including, without limitation, the local option liquor rules and regulations of the TABC. (Ord. #O-1903, March 2019)

**8-110. Exceptions.** To the extent that buying or selling of beer, intoxicating liquors, HACB, LACB, or wine is prohibited, except as authorized pursuant to *Tennessee Code Annotated* as set forth in § 8-109 herein, said prohibitions shall not make it unlawful:

(1) To buy, sell, possess, transport or manufacture beer or HACB as permitted in *Tennessee Code Annotated*, §§ 57-5-101, *et seq.*, or any other provisions and this chapter relating to such beverages are fully and strictly complied with.

(2) To possess or manufacture beer or wine as permitted in *Tennessee Code Annotated*, § 39-17-708, for personal consumption by members and guests of a household, provided all provisions and conditions of said sections relating to such beverages are fully and strictly complied with.

(3) For any priest or minister of any religious denomination or sect to receive and possess wines for sacramental purposes.

(4) For druggists to receive and possess alcohol and other intoxicating liquors and such preparation as may be sold by druggists for the special purposes and in the manner as now or hereafter provided by law.

(5) For the manufacturers of the following to receive and possess alcohol and other intoxicating liquor for use in the manufacturing process:

(a) Such medicines that conform to the provisions of the Pure Food and Drugs Act of the State of Tennessee;

(b) Flavoring extracts;

(c) Perfumery and toilet articles;

(d) Thermostatic devices or temperature regulators.

(6) For bona fide hospitals to receive and possess alcohol and other intoxicating liquor for the use of bona fide patients of such hospitals.

(7) For bona fide educational institutions to receive and possess alcohol and other intoxicating liquor for scientific and therapeutic purposes.

(8) For any common or other carrier to ship or transport alcohol and other intoxicating liquor for any of the purposes listed in subsections (2) through (6) above. (Ord. #O-1903, March 2019)

**8-111. Hours of sale.** (1) Except as stated otherwise herein, hotels, clubs, zoological institutions, public aquariums, museums, motels, convention centers, restaurants, community theaters, theater, historic interpretive centers, sports authority facilities, and urban park centers, licensed as provided herein to sell alcoholic beverages, as defined in this title, may not sell, give away, or otherwise dispense alcoholic beverages between the hours of three o'clock A.M. (3:00 A.M.) and eight o'clock A.M. (8:00 A.M.) on weekdays and Saturdays, or between the hours of three o'clock A.M. (3:00 A.M.) and twelve o'clock (12:00) noon on Sundays.

(2) Wine in retail food stores. Retail food store wine licensees shall only be allowed to sell, give away, or otherwise dispense wine between the hours of 8:00 A.M. and 11:00 P.M. on weekdays and Saturdays. A retail food store wine licensee shall only be allowed to sell, give away, or otherwise dispense wine between the hours of 10:00 A.M. and 11:00 P.M. on Sunday. No retail food store wine licensee shall sell, give away, or otherwise dispense, wine on the following holidays: Christmas, Thanksgiving, and Easter.

(c) Beer. Except as stated otherwise in (1) herein, the sale, giving away, or dispensing of beer shall only be allowed between the hours of 6:00 A.M. and midnight Monday through Saturday, and between the hours of 10:00 A.M. and midnight on Sunday.

**8-112. Violations and penalty.** Wherever in this title an act is prohibited or is made or declared to be unlawful, the violation of such provision shall be punishable by a civil penalty not to exceed a fifty dollar (\$50.00) fine, in addition to any administrative and/or court costs and fees, unless such violation and penalty stated therein is contrary to this provision, in which case the penalty provided therein shall control. This penalty may be in addition to any other penalty provided therein.

## CHAPTER 2

### SALES OF BEER AND LIGHT ALCOHOLIC CONTENT BEVERAGES

#### SECTION

- 8-201. Beer.
- 8-202. Beer lawful.
- 8-203. Beer board; monitoring and enforcement.
- 8-204. Beer permits.
- 8-205. Permit fees and privilege tax.
- 8-206. Permits and licenses must be displayed and are not transferable.
- 8-207. Permits shall be restrictive.
- 8-208. Violation of ordinance; permit suspension or revocation; civil penalties.
- 8-209. Special event permits.
- 8-210. Inspection of beer business.
- 8-211. Prima facie evidence of possession for sale.
- 8-212. Taverns.
- 8-213. Restaurants and clubs.
- 8-214. Hotels/motels.
- 8-215. Event stadiums.
- 8-216. Beer board procedures and hearings.
- 8-217. Court action following beer board orders.

**8-201. Beer.** For the purposes of this chapter, the term "beer" shall include LACB. The retail sale of beer and LACB shall be regulated by this chapter. (Ord. #O-1903, March 2019)

**8-202. Beer lawful.** In conformity with *Tennessee Code Annotated*, § 57-5-101, *et seq.* it shall be lawful to transport, store, sell, distribute, possess, receive, and/or manufacture beer, subject to the privilege taxes and regulations hereinafter set out. No manufacturer or wholesaler of beer or their agent or agents shall be permitted to make any loan or furnish any fixtures of any kind or have any interest, direct or indirect, in the business of any retailer of such beverage, or in the premises occupied by such retailer; provided, however, such manufacturer or wholesaler may operate as a retailer at the manufacturer's location or a site contiguous thereto for sales of not more than twenty-five thousand (25,000) barrels of beer annually for consumption on or off the premises under the provisions of this chapter as long as the requirements of this chapter concerning the licensing of such retail establishments are met; or a manufacturer may qualify for and hold a license under the provisions of this



chapter as a "restaurant." Such a manufacturer, however, operating as a retailer pursuant to this chapter, may not sell its beer directly to retailers that are located in a county other than the county in which the manufacturer is located. (Ord. #O-1903, March 2019)

**8-203. Beer board; monitoring and enforcement.** (1) There is hereby created a beer board which shall be composed of the mayor and board of aldermen, whose duty in this regard shall be to regulate and supervise the issuance of permits to manufacture, distribute, and/or sell beverages regulated by this chapter to the persons and in the manner hereinafter provided. The board shall provide such other duties and have such other powers and authority as herein provided in this chapter.

(2) If the beer board determines that a sale to a minor or underage person occurred by an off-premises beer permit holder then the beer board shall report the clerk's name to the TABC as required by state law. In such case, the certification of the clerk making the sale shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (Adopted from *Tennessee Code Annotated*, § 57-5-607.) (Ord. #O-1903, March 2019)

**8-204. Beer permits.** Before any person shall be authorized to sell, distribute, manufacture or store beverages regulated by this chapter, the person shall make application to the beer board upon a form prescribed by it for a permit and shall pay to the municipality such fees for licenses as are provided in § 8-205. In the case of a wholesaler, as defined in *Tennessee Code Annotated*, § 57-6-102, a permit shall not be required unless the wholesaler operates a warehouse in the City of Blaine. No permit shall be approved by the beer board and no license shall be issued by the recorder, except upon the following terms and conditions, and only to such persons as possess the qualifications hereinafter provided:

(1) No applicant shall be issued a permit unless the applicant has been a citizen or lawful resident of the United States for not less than one (1) year immediately preceding the date upon which the application is made to the beer board.

(2) No beer shall be sold except at places where such sale will not cause congestion of traffic or interference with schools, churches or other places of public gathering, or otherwise interfere with public health, safety and morals.

(3) No beer shall be sold for consumption on premises within one hundred fifty feet (150') of any church or school as measured along a straight line from the nearest property line of any such church property or school property to the front door of the establishment selling beer.

(4) No sale shall be made to minors or underaged persons.

(5) No person having at least a five percent (5%) ownership interest in the applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.

(6) No person employed by the applicant and involved with such distribution or sales has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.

(7) No sale shall be made for on-premises consumption unless the application so states.

(8) No permit shall be issued unless the application shall contain the following information and agreements, to-wit:

(a) Name of the applicant.

(b) Name of applicant's business(es).

(c) Location of business by street address or other geographical description to permit an accurate determination of conformity with the requirements of this section.

(d) If beer will be sold at two (2) or more restaurants or other businesses pursuant to the same permit as provided by *Tennessee Code Annotated*, § 57-5-103(a)(4), a description of all such businesses.

(e) Persons having at least five percent (5%) ownership interest in the applicant.

(f) Identity and address of a representative to receive annual tax notices and any other communication from the municipality.

(g) That no person having at least a five percent (5%) ownership interest in the applicant or any person to be employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of any alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.

(h) Whether or not the applicant is seeking a permit which would allow the sale of beer either for on-premises consumption or for off-premises consumption, or both of the foregoing. If a permittee for either off-premises consumption or on-premises consumption desires to change the method of sale, the permittee shall apply to the municipality for a new permit.

(i) A statement that if any false statement is made in any part of said application, the permit and/or license granted or issued to the applicant may be revoked by the board.

(j) Said application may contain any other information required and deemed by the beer board to be pertinent to the issuance of a permit and the enforcement of this chapter.

(k) A business with a beer permit must be in operation within one (1) year of the first date of issuance of the beer permit.

(9) All persons must comply with the fee provisions provided in § 8-205. (Ord. #O-1903, March 2019)

**8-205. Permit fees and privilege tax.** (1) It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beverages regulated by this chapter without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to *Tennessee Code Annotated*, § 57-5-104(a), and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be payable to the City of Blaine. Each applicant must be a person of good moral character and certify that he has read and is familiar with the applications of this chapter.

(2) There is hereby imposed on the business of selling, distributing, storing, giving away, or manufacturing beverages regulated by this chapter an annual privilege tax of one hundred dollars (\$100.00). Any person engaged in the sale, distribution, storage, gifting, or manufacture of beverage regulated by this chapter shall remit the tax on January 1 of each year to the city. If the permittee does not pay the tax by January 31, then the city shall send notice of the delinquency by certified mail. Once the notice is received, the permittee has ten (10) days to remit the tax. If it is not remitted within that period, the permit automatically becomes void. At the time a new permit is issued to any business subject to this tax, the permittee 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. #O-1903, March 2019)

**8-206. Permits and licenses must be displayed and are not transferable.** Each permittee or licensee shall display and keep displayed such permit and license in conspicuous places on the premises where he is licensed to conduct such business. Permits and licenses shall not be transferable. A separate permit and license shall be obtained for each location where any applicant is to manufacture, distribute or sell said legalized beverages. When a permittee shall discontinue business or ceases to be associated on a day-to-day basis with the business, then the permit terminates, and no refund of any licenses or fees of any nature will be made. Sales of alcoholic beverages shall immediately cease unless or until someone else is issued a permit. (Ord. #O-1903, March 2019)

**8-207. Permits shall be restrictive.** (1) It shall be unlawful for any person, and no permit shall be issued, to sell or distribute beverages regulated by this chapter except in premises which are located within areas in which commercial activity is permitted.

(2) It shall be unlawful for any person, and no permit shall be issued, to sell or distribute beverages regulated by this chapter for consumption upon the premises at the following places or on the following conditions; provided,

however, that the following prohibitions shall not apply to any person who has obtained a license for the sale of alcoholic beverages for consumption on the premises pursuant to *Tennessee Code Annotated*, §§ 57-4-101 , *et seq.*:

(a) To any person occupying any vehicle; except, however, when sold in package form.

(b) At any place except the places where meals or lunches are regularly served and regularly licensed therefore and then only to persons seated at tables or bars, except for taverns which are governed by § 8-213 herein.

(c) Except in premises which are located within areas in which commercial activity is permitted, and no permit will be issued therefor except for premises located therein. (Ord. #O-1903, March 2019)

**8-208. Violations of ordinance; permit suspension or revocation; civil penalties.** (1) In the event of the failure or refusal of any person holding a permit issued hereunder to comply with the requirements of this chapter, or in the event of his/her violation of any of the provisions of this chapter, it shall be the duty of the beer board to give said permittee at least twenty-four (24) hours' notice of a hearing before the board.

(2) The beer board has the authority to impose sanctions for violation of this title, including civil penalties, and including suspension or revocation, as further set forth herein.

(3) After a finding by the beer board for violation of the ordinance the beer board may impose a penalty, as follows:

(a) Assess the permit holder with a per-offense civil penalty a maximum of:

(i) One thousand five hundred dollars (\$1,500.00) for making or permitting to be made any sales to minors or underaged persons, or one thousand dollars (\$1,000.00) for any other offense.

(ii) Any civil penalty so assessed shall be paid within seven (7) calendar days at the city recorder's office. Any failure by the permit holder to promptly pay any civil penalty so assessed shall constitute a separate offense for which the permit holder may be subject to additional action by the beer board to include suspension or revocation of any existing permit as well as the assessment of additional civil penalties as provided in this part. Each day of late payment shall constitute a separate offense.

(iii) Any civil penalty imposed under this (a) is in addition to any permit suspension or revocation.

(b) May suspend the permit holder's permit for the following periods:

(i) For a first or second violation of the ordinance within one (1) year, the beer board may suspend a permit, depending on

the circumstances, including consideration of any aggravating factors.

(ii) For the following minimum periods, unless state or federal law requires a different suspension or revocation period:

(A) For a third violation of the ordinance within one (1) year of the first violation, a ten (10) day suspension;

(B) For a fourth violation of the ordinance within two (2) years of the first violation, a three (3) month suspension;

(C) For a fifth violation of the ordinance within two (2) years of the first violation, a six (6) month suspension.

(c) In lieu of a beer permit suspension, offer a permit holder the alternative of paying a per-offense civil penalty of a maximum of:

(i) Two thousand five hundred dollars (\$2,500.00) for making or permitting to be made any sales to minors or underaged persons, or

(ii) One thousand dollars (\$1,000.00) for any other offense.

(iii) The procedure for imposition of a civil penalty in lieu of a suspension of the permit shall be as follows:

(A) The beer board shall make a ruling and set a penalty of suspension.

(B) The board may then offer the alternative of allowing the permit holder the opportunity to pay a per-offense civil penalty as defined above.

(C) The permit holder will then have seven (7) days to pay a per-offense penalty as defined above. If the civil penalty is paid within that time, the suspension shall be deemed withdrawn.

(D) Payment of the civil penalty constitutes admission of the violation.

(E) If the civil penalty is not paid by the end of the regular business day on the seventh day, then the original recommended suspension shall be imposed and become effective on the eighth day.

(d) Revoke the beer permit, only when a permit holder has more than two (2) violations of this ordinance within a twelve (12) month period. It is a defense to the revocation of a permit, for sale of beer to a minor or underaged person, if the minor or underaged person purchasing the beer exhibited identification indicating the person's age to be twenty-one (21) or over, if the minor or underaged person reasonably appeared to presumably be of such age, and the minor or underaged person was unknown to the clerk making the sale. In such case, the permit may be suspended for a period not to exceed ten (10) days, or a

civil penalty up to one thousand five hundred (\$1,500.00) dollars may be imposed. (See *Tennessee Code Annotated*, § 57-5-105(b).)

(e) Consider the following aggravating factors warranting the imposition of a more serious penalty:

- (i) Sales to minors;
- (ii) Sales by different agents or employees of the permit holder;
- (iii) Sales on different dates by agents or employees of the permit holder;
- (iv) Sales by minors employed by the business;
- (v) Additional sales made after the ordinance violation citation but prior to a court disposition or beer board hearing;
- (vi) Failure to take appropriate disciplinary action against the employee or employees who made the sales;
- (vii) Repeated violations of other city ordinances against the peace or persons, laws related to nuisance, or state or federal laws.

(f) Responsible vendors. (i) A permit held by a responsible vendor, as that certification is determined by the TABC, may not be suspended or revoked by the beer board based on a clerk's illegal sale of beer to a minor or underaged person, for off-premises consumption, if:

(A) The clerk is properly certified and has attended annual meetings since the original certification; or

(B) Is within sixty-one (61) days of the date of hire at the time of the violation. In such case, however, the beer board may impose a civil penalty not to exceed one thousand (\$1,000.00) dollars for each offense of making or permitting to be made any sales to minors or underaged person or for any other offense. (See *Tennessee Code Annotated*, § 7-5-608(a).)

(ii) If the TABC revokes a responsible vendor's certification for the illegal sale to a minor or underaged person, the vendor shall be penalized for the violation by the board as if the vendor had not been certified. (See *Tennessee Code Annotated*, § 57-5-608(b).)

(g) Revocation, suspension or imposition of civil penalty may also be made whenever it shall satisfactorily appear that the premises of any person, firm or corporation holding a permit is being maintained and operated in such manner as to be detrimental to public health, safety or morals. In considering the suspension or revocation of such permit, the beer board shall consider repeated violations of any local ordinance or state law involving prohibited sexual contact on the premises of an adult oriented establishment.

(4) Violations of this title 8 which result in municipal or state court judgments, or which are reported to the city by the TABC, without a finding by the beer board, will nonetheless be considered as prior violations for determining the applicability of suspension or revocation of a beer permit, or other appropriate penalty. (Ord. #O-1903, March 2019)

**8-209. Special event permits.** (1) The beer board is hereby authorized and empowered to permit the retail sale or free distribution of beer for on premises consumption of beer at any public or private property within the city pursuant to a special event permit at such times and as part of such events and under such terms and conditions, rules and regulations as the Blaine Beer Board may establish which are not inconsistent with state laws regulating the sale of beer.

(2) Any person conducting a special event in the city in which beer is contemplated to be sold or given away other than within the premises of a permittee's establishment shall apply for a special event permit, at least forty-five (45) days in advance, in writing to the chairman of the beer board with a copy to the city recorder. The application required by this part shall include but not be limited to the following:

- (a) The applicant's name;
- (b) The date and time of event;
- (c) The address, and phone number of individual applicants, or the name, address, and phone number of a contact person for corporate applicants;
- (d) The specific location where beer is to be sold outside the premises of an establishment for which a beer permit previously has been issued;
- (e) The specific parameters of the event area;
- (f) The identity of any persons, establishments, or entities which are contemplated to participate in dispensing beer at locations other than their usual premises and the number of the current beer permit(s) for each applicant;
- (g) Any plans for proposed temporary closure of public rights-of-way;
- (h) Plans for security and policing the event;
- (i) The anticipated number of persons attending such event;
- (j) A certificate of insurance;
- (k) A signed statement allowing the beer board to run a background check on the police records of each individual applicant, if such applicants are not already in possession of a beer permit; and
- (l) Any other requirements deemed necessary by city staff.

(3) Upon receipt, the proposed application for a special event permit shall be placed on the beer board's agenda at its next regularly scheduled meeting following receipt of the notice. Applicants shall send a representative

or representatives to such beer board meeting to address any questions or issues arising out of the proposed special event.

(4) If such application for a special event permit is granted, the applicant shall pay a special event permit fee of two hundred fifty dollars (\$250.00).

(5) The special event permit shall state on its face the name of the proposed vendor(s) of beer, the respective permit number(s), and the specific location(s) and date(s) where such vendor(s) is permitted to sell beer under the special event permit. A copy of the special event permit and a copy of the vendor's regular beer permit (if applicable) must be displayed at each location where beer is sold by such vendor. (Ord. #O-1903, March 2019)

**8-211. Inspection of beer business.** The police officers of the City of Blaine shall have the right to inspect at any and all times the entire premises and property where or upon or in which the beverages regulated by this chapter are sold, stored, transported, or otherwise dispensed or distributed or handled, whether at retail or wholesale, in the city for any law violations. (Ord. #O-1903, March 2019)

**8-212. Prima facie evidence of possession for sale.** It shall be unlawful for any person to sell, offer to sell, or distribute any beverages regulated by this chapter without having obtained the permit and license provided for by this chapter, and possession of five (5) gallons or more of such beverages shall be prima facie evidence that such beverage was being stored or possessed for sale. (Ord. #O-1903, March 2019)

**8-213. Taverns.** It shall be lawful for beverages regulated by this chapter to be sold for consumption on-premises at a tavern where meals or lunches are not regularly served. There shall be a limit of one (1) tavern permit allowed for every one thousand (1,000) population or fraction thereof, according to the latest official census of the City of Blaine. (Ord. #O-1903, March 2019)

**8-214. Restaurants and clubs.** It shall be lawful to sell, store, possess, and/or distribute beverages regulated by this chapter for consumption on premises at a restaurant or club, provided that, the establishment obtains an appropriate permit and complies with the regulations set out in this chapter and in state law. In accordance with *Tennessee Code Annotated*, § 57-5-103(3)(B), a permit will allow restaurants and clubs to distribute beer in an outdoor serving area including, but not limited to, any deck, patio, courtyard, or exterior area provided that said area:

- (1) Must be contiguous to the building;
  - (2) Must be owned and operated by the business; and
  - (3) Must be fenced in by a barrier of at least forty inches (40") high.
- The barrier need not be permanent, but must be constructed of a sturdy



material and may only allow for gaps at designated entrances and exits. The boundaries of this outdoor serving area must remain ten feet (10') back from the property line, except that establishments within the "mixed-use district E-3" area may have outdoor serving areas up to the property line. Neither the outdoor serving area, nor the constructed barrier shall restrict or obstruct the visibility of traffic traveling on any adjacent roadway. If the outdoor serving area utilizes any part of a public space, such as a parking lot, the area designated for serving beer will no longer act in its capacity as a public space. No vehicles will be allowed in the portion of the parking lot where beer is being served as long as it is designated as a serving area, except for display or exhibit vehicles. (Ord. #O-1903, March 2019)

**8-215. Hotels/motels.** It shall be lawful to sell, store, possess, and/or distribute any beverages regulated by this chapter for consumption on premises at a hotel/motel, provided that the establishment obtains a beer permit and acts in accordance with all of the regulations laid out herein and in state law. Said beverages may be distributed in multiple areas within the hotel/motel including, but not limited to, guests' rooms, suites and banquet rooms. Such hotel/motel shall in all respects comply with the applicable provisions of *Tennessee Code Annotated*, § 57-5-107. (Ord. #O-1903, March 2019)

**8-216. Event stadiums.** It shall be lawful to sell, store, possess, and/or distribute any beverages regulated by this chapter for consumption on-premises at an event stadium or convention center, provided that a beer permit is obtained and the organization acts in accordance with all of the regulations laid out herein and in state law. In the case of a reoccurring event, such as a sporting event, the organization may obtain an on-premises license. In the case of an infrequent event, such as a concert, the organization may obtain a special event permit. Pursuant to *Tennessee Code Annotated*, § 57-4-203(i)(2), a bona fide convention group may distribute beer or other alcoholic beverages at no cost to the group's delegates without a permit. No convention center or event stadium shall sell or distribute beer without a beer permit or a special event permit. (Ord. #O-1903, March 2019)

**8-217. Beer board procedures and hearings.** (1) Proceedings by the beer board may be initiated in the following manner:

(a) Complaint from law enforcement, the TABC, court system, or alcohol related community outreach program(s), of non-compliance by a permit holder, or employee or agent of such, which constitutes a violation of title 8 of this code, based on either:

(i) A reasonable belief that a noncompliance offense has occurred and a reasonable belief that the named defendant is the permit holder; or

(ii) The conviction in any municipal, state or federal court of a beer or alcoholic beverage offense occurring on the premises where a city permit has been issued or upon the conviction in any court for a beer or alcoholic beverage or a felony by any person who holds a city beer permit.

(b) Complaints hereunder shall be filed with the city recorder who shall serve as the clerk of the beer board. The city recorder shall then notify the offending permit holder by sending a copy of the complaint or notification and scheduling a hearing before the beer board no less than thirty (30) days nor more than sixty (60) days from receipt of the complaint or notification.

(c) Copies of the complaints or notification of noncompliance along with the notice of hearing containing the date, time and place for hearing and the alleged offending permit holder's right to counsel, shall be served on the alleged offending permit holder either by hand delivery by a city police officer to the manager on duty at the business address on the permit, or by service via certified mail, return receipt requested, to the permit holder at the address set forth in said permit holder's most recent application for a beer permit.

(2) A permit holder's failure to appear at the beer board hearing shall be deemed a default authorizing the beer board to make a finding of noncompliance and issuing such orders and imposing such sanctions as are appropriate for the alleged offense. However, at the time a default is entered, the beer board shall make a finding of fact pertaining to the offense, thereby constituting the record of the proceeding.

(3) Hearings of the beer board shall be conducted by the city mayor or his designee. Nonetheless, the mayor shall remain as a member of the beer board at all times regardless of the decision to designate a person to conduct the hearings.

(4) The standard of proof for the beer board to make a finding of a violation is by a preponderance of the evidence, or that all the evidence examined leads to the conclusion that it is more likely than not that the permit holder is guilty of noncompliance.

(5) The decision of the beer board will be made at the conclusion of the hearing or within forty-eight (48) hours of the hearing. A written report setting forth the facts relied upon in reaching the decision, the findings and the orders of the beer board shall be issued within fifteen (15) days of the hearing date. The report shall be maintained by the city recorder and a copy thereof sent to the permit holder and counsel therefore. The date of filing of the report with the city recorder shall constitute the final action of the beer board.

(6) In the event the beer board and permit holder reach an agreement as to the finding and outcome of the alleged noncompliance, a consent order may be issued and signed by the mayor and permit holder, or counsel therefore, in lieu of a report by the beer board.

(7) The city recorder has the authority to issue subpoenas for witness testimony. Subpoenas must be timely requested and may not serve as a reason for continuance of a hearing. Subpoenas may be served by a city police officer or other person authorized under state law to serve subpoenas.

(8) All tape recordings and evidence used at a beer board hearing shall be maintained by the city recorder until all appeal periods have passed and a final decision rendered. (Ord. #O-1903, March 2019)

**8-218. Court action following beer board orders.** (1) The exclusive method of review of the beer board orders are to the Blount County Circuit or Chancery Courts for review by statutory writ of certiorari, with a trial de novo as a substitute for appeal. Upon a grant of certiorari, the beer board shall be responsible for making, certifying and forwarding to the court a complete transcript of the proceeding in the cause.

(2) Appeals of court decrees pursuant to (1), after posting of a bond as required in other cases, shall be heard on transcript of the record. (Ord. #O-1903, March 2019)

## CHAPTER 3

### SALE FOR CONSUMPTION ON-PREMISES: WINE, BEER, HIGH ALCOHOL CONTENT BEER, AND INTOXICATING LIQUOR

#### SECTION

- 8-301. Sales of wine, beer, HACB, or intoxicating liquor for consumption on-premises.
- 8-302. Hotels/motels.
- 8-303. Privilege tax on retail sale of intoxicating liquors, HACB, or wine for consumption on-premises.
- 8-304. Annual privilege tax to be paid to the city recorder.

**8-301. Sales of wine, beer, HACB, or intoxicating liquor for consumption on-premises.** *Tennessee Code Annotated*, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of beer, intoxicating liquors, HACB, or wine for on-premises consumption which are regulated by the said code when such sales are conducted within the city. It is the intent of the board of aldermen that the said *Tennessee Code Annotated*, title 57, chapter 4, inclusive, shall be effective in the city, the same as if said code sections were copied herein verbatim. (Ord. #O-1903, March 2019)

**8-302. Hotels/motels.** Notwithstanding any other provision in this title, it shall be lawful to sell, store, possess, and/or distribute any beverages regulated by this chapter for consumption on-premises at a hotel/motel, provided that the establishment acts in accordance with state law.

Said beverages may be distributed in multiple areas within the hotel/motel including, but not limited to, guests' rooms, suites and banquet rooms. (Ord. #O-1903, March 2019)

**8-303. Privilege tax on retail sale of intoxicating liquors, HACB, or wine for consumption on-premises.** Pursuant to the authority contained in *Tennessee Code Annotated*, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by *Tennessee Code Annotated*, § 57-4-301, for the City of Blaine General Fund to be paid annually as provided in this chapter) upon any person engaging in the business of selling at retail in the city intoxicating liquors, HACB, or wine for consumption on the premises where sold. In the event, however, that pursuant to state law it is not permissible at the time this chapter is enacted to levy and collect the privilege tax because the county has already levied such a tax, then and in such event the authority is granted for the city to levy and collect such privilege tax when it becomes legally permissible for the city to do so, with collection of that tax to commence at the time that it becomes legally permissible for the city to collect said tax. (Ord. #O-1903, March 2019)

**8-304. Annual privilege tax to be paid to the city recorder.** Any person exercising the privilege of selling intoxicating liquor, HACB, or wine for consumption on the premises in the city shall remit annually to the city recorder the appropriate tax described in § 8-403 herein. Such payments shall be remitted on or before January 1 of each year. Any person failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (Ord. #O-1903, March 2019)

## CHAPTER 4

### WINE SALES IN RETAIL FOOD STORES

#### SECTION

- 8-401. Certificate of compliance.
- 8-402. Certificate of compliance fee.
- 8-403. Issuance of certificate of compliance; appeal.
- 8-404. Regulation of sales.
- 8-405. Fees.
- 8-406. Records kept by licensee.
- 8-407. Inspections generally.
- 8-408. Enforcement.

**8-401. Certificate of compliance.** As a condition precedent to the issuance of a state retail food store wine license by the TABC, the mayor or a majority of the city board of aldermen may authorize the issuance of certificates of compliance by the city according to the terms contained herein. Any person or entity applying for a retail food store wine license shall file with the city recorder a completed written application on a form to be provided by the city recorder which shall contain all of the following information and whatever additional information the city council or city administrator may require:

(1) The name and address of the retail food store for which the retail food store wine license is being obtained, and a statement that the location of the retail food store complies with all zoning laws of the city and location requirements of the applicable statutes for selling wine in retail food stores; and

(2) A statement that the applicant or applicants have complied and will comply with this chapter and the applicable state laws and regulations on retail food store wine sales; and

(3) The following information concerning applicant background:

(a) If the applicant is an individual or partnership, the name and street address of each individual person who will be in charge of or in control of the business and a signed statement from each such person that he or she has not been convicted of a felony within a ten (10) year period immediately preceding the date of the application with the TABC; or

(b) If the applicant is a corporation, the corporation may provide either:

(i) The name and street address of the executive officers of the corporation and a signed statement from each such officer that he or she has not been convicted of a felony within a ten (10) year period immediately preceding the date of the application, or

(ii) The name and street address of each individual person who will be in charge of or in control of the business and a

signed statement from each such person that he or she has not been convicted of a felony within a ten (10) year period immediately preceding the date of the application. (Ord. #O-1903, March 2019)

**8-402. Certificate of compliance fee.** The costs incurred by the city in connection with the process of issuing a certificate of compliance shall be charged directly to the applicant. (Ord. #O-1903, March 2019)

**8-403. Issuance of certificate of compliance; appeal.** A failure on the part of the issuing authority to grant or deny the applicant's request for the certificate of compliance within sixty (60) days of the written application shall be deemed a granting of the certificate. (Ord. #O-1903, March 2019)

**8-404. Regulation of sales.** (1) Hours of sales on weekdays and Saturdays. Retail food store wine licensees shall not sell, give away, or otherwise dispense wine, except between the hours of 8:00 A.M. and 11 :00 P.M. on weekdays and Saturdays.

(2) Sales on Sundays and holidays. No retail food store wine licensee shall sell, give away, or otherwise dispense wine except between the hours of 10:00 A.M. and 11:00 P .M. on Sunday. No retail food store wine licensee shall sell or give away wine on the following holidays: Christmas, Thanksgiving, and Easter.

(3) Sales to minors. No retail food store wine licensee shall sell or give away wine to a person under twenty-one (21) years of age, and it shall be unlawful for any such minor to purchase wine. Also, it shall be unlawful for any person to present false evidence that he has attained the age of twenty-one (21) years.

(4) Keeping an unsealed bottle or container. No retail food store wine licensee shall keep, or permit to be kept upon his premises, wine in any unsealed containers or bottles.

(5) Sales to persons intoxicated. No retail food store wine licensee shall sell or give away wine to any person who is intoxicated, nor shall any retail food store wine licensee sell or give away wine to any person accompanied by a person who is intoxicated.

(6) Wine tastings. No retail food store wine licensee shall conduct tastings of wine on the premises of the retail food store.

(7) Consumption on premises. No wine shall be sold for consumption, or consumed, on the premises of the retail food store. (Ord. #O-1903, March 2019)

**8-405. Fees.** (1) Amounts generally. There is hereby levied on each retail food store wine licensee an inspection fee of up to eight percent (8%), with the exact amount of such percentage to be determined from time to time by board

of aldermen, on the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source. In the event co-licensees holding a retail food store wine license for a single store, such inspection fee shall be the same as if the license were held by a single licensee.

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

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

(4) Failure to pay fees. The failure to pay the inspection fees and to make the required reports accurately and within the time required by this chapter shall, at the sole direction of the mayor, be cause for suspension of the offending licensee's local retail food store wine license for as much as thirty (30) days and, at the sole discretion of the board of aldermen, be cause for revocation of such retail food store wine license. Each such action may be taken by giving written notice thereof to the licensee, no hearing with respect to such an offense being required. If a licensee has his or her license revoked, suspended or otherwise removed and owes the city inspection fees at the time of such suspension, revocation, or removal the city attorney may timely file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees. Further, each licensee who fails to pay or have paid on his or her behalf the inspection fees imposed hereunder shall be liable to the city for a penalty on the delinquent amount due in an amount of ten percent (10%) of the inspection fee.

(5) Use of fees. All funds derived from inspection fees imposed herein shall be used to defray expenses in connection with the enforcement of this title including particularly the payment and compensation of officers, employees, and other representatives of the city in investigating and inspecting licensees and applicants and in seeing that all provisions of this title are observed. The board of aldermen finds and declares that the amount of these inspection fees is



reasonable, and that the funds expected to be derived from these inspection fees will be reasonably required for such purposes. (Ord. #O-1903, March 2019)

**8-406. Records kept by licensee.** In addition to any records specified in the state rules and regulations, each licensee shall keep on file, at such licensee's retail food store, the following records:

- (1) The original invoices of all alcoholic beverages bought by the licensee;
- (2) The original receipts for any alcoholic beverages returned by such licensee to any wholesaler;
- (3) A current daily record of the gross sales by such licensee with evidence of cash register receipts for each day's sales; and
- (4) An accurate record of all alcoholic beverages lost, damaged, or disposed of other than by sale and showing for each such transaction the date thereof, the quantity and brands of alcoholic beverages involved and the name of the person or persons receiving the same.

All such records shall be preserved for a period of at least fifteen (15) months unless the city recorder gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding a single license, one (1) set of records per retail food store satisfies the requirements of this part. (Ord. #O-1903, March 2019)

**8-407. Inspections generally.** The city administrator, the city recorder, the city finance director, the chief of police or the authorized representatives or agents of any of them are authorized to examine the premises, books, papers and records of any retail food store at any time the retail food store is open for business for the purpose of determining whether the provisions of this chapter are being observed. Refusal to permit such revocation shall be a violation of this chapter and shall constitute sufficient reason for revocation of the retail food store wine license of the offending licensee or for the refusal to renew the retail food store wine license of the offending licensee. (Ord. #O-1903, March 2019)

**8-408. Enforcement.** Any violation of the terms of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) per violation, temporary suspension, permanent revocation of the retail food store wine license, or any combination thereof at the discretion of the board of aldermen. Enforcement provisions are also applicable as found under state law. (Ord. #O-1903, March 2019, modified)

## TITLE 9

### BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>

#### CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. ADULT-ORIENTED BUSINESSES.

#### CHAPTER 1

#### PEDDLERS, SOLICITORS, ETC.

#### SECTION

- 9-101. Solicitors' and canvassers' permit.
- 9-102. Application for permit.
- 9-103. Exhibition of permit.
- 9-104. Revocation of permit.
- 9-105. Requested by residents to enter upon private property.
- 9-106. Solicitation within public rights-of-way.
- 9-107. Violations and penalty.

**9-101. Solicitors' and canvassers' permit.** It shall be unlawful for any person, firm or corporation, whether a resident of the municipality or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares, or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for services to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders, without having first applied for and received from the city recorder a solicitor's permit so to do. This chapter shall also include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, hotel room, lodging house, apartment, shop or other place within the municipality for the primary purpose of exhibiting samples and taking orders for future delivery. (Ord. #O-06-17, Oct. 2017)

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<sup>1</sup>Municipal code references

Building regulations: title 12.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

**9-102. Application for permit.** Any person desiring to secure a solicitor's permit shall apply therefor in writing over his or her signature to the city recorder on forms provided by the municipality and such application shall state:

- (1) Name of applicant;
- (2) Complete permanent home and local address of the applicant;
- (3) A brief description of the nature of the business and the goods to be sold;
- (4) If employed, the name and address of the employer, together with credentials therefrom, establishing the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- (7) The last cities or villages, not to exceed three (3), where the applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities; and
- (8) The personal description and complete identification of the applicant, and if possible a photo identification will be kept on file.

Such application shall be accompanied by such credentials and other evidence of the good moral character and identity of the applicant as may be reasonably required by the city recorder. (Ord. #O-06-17, Oct. 2017)

**9-103. Exhibition of permit.** Such permit shall be carried at all times by the applicant to whom issued when soliciting or canvassing in the city, and shall be exhibited by any such applicant whenever he shall be requested to do so do by any police officer or any person solicited. No permit shall be used at any time by any person other than the one to whom it is issued. (Ord. #O-06-17, Oct. 2017)

**9-104. Revocation of permit.** Any such permit may be revoked by the city recorder for violations by the holder thereof of any of the laws of the city or of any state or federal law, or whenever the holder of such permit shall cease to possess the character and qualifications required by this chapter for the issuance of such permit. (Ord. #O-06-17, Oct. 2017)

**9-105. Requested by residents to enter upon private property.** The practice of going in and upon private residences in the City of Blaine by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or disposing of and/or peddling or hawking the same is prohibited. (Ord. #O-06-17, Oct. 2017)

**9-106. Solicitation within public rights-of-way.** For purposes of ensuring the public health, safety and welfare of those using the public rights-of-way of Blaine city streets, it shall be unlawful for any person, organization, or other entity to solicit, take or attempt to take monetary contributions at intersections or any other location within said public rights-of-way. (Ord. #O-06-17, Oct. 2017)

**9-107. Violations and penalty.** A violation of this chapter constitutes a civil ordinance violation punishable by a fine not to exceed fifty dollars (\$50.00) for each violation. Each offense or each day an offense continues constitutes a separate violation. (Ord. #O-06-17, Oct. 2017)

## CHAPTER 2

### ADULT-ORIENTED BUSINESSES

#### SECTION

- 9-201. Definitions.
- 9-202. License required.
- 9-203. Application for license.
- 9-204. Standards for issuance of license.
- 9-205. Permit required.
- 9-206. Application for permit.
- 9-207. Standards for issuance of permit.
- 9-208. Fees.
- 9-209. Display of license or permit.
- 9-210. Renewal of license or permit.
- 9-211. Revocation of license or permit.
- 9-212. Hours of operation.
- 9-213. Responsibilities of the operator.
- 9-214. Prohibitions and unlawful sexual acts.
- 9-215. Violations and penalty.

**9-201. Definitions.** For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context.

(1) "Adult bookstore" means an establishment receiving at least twenty percent (20%) of its gross sales from the sale or rental of books, magazines, periodicals, videotapes, DVDs, films and other electronic media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below. "Adult bookstore" shall not include video stores whose primary business is the rental and sale of videos which are not distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

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

(3) "Adult entertainment" means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD Rom generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

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

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

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

(7) "Board of mayor and aldermen" means the Board of Mayor and Aldermen of the City of Blaine, Tennessee.

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

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

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

(11) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(i) Human genitals, pubic region;

(ii) Buttocks;

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

(b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered.

(12) "Specified sexual activities" means:

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

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

(c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts. (Ord. #O-01-06, Feb 2006)

**9-202. License required.** (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the City of Blaine without first obtaining a license to operate issued by the City of Blaine.

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

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

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

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

(6) No license may be issued for any location unless the premises are lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with. (Ord. #O-01-06, Feb 2006)

**9-203. Application for license.** (1) Any person, partnership, or corporation desiring to secure a license shall make application to the city recorder of the City of Blaine. The application shall be filed in triplicate with

and dated by the city recorder. A copy of the application shall be distributed promptly by the city recorder to the police chief and to the applicant.

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

- (a) Name and addresses, including all aliases;
- (b) Written proof that the individual(s) is at least eighteen (18) years of age;
- (c) All residential addresses of the applicant(s) for the past three (3) years;
- (d) The applicant's height, weight, color of eyes and hair;
- (e) The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application;
- (f) Whether the applicant(s) previously operated in this or any other county, city or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;
- (g) All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations;
- (h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2"x2") of each applicant;
- (i) The address of the adult-oriented establishment to be operated by the applicant(s);
- (j) The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including, but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant;
- (k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application;
- (l) The length of time each applicant has been a resident of the City of Blaine, or its environs, immediately preceding the date of the application;
- (m) If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and address of the registered agent and the name and address of each member of the limited liability entity;



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

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

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

(3) Within ten (10) days of receiving the results of the investigation conducted by the City of Blaine Police Department, the city recorder shall notify the applicant that his application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the city recorder shall advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending consideration of the required special use zoning permit by the board of mayor and aldermen.

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

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the city recorder. (Ord. #O-01-06, Feb 2006)

**9-204. Standards for issuance of license.** (1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

- (a) If the applicant is an individual:
  - (i) The applicant shall be at least eighteen (18) years of age.
  - (ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

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

- (b) If the applicant is a corporation:

- (i) All officers, directors and stockholders required to be named under § 9-203 shall be at least eighteen (18) years of age.

- (ii) No officer, director or stockholder required to be named under § 9-203 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.

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

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

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

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

(2) No license shall be issued unless the City of Blaine's Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the city recorder no later than twenty (20) days after the date of the application. (Ord. #O-01-06, Feb 2006)

**9-205. Permit required.** In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the city recorder. (Ord. #O-01-06, Feb 2006)

**9-206. Application for permit.** (1) Any person desiring to secure a permit shall make application to the city recorder. The application shall be filed in triplicate with and dated by the city recorder. A copy of the application shall be distributed promptly by the city recorder to the police chief and to the applicant.

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

- (a) Name and address, including all aliases.
- (b) Written proof that the individual is at least eighteen (18) years of age.
- (c) All residential addresses of the applicant for the past three (3) years.
- (d) The applicant's height, weight, color of eyes, and hair.
- (e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
- (f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.
- (g) All criminal statutes, whether federal, state or city ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- (h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2"x2") of the applicant.
- (i) The length of time the applicant has been a resident of the City of Blaine, or its environs, immediately preceding the date of the application.
- (j) A statement by the applicant that he is familiar with the provisions of this chapter and is in compliance with them.

(3) Within ten (10) days of receiving the results of the investigation conducted by the City of Blaine's Police Department, the city recorder shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of

such additional investigations, the city recorder shall advise the applicant in writing whether the application is granted or denied.

(4) Whenever an application is denied or held for further investigation, the city recorder shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of mayor and aldermen at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he is ineligible for such permit and shall be grounds for denial thereof by the city recorder. (Ord. #O-01-06, Feb 2006)

**9-207. Standards for issuance of permit.** (1) To receive a permit as an employee or entertainer, an applicant must meet the following standards:

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

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

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

(2) No permit shall be issued until the City of Blaine's Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the city recorder not later than twenty (20) days after the date of the application. (Ord. #O-01-06, Feb 2006)

**9-208. Fees.** (1) A license fee of five hundred dollars (\$500.00) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

(2) A permit fee of one hundred dollars (\$100.00) shall be submitted with the application for a permit. If the application is denied, one-half (1/2) of the fee shall be returned. (Ord. #O-01-06, Feb 2006)

**9-209. Display of license or permit.** (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any

member of the City of Blaine Police Department, or any person designated by the board of mayor and aldermen. (Ord. #O-01-06, Feb 2006)

**9-210. Renewal of license or permit.** (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the city recorder. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the city recorder. A copy of the application for renewal shall be distributed promptly by the city recorder to the police chief and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

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

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

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the city recorder. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the city recorder. A copy of the application for renewal shall be distributed promptly by the city recorder to the police chief and to the employee. The application for renewal shall be upon a form provided by the city recorder and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

(5) A permit renewal fee of one hundred dollars (\$100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars (\$50.00) shall be assessed against the applicant who files for renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the fee shall be returned.

(6) If the City of Blaine Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the city recorder. (Ord. #O-01-06, Feb 2006)

**9-211. Revocation of license or permit.** (1) The city recorder shall revoke a license or permit for any of the following reasons:

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

(b) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the board of mayor and aldermen pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the board of mayor and aldermen shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

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

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

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

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

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

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

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

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

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

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

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

(4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license. (Ord. #O-01-06, Feb 2006, modified)

**9-212. Hours of operation.** (1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Mondays through Saturdays, and between the hours of 1:00 A.M. and 12:00 P.M. on Sundays.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the City of Blaine Police Department, the Grainger County Sheriffs Department, or such other persons as the board of mayor and aldermen may designate. (Ord. #O-01-06, Feb 2006)

**9-213. Responsibilities of the operator.** (1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, Social Security number, date of employment and termination, and duties of each employee and such other information as may be required by the board of mayor and aldermen. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

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

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

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

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

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

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

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

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

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

"This adult-oriented establishment is regulated by the City of Blaine Municipal Code. Entertainers are:

1. Not permitted to engage in any type of sexual conduct;
2. Not permitted to expose their sex organs;
3. Not permitted to demand or collect all or any portion of a fee

for entertainment before its completion." (Ord. #O-01-06, Feb 2006)

**9-214. Prohibitions and unlawful sexual acts.** (1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

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



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

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

(5) No entertainer, employee or customer shall be permitted to have any physical contact with any other on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer. (Ord. #O-01-06, Feb 2006)

**9-215. Violations and penalty.** (1) Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (Ord. #O-01-06, Feb 2006)

**TITLE 10**

**ANIMAL CONTROL**

[RESERVED FOR FUTURE USE]

## TITLE 11

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

#### CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
4. LITTERING.
5. MISCELLANEOUS.

#### CHAPTER 1

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

#### SECTION

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

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on-premises consumption. (1997 Code, § 11-101)

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

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<sup>1</sup>Municipal code references

Streets and sidewalks (non-traffic): title 16.  
 Traffic offenses: title 15.

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

**11-103. Violations and penalty.** Wherever in this chapter any act is prohibited or is made or declared to be unlawful, the violation of such shall be punishable in accordance with the penalty provisions of § 11-502.

## CHAPTER 2

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-201. Anti-noise regulations.

11-202. Violations and penalty.

**11-201. Anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

(a) 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.

(b) Yelling, shouting, etc. Yelling, shouting, 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.

(c) 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.

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

(e) 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.

(f) 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 weekdays, 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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. 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.

(k) False alarms. For purposes of this section, false alarm means an alarm signal to which the Blaine Police Department ("department") responds with any emergency service personnel or equipment when a situation requiring a response by the Department does not in fact exist, regardless of whether the signal is caused by the inadvertence, negligence or intentional act or omission of an alarm company or alarm user or by a malfunction of the alarm. The following shall not be considered false alarms:

(i) Alarms caused by the testing, repair or malfunction of telephone equipment or lines, provided the owner, user or operator first gives notice to the department prior to testing and repairing such equipment or lines;

(ii) Alarms caused by natural weather environmental occurrences, such as earthquakes, floods, windstorms, thunder or lightning;

(iii) Alarms caused by an attempted illegal entry of which there is visible evidence or which the department determines to be the result of an intrusion attempt or alarm tampering; and

(iv) Alarms caused by the testing, repair or malfunction of electrical utility equipment or lines.

Each false alarm after the second false alarm within a twelve (12) month period shall be considered a separate violation, subject to a civil penalty of not more than fifty dollars (\$50.00) plus administrative fees and courts costs for each offense.

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

(a) Municipal vehicles. Any vehicle of the city 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 city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day. (1997 Code, § 11-202, modified, as amended by Ord. #O-19-06, Aug. 2019, modified)

**11-202. Violations and penalty**. Wherever in this chapter any act is prohibited or is made or declared to be unlawful, the violation of such shall be punishable in accordance with the penalty provisions of § 11-502.

## CHAPTER 3

### TRESPASSING AND INTERFERENCE WITH TRAFFIC

#### SECTION

- 11-301. Trespassing.  
 11-302. Interference with traffic.  
 11-303. Violations and penalty.

**11-301. Trespassing.** (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.<sup>1</sup>

**11-302. 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.

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<sup>1</sup>Municipal code reference

Provisions governing peddlers: title 9, chapter 1.



**11-303. Violations and penalty.** Wherever in this chapter any act is prohibited or is made or declared to be unlawful, the violation of such shall be punishable in accordance with the penalty provisions of § 11-502.

## CHAPTER 4

### LITTERING

#### SECTION

- 11-401. Definitions.
- 11-402. Littering offenses.
- 11-403. Scope of regulation.
- 11-404. Violations and penalty.

**11-401. Definitions.** As used in this chapter, unless the context otherwise requires:

- (1) "Commercial Purpose" means litter discarded by a business, corporation, association, partnership, sole proprietorship, or any other entity conducting business for economic gain, or by an employee or agent of the entity;
- (2) "Garbage" includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;
- (3) "Litter" includes garbage, refuse, rubbish and all other waste material, including a tobacco product as defined in *Tennessee Code Annotated*, § 39-17-1503(9) and any other item primarily designed to hold or filter a tobacco product while the tobacco is being smoked.
- (4) "Refuse" includes all putrescible and nonputrescible solid waste; and
- (5) "Rubbish" includes nonputrescible solid waste consisting of both combustible and non-combustible waste.

**11-402. Littering offenses.** (1) A person commits the civil offense of littering who:

- (a) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;
  - (b) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway; or
  - (c) Negligently discharges sewage, minerals, oil products or litter into any public waters or lakes within this state.
- (2) Whenever litter is placed, dropped, or thrown from any motor vehicle, boat, airplane, or other conveyance in violation of this section, the city judge may, in his or her discretion and in consideration of the totality of the circumstances, infer that the operator of the conveyance has committed littering.
- (3) Whenever litter discovered on public or private property is found to contain any article or articles, including, but not limited to, letters, bills, publications, or other writings that display the name of a person thereon in such

a manner as to indicate that the article belongs or belonged to such person, the city judge may, in his or her discretion and in consideration of the totality of the circumstances, infer that such person has committed littering.

**11-403. Scope of regulation.** The regulation of litter in this chapter is limited to amounts of litter less than or equal to five pounds (5 lbs.) in weight or seven and one-half (7.5) cubic feet in volume.

**11-404. Violations and penalty.** Wherever in this chapter any act is prohibited or is made or declared to be unlawful, the violation of such shall be punishable in accordance with the penalty provisions of § 11-502.

**CHAPTER 5**

**MISCELLANEOUS**

**SECTION**

11-501. Curfew for minors.

11-502. Violations and penalty.

**11-501. Curfew for minors.** Curfew for minors shall be in accordance with *Tennessee Code Annotated*, § 39-17-1702.

**11-502. Violations and penalty.** Wherever in this title an act is prohibited or is made or declared to be unlawful, the violation of any such provision shall be punishable by a civil penalty not to exceed a fifty dollar (\$50.00) fine, in addition to any administrative and/or court costs and fees.

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

1. BUILDING CODE.
2. PROPERTY MAINTENANCE CODE.

**CHAPTER 1****BUILDING CODE**<sup>1</sup>**SECTION**

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

**12-101. Building code adopted.** Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Building Code*,<sup>2</sup> 2018 edition, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the building code.

**12-102. Modifications.** The following section is hereby revised to read as follows: Definitions. Whenever the words "Building Official" are used in the building code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the building code. (modified)

**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

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<sup>1</sup>Municipal code references

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

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

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

**12-104. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. The violation of any section of the building code shall be punishable by a civil penalty not to exceed a fifty dollar (\$50.00) fine, in addition to any administrative and/or court costs and fees, unless such violation and penalty stated therein is contrary to this provision, in which case the penalty provided therein shall control. This penalty may be in addition to any other penalty provided therein. Further, each day a property is in violation or fails to comply is a separate violation.

## CHAPTER 2

**PROPERTY MAINTENANCE CODE**

## SECTION

**12-201. Property maintenance code adopted.** Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Property Maintenance Code*,<sup>1</sup> 2018 edition, and all subsequent amendments or additions to the said code, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the property maintenance code.

**12-202. Modifications.** The following section is hereby revised to read as follows: Definitions. Whenever the words "Building Official" are used in the property maintenance code, they shall refer to the person designated by the board of mayor and aldermen to enforce the provisions of the property maintenance code. (modified)

**12-203. Available in recorder's office.** Pursuant to the requirements of the *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the property maintenance code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**12-204. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the property maintenance code as herein adopted by reference and modified. The violation of any section of the building code shall be punishable by a civil penalty not to exceed a fifty dollar (\$50.00) fine, in addition to any administrative and/or court costs and fees, unless such violation and penalty stated therein is contrary to this provision, in which case the penalty provided therein shall control. This penalty may be in

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

addition to any other penalty provided therein. Further, each day a property is in violation or fails to comply is a separate violation.



## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. JUNKED MOTOR VEHICLES.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds and grass.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Violations and penalty.

**13-101. 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.

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

**13-103. Weeds and grass.** 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

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering generally: title 11.

International Property Maintenance Code: title 12.

Wastewater treatment: title 18.

order by the recorder to cut such vegetation when it has reached a height of over one foot (1').

**13-104. Overgrown and dirty lots.** (1) Prohibition. Pursuant to the authority granted to municipalities under *Tennessee Code Annotated*, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

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

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

(a) A brief statement that the owner is in violation of § 13-104 of the City of Blaine Municipal Code, which has been enacted under the authority of *Tennessee Code Annotated*, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

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

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

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

(4) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be

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

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

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

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

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other

provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.

**13-105. 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 recorder and dispose of such animal in such manner as the recorder shall direct.

**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.

**13-107. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of this chapter. The violation of any section herein shall be punishable by a civil penalty not to exceed a fifty dollar (\$50.00) fine, in addition to any administrative and/or court costs and fees, This penalty is in addition to any other remedy available to the city for municipal code enforcement. Further, each day a property is in violation or fails to comply is a separate violation.

## CHAPTER 2

### SLUM CLEARANCE<sup>1</sup>

#### SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.
- 13-215. Violations and penalty.

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

**13-202. Definitions.** (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

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

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

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, title 13, chapter 21.

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

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

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

(8) "Building official" means the designee of the mayor and board of aldermen authorized by this chapter to exercise the power prescribed herein and pursuant to *Tennessee Code Annotated*, § 13-21-101, *et seq.*

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

**13-203. "Building official" designated; powers.** The board of mayor and aldermen shall designate an appropriate department or person as the building official to enforce the provisions of this section.

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

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

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

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.

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

**13-207. When building official may remove or demolish.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the building official may cause such structure to be removed and demolished.

**13-208. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the building official, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes as set forth in *Tennessee Code Annotated*, §§ 67-5-2010 and 67-5-2410. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all

of the owners of properties against whom said costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the building official, the building official shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Grainger County by the building official, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Blaine to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

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

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

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



The remedy provided herein shall be the exclusive remedy and no person affected by an order of the building official shall be entitled to recover any damages for action taken pursuant to any order of the building official, or because of noncompliance by such person with any order of the building official.

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

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

**13-213. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws.

**13-214. Structures unfit for human habitation deemed unlawful.** It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

**13-215. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of this chapter. The violation of any section herein shall be punishable by a civil penalty not to exceed a fifty dollar (\$50.00) fine, in addition to any administrative and/or court costs and fees, This penalty is in addition to any other remedy available to the city for municipal code enforcement. Further, each day a property is in violation or fails to comply is a separate violation.

**CHAPTER 3****JUNKYARDS****SECTION**

13-301. Junkyards.

13-302. Violations and penalty.

**13-301. Junkyards.** All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

**13-302. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of this chapter. The violation of any section herein shall be punishable by a civil penalty not to exceed a fifty dollar (\$50.00) fine, in addition to any administrative and/or court costs and fees, This penalty is in addition to any other remedy available to the city for municipal code enforcement. Further, each day a property is in violation or fails to comply is a separate violation.

## CHAPTER 4

### JUNKED MOTOR VEHICLES

#### SECTION

- 13-401. Definitions.
- 13-402. Violations a civil offense.
- 13-403. Exceptions.
- 13-404. Enforcement.
- 13-405. Violations and penalty.

**13-401. Definitions.** For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) (a) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective, including but not limited to, any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own

power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

(b) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

**13-402. Violations a civil offense.**<sup>1</sup> It shall be unlawful and a civil offense for any person:

(1) To park and or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To park, store, keep, maintain on private property a junk vehicle.

**13-403. Exceptions.** (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 55-5-122.

from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city.

**13-404. Enforcement.** Pursuant to *Tennessee Code Annotated*, § 7-63-101, the building official is authorized to issue ordinance summons for violations of this ordinance on private property. The building official shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the building official finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building official may:

(1) Request the city judge to issue a summons, or

(2) Request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by *Tennessee Code Annotated*, § 7-63-101 *et seq.*, or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest.

In addition, pursuant to *Tennessee Code Annotated*, § 55-5-122, the municipal court may issue an order to remove vehicles from private property.

**13-405. Violations and penalty.** Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation.

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

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

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

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

**14-101. Creation and membership.** Pursuant to the provisions of *Tennessee Code Annotated*, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other five (5) shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (1997 Code, § 14-101)

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

**CHAPTER 2****ZONING ORDINANCE****SECTION**

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

14-202. Violations and penalty.

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of Blaine shall be governed by the ordinance titled "Zoning Ordinance for the City of Blaine, Tennessee, 1986" and any amendments thereto.<sup>1</sup> (1997 Code, § 14-201)

**14-202. Violations and penalty.** Unless otherwise stated therein, wherever in the zoning ordinance an act is prohibited or is made or declared to be unlawful, the violation of such provision shall be punishable by a civil penalty not to exceed a fifty dollar (\$50.00) fine, in addition to any administrative and/or court costs and fees unless such violation and penalty stated therein is contrary to this provision, in which case the penalty provided therein shall control. This penalty may be in addition to any other penalty provided therein. Each day's continued violation shall constitute a separate offense.

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

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

## CHAPTER 3

### SIGNS

#### SECTION

- 14-301. Removal and impound.
- 14-302. Recovery.
- 14-303. Violations
- 14-304. Penalty for violations.

**14-301. Removal and impound.** The designee of the mayor shall have the authority to remove and impound all signs without notice to the owner(s) thereof, placed within any street or highway right-of-way, signs attached to trees, fenceposts, telephone and utility poles, other natural features, or signs left ten (10) days after the event posted. Any sign impounded may be destroyed ten (10) days after impound if not claimed by the owner.

**14-302. Recovery.** The owner of a sign impounded may recover same upon the payment of fifty dollars (\$50.00) for each sign, prior to the expiration of the ten (10) day impoundment period. If it is not claimed within ten (10) days, the designee of the mayor shall have the authority to destroy such sign. (Ord. #O-99-06, March 2000, modified)

**14-303. Violations.** It shall be unlawful to post any sign within any street or highway right-of-way, to attach signs to trees, fenceposts, telephone and utility poles, other natural features, or to leave signs posted in place ten (10) days after the event posted.

**14-304. Penalty for violations.** Wherever in this chapter an act is prohibited or is made or declared to be unlawful, the violation of such provision shall be punishable by a civil penalty not to exceed a fifty dollar (\$50.00) fine, in addition to any administrative and/or court costs and fees, in addition to any applicable state or federal penalty(s). Each day of violation shall constitute a separate offense.



## CHAPTER 4

### FLOOD DAMAGE PREVENTION

#### SECTION

- 14-401. Authorization, findings, purpose.
- 14-402. Definitions.
- 14-403. General provisions.
- 14-404. Administration.
- 14-405. Provisions for flood hazard reduction.
- 14-406. Variance procedures.
- 14-407. Violations and penalty.

**14-401. Authorization, findings, purpose.** (1) Statutory authorization. The legislature of the State of Tennessee has in *Tennessee Code Annotated*, § 6-2-201, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Blaine mayor and city board, does ordain as follows.

(2) Findings of fact. The City of Blaine, Tennessee, Mayor and its legislative body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in 44 CFR, chapter 1, § 60.3.

Areas of the City of Blaine, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This chapter is designed to:

- (a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- (b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion; and

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this chapter are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;

(g) To ensure that potential home buyers are notified that property is in a flood prone area; and

(h) To maintain eligibility for participation in the NFIP. (Ord. #O-03-13, Oct. 2013)

**14-402. Definitions.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this chapter or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard." See "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building." See "structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, ruining, dredging, filling, grading, paving, excavating, drilling, operations, or storage of equipment or materials.

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(14) "Exception" means a waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures." See "existing construction."

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(22) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "flood prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(29) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(30) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to

water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the City of Blaine, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(44) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood." See "base flood."

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and/or

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(54) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(55) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(56) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual "start" means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(57) "State coordinating agency" the Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(58) "Structure" for purposes of this chapter, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged



condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

- (a) The appraised value of the structure prior to the start of the initial improvement; or
- (b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

- (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or
- (ii) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this chapter.

(63) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #O-03-13, Oct. 2013, modified)

**14-403. General provisions.** (1) Application. This chapter shall apply to all areas within the incorporated area of the City of Blaine, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Blaine, Tennessee, as identified

by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47057C0165C and 47057C0170C, dated 12/16/2008, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Blaine, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. #O-03-13, Oct. 2013)

**14-404. Administration.** (1) Designation of ordinance administrator. The mayor or his designee is hereby appointed as the administrator to implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to, the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

- (a) Application stage.

(i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(ii) Elevation in relation to mean sea level to which any non-residential building will be flood proofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(iii) A FEMA flood proofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential flood proofed building will meet the flood proofing criteria in § 14-405(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When flood proofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When flood proofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or flood proofing level upon the completion of the lowest floor or flood proofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially unproved buildings, in accordance with subsection (2) above.

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been flood proofed, in accordance with subsection (2) above.

(h) When flood proofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with subsection (2) above.

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Blaine, Tennessee FIRM meet the requirements of this chapter.

(k) Maintain all records pertaining to the provisions of this chapter in the office of the administrator and shall be open for public

inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #O-03-13, Oct. 2013, modified)

**14-405. Provisions for flood hazard reduction.** (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this chapter, shall be undertaken only if said non-conformity is not further extended or replaced.

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including § 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1344.

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of subsection (2) below.

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in subsection (1) above, are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-402). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or flood proofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or flood proofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-402). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be flood proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-404(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of subsection (2) above.

(d) Standards for manufactured homes and recreational vehicles:

(i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-402).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of subsections (1) and (2) above.

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.



All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

All subdivision and other proposed new development proposals shall have public utilities and faculties such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

In all approximate A Zones, require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (See subsection (5) below).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-403(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Blaine, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2) above.

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-403(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2) above.

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-403(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see subsection (5)(b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of subsections (1) and (2) above.

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or flood proofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-402). All applicable data, including elevations or flood proofing certifications, shall be recorded as set forth in § 14-404(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of subsection (2) above.

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer

is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of Blaine, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2) above. Within approximate A Zones, require that those subsections of subsection (2) above dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-403(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in subsections (1) and (2) above, apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection (2) above.

(b) All new construction and substantial improvements of non-residential buildings may be flood proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be flood proofed and designed watertight to be completely flood proofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be flood proofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-404(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-403, are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of § 14-404 and this section shall apply:

(8) Standards for unmapped streams. Located within the City of Blaine, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply.

(a) No encroachments, including fill material or other development including structures, shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with § 14-404 and this section. (Ord. #O-03-13, Oct. 2013, modified)

**14-406. Variance procedures.** (1) Municipal board of zoning appeals.

(a) Authority. The City of Blaine, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

(c) Appeals; how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of twenty-five dollars (\$25.00) for

the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. In the case of a request for a variance the following shall apply.

(A) The City of Blaine, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation, from the requirements of this chapter. to preserve the historic character and design of the structure.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other property to the injury of others.

(2) The danger to life and property due to flooding or erosion.

(3) The susceptibility of the proposed facility and its contents to flood damage.

(4) The importance of the services provided by the proposed facility to the community.

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use.

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(9) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(e) Upon consideration of the factors listed above, and the purposes of this chapter, the municipal board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this chapter.

(f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-404(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #O-03-13, Oct. 2013)

**14-407. Violations and penalty.** Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this chapter or fails to comply with any of its requirements shall, upon adjudication therefor, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Blaine, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #O-03-13, Oct. 2013)

## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. TRUCK REGULATIONS.
3. SPEED LIMITS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 15-101. Adoption of state traffic statutes.  
 15-102. Compliance with financial responsibility law required.  
 15-103. Violations and penalty.

**15-101. Adoption of state traffic statutes.** By the authority granted under *Tennessee Code Annotated*, § 16-18-302, the city adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in *Tennessee Code Annotated*, §§ 55-8-101 to 55-8-131, and §§ 55-8-133 to 55-8-180. Additionally, the city/town adopts *Tennessee Code Annotated*, §§ 55-8-181 to 55-8-193, §§ 55-9-601 to 55-9-606, § 55-12-139, § 55-21-108, and § 55-8-199 by reference as if fully set forth in this section.

**15-102. Compliance with financial responsibility law required.**

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

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

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<sup>1</sup>Municipal code reference

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



(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 was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(3) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation is punishable by a civil penalty of up to fifty dollars (\$50.00).

(4) The penalty imposed by this section shall be in addition to any other penalty imposed by the laws of this state or this municipal code.

(5) On or before the court date, the person so charged may submit physical evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that such financial responsibility, or electronic evidence pursuant to *Tennessee Code Annotated*, § 55-12-139, was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge which is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected.

**15-103. Violations and penalty.** Wherever in this title an act is prohibited or is made or declared to be unlawful, the violation of any such provision shall be punishable by a civil penalty not to exceed a fifty dollar (\$50.00) fine, in addition to any administrative and/or court costs and fees.

**CHAPTER 2****TRUCK REGULATIONS****SECTION**

15-201. Definitions.

15-202. Parking limited.

15-203. Violations and penalty.

**15-201. Definitions.** (1) "Fixed load vehicle." Any vehicle not designed or used to carry, convey, or move any freight, property, article, or thing over highway and streets, except its own weight and that of any equipment, appliance, or apparatus constructed as part of, or permanently attached to the body of such vehicle where the weight of such vehicle exceeds eighteen thousand (18,000) pounds gross volume weight (loaded or unloaded). This definition includes well-drilling apparatus, cranes, portable feed mills, and other similar vehicles.

(2) "Truck." Any motor vehicle designed, used, or maintained primarily for the transportation of property exceeding fourteen thousand (14,000) pounds gross volume weight (loaded or unloaded). (1997 Code, § 15-101)

**15-202. Parking limited.** No truck or fixed load vehicle, school bus, or other vehicle which by virtue of its height, width, or weight, may constitute a hazard to the traveling public if left unattended, shall be parked and left unattended on any city street, or state, or federal highway located within the city. (1997 Code, § 15-105)

**15-203. Violations and penalty.** Wherever in this chapter any act is prohibited or is made or declared to be unlawful, the violation of such shall be punishable in accordance with the penalty provisions of § 15-103.

## CHAPTER 3

### SPEED LIMITS

#### SECTION

15-301. In general.

15-302. In school zones.

15-303. Violations and penalty.

**15-301. In general.** It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street in the City of Blaine at a rate of speed in excess of twenty (20) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1997 Code, § 15-201)

**15-302. In school zones.** Pursuant to *Tennessee Code Annotated*, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving.

**15-303. Violations and penalty.** Wherever in this chapter any act is prohibited or is made or declared to be unlawful, the violation of such shall be punishable in accordance with the penalty provisions of § 15-103.

## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

#### 1. MISCELLANEOUS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 16-101. Qualifications for road construction companies.
- 16-102. Planning commission to approve new easements, roads, etc.
- 16-103. Bond required before construction on, in or under a public street.
- 16-104. Standard for street acceptance.
- 16-105. Procedures for street closings.
- 16-106. Vision along roadways to be unobstructed by trees, shrubs, or other vegetation.
- 16-107. Violations and penalty.

**16-101. Qualifications for road construction companies.** Contractors awarded contracts for new street construction or resurfacing of existing streets in the City of Blaine shall be required to carry a one (1) year road maintenance bond on any such work. (1997 Code, § 16-101)

**16-102. Planning commission to approve new easements, roads, etc.** Before any individual, family, corporation, firm, utility, or other entity attempts to develop a new road, public or private easement, driveway, or other means of access to property from a city, state, or federally owned road, street, or right-of-way, the city's planning commission must give approval to ensure that such access will not endanger vehicular movement, cause dangerous intersection, or otherwise impede or imperil the flow of traffic. (1997 Code, § 16-102)

**16-103. Bond required before construction on, in or under a public street.** Before any individual family, corporation, utility, business, firm or other entity attempts to cut into, onto, under or through a public street, the planning commission must give approval; a cash surety or other type of bond in a minimum amount of one thousand dollars (\$1,000.00), which must be posted

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

with the city. The bond may be increased by the planning commission depending on the extent of the disruption of the roadbed. Those individuals, firms, or other entities cutting into the roadbed must certify to the city that road repairs will be made. If road repairs are not made satisfactorily and the roadbed shows uneven, hazardous, or shoddy repair, the bond shall be used to provide satisfactory repairs. (1997 Code, § 16-103)

**16-104. Standard for street acceptance.** Upon receipt of a petition to the Blaine Municipal Planning Commission, the commission and its staff shall review the request for compliance with the following standards:

- (1) Plat. The proposed street shall be shown on a survey plat.
- (2) Right-of-way. The amount of right-of-way required shall be determined by classification of the proposed street by the planning commission under the following classifications:

Collector street	50-60 feet
Minor residential street	50 feet
Cul-de-sacs	40 feet

In cases where topography or other physical conditions make these minimum widths impracticable, the planning commission may modify the above requirements. However, in no case shall a right-of-way be less than thirty feet (30').

- (3) Minimum improvements. The street shall be properly graded and adequately drained with ditches and tiles or curbs sufficient to carry the normal flow of storm water as determined by standards adopted by the Blaine Municipal Planning Commission.

The street shall be constructed according to the following standards adopted by the Blaine Municipal Planning Commission: Pavement widths shall be eighteen feet (18') minimum and twenty-four feet (24') major width. A compacted and approved sub-base shall consist of a six-inch (6") compacted crushed aggregate, four-inch (4") asphalt including two and one-half inch (2-1/2") binder and one and one-half inch (1-1/2") surface. Or, a six-inch (6") class A concrete minimum of eighteen-foot (18') width with a reinforcing wire on a selected compacted base. Curb/gutter may not be required, depending on individual cases. (1997 Code, § 16-104)

**16-105. Procedures for street closings.** Upon receipt of a petition to the Blaine Municipal Planning Commission, the commission and staff shall review the request and make a recommendation to the Blaine Board of Mayor and Aldermen. Upon receipt of the recommendation, the board of mayor and aldermen will hold a public hearing on the request. If the decision is to close the street, any costs involved in platting, mapping, describing, or deeding shall be charged to the property owners benefitting from the action. The street will be

closed in preparation of an ordinance describing the street to be closed. (1997 Code, § 16-105)

**16-106. Vision along roadways to be unobstructed by trees, shrubs, or other vegetation.** It shall be unlawful for any person owning, leasing, occupying, or having control of property to obscure or obstruct the vision of operators of vehicles or pedestrians by allowing the uncontrolled growth of trees, tree limbs, shrubs, or other vegetation which block vision at intersections, traffic signs, or cause other unsafe conditions.

(1) Upon notice from city hall that trees, shrubs, or other vegetation is posing a hazard to safe vehicular or pedestrian movement, the property's owner/occupant or lessee has ten (10) days to trim or remove such vegetation.

(2) When any property owner, occupant, or lessee fails to comply with the notice from city hall, the city may have the work done and charged to the violator. The city may maintain any appropriate legal action to collect such costs. In addition, the city may charge such costs to the property as a special tax assessment in the year occurred. (1997 Code, § 16-106)

**16-107. Violations and penalty.** Wherever in this title an act is prohibited or is made or declared to be unlawful, the violation of any such provision shall be punishable by a civil penalty not to exceed a fifty dollar (\$50.00) fine, in addition to any administrative and/or court costs and fees. Each day of violation constitutes a separate offense.

**TITLE 17**

**REFUSE AND TRASH DISPOSAL**

[RESERVED FOR FUTURE USE]

## TITLE 18

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

#### CHAPTER

1. SEWER USE.
2. SEWER RATES, FEES AND CHARGES.

#### CHAPTER 1

#### SEWER USE

#### SECTION

- 18-101. Definitions.
- 18-102. Use of public sewers required.
- 18-103. Private wastewater disposal.
- 18-104. Building sewers and connections.
- 18-105. Excluded wastes.
- 18-106. Extension of sewer service.
- 18-107. Conflict.
- 18-108. Amendments.
- 18-109. Violations and penalty.

**18-101. Definitions.** The following words, terms, and phrases, wherever used in this chapter, shall have the meanings respectively ascribed to them in this section unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended.

(1) "Accidental discharge." Any release of wastewater that, for any unforeseen reason, fails to comply with any prohibition or limitation in this chapter.

(2) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251, *et seq.*

(3) "Approval authority." The director and/or the Division of Water Pollution Control of the Tennessee Department of Environment and Conservation (TDEC) or his designee.

(4) "Best Management Practices (BMPs)." Consistent maintenance practices to ensure that the grease trap and/or grease interceptor effluent and structure are in compliance with this chapter. Such practices include, but are

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<sup>1</sup>Municipal code reference  
Building, etc.: title 12.



not limited to, regular cleanout schedules, posted cleanout procedures, and grease reduction guidelines.

(5) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees (20°C) (sixty-eight degrees (68°F)) expressed in terms of weight and volume (mg/L).

(6) "Building sewer." The connecting pipe from a building, beginning five feet (5') outside the inner face of the building wall, to a sanitary sewer.

(7) "Bypass." The intentional or unintentional diversion of waste streams from any portion of a user's facility.

(8) "City." The City of Blaine, Tennessee.

(9) "Commercial user." any user of the wastewater system who discharges "commercial waste," as that term is defined below, into the wastewater system.

(10) "Commercial waste." The liquid and waterborne wastes resulting from processes or operations generated by commercial establishments.

(11) "Compatible pollutant." BOD, suspended solids, pH, fecal coliform bacteria, and additional pollutants as are now, or may be in the future, specified and controlled in the city's SOP permit for its wastewater treatment plant.

(12) "Composite sample." A sample made by combining a number of grab samples collected over a defined period of time. A "composite sample" may be either a:

(a) "Flow proportional composite sample." A sample composed of sample aliquots combined in proportion to the amount of flow occurring at the time of their collection. Such samples may be composed of equal aliquots being collected after equal predetermined volumes of flow pass the sample point or of flow proportional grab sample aliquots being collected at predetermined time intervals so that at least eight (8) aliquots are collected per twenty-four (24) hours; or

(b) "Time proportional composite sample." a sample composed of equal sample aliquots taken at equal time intervals of not more than two (2) hours over a defined period of time.

(13) "Control authority." The City of Blaine, Tennessee.

(14) "Cooling water." The wastewater discharged from any use, such as air conditioning, cooling, or refrigeration, to which the only pollutant added is heat.

(15) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(16) "Director." The director of the wastewater system for the city or his duly authorized agent or representative.

(17) "Domestic waste." The liquid and waterborne pollutants from the noncommercial preparation, cooking, and handling of food; or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial establishments, industrial facilities, and institutions.

(18) "Environmental Protection Agency (EPA)." The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(19) "Flammable" shall be defined § 18-105(3)(a) and (b).

(20) "FOG." Fats, oils, grease, and related substances of similar characteristics.

(21) "Food service establishment." A commercial or institutional facility discharging kitchen or food preparation wastewaters, such as restaurants, motels, hotels, cafeterias, delicatessens, meat cutting or preparation facilities, bakeries, hospitals, schools, bars, or any other facility that, in the city's discretion, may require a grease trap or interceptor installation by virtue of its operation.

(22) "Grab sample." A sample that is taken from a waste stream on a one (1) time basis and collected over a period of time not to exceed fifteen (15) minutes with no regard to the flow in the waste stream and without consideration of time.

(23) "Grease interceptor." A device utilized to effect the separation of grease and oils in wastewater effluent from a food service establishment, an interceptor is a vessel of the outdoor or underground type, normally of one thousand (1,000) gallon capacity or more, constructed of concrete, steel, or fiberglass.

(24) "Grease trap." A device utilized to effect the separation of grease and oils in wastewater effluent from a food service establishment. A trap is an under-the-counter or floor package unit, which is typically less than one hundred (100) gallons, constructed of steel or fiberglass.

(25) "Holding tank waste." any waste from holding tanks, including by way of example but not limitation, vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trunks.

(26) "Incompatible pollutant." Any pollutant that is not a compatible pollutant, as defined above.

(27) "Indirect discharge" or "discharge." The discharge or the introduction from any non-domestic source regulated under § 307(b), (c), or (d) of the Act (33 U.S.C. § 1317), into the wastewater system, including holding tank waste discharged into the wastewater system.

(28) "Industrial user." Any user of the wastewater system who discharges industrial waste, as that term is defined below, into the wastewater system.

(29) "Industrial waste." The liquid and waterborne wastes resulting from processes or operations generated by industrial facilities. "Infiltration" is the water entering sanitary sewers and building sewers from the soil through defective joints, broken or cracked pipe, improper connections, manhole walls, or other defects in sanitary sewers as defined below, or building sewers as defined above.

(30) "Infiltration" does not include and is distinguished from inflow.

(31) "Inflow." The water discharged into sanitary sewers and building sewers from such sources as downspouts, roof leaders, cellar and yard area drains, commercial and industrial discharges of unpolluted wastewater as defined below, drains from springs and swampy areas, etc. It does not include and is distinguished from infiltration.

(32) "Interference." The inhibition or disruption of the city's wastewater treatment processes or operations, or acts or discharges that may cause damage to any portion of the wastewater system or that contribute to a violation of any requirement of the city's NPDES permit. The term includes interference with wastewater sludge use or disposal in accordance with state or federal criteria, guidelines, or regulations, or any state or federal sludge management plan applicable to the method of disposal or use employed by the wastewater system, such as, but not limited to, § 405 of the Act, the Solid Waste Disposal Act (42 U.S.C. §§ 6901, *et seq.*), and the Clean Air Act.

(33) "May." Permissive.

(34) "Medical waste." Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and other wastes that may cause interference.

(35) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(36) "Non-contact cooling water." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(37) "Normal sewage." A waste having average concentrations of two hundred (200) mg/L of BOD or less and two hundred (200) mg/L of Total Suspended Solids (TSS) or less as determined by samples taken before entering the wastewater system.

(38) "Pass through." A discharge that exits the wastewater treatment plant into the disposal system in quantities or concentrations that, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the SOP permit.

(39) "Person." Any individual, firm, company, partnership, corporation, association, group, or society, and includes the State of Tennessee and agencies, districts, commissions, and political subdivisions created by or pursuant to state law. Where used herein, the masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

(40) "pH." A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter (g/L) of solution.

(41) "Pollutant." Any "waste" such as dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or

discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(42) "Pretreatment." The reduction in the amounts of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration in the nature of pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into the wastewater system.

(43) "Pretreatment standards." Prohibited discharge standards.

(44) "Properly shredded garbage." The organic waste resulting from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under flow conditions normally prevailing in sanitary sewers with no particle being greater than one-half inch (1/2") in any dimension.

(45) "Public sewer." A sewer that is controlled by the city.

(46) "Receiving stream." That body of water, stream, or watercourse receiving the discharge from a wastewater treatment plant.

(47) "Sanitary sewer." A public sewer controlled by the city that carries liquid and waterborne waste from residences, commercial establishments, industrial facilities, or institutions, together with minor quantities of ground and surface waters that are not intentionally admitted.

(48) "Septage." Liquid and solid waste pumped from a sanitary sewage septic tank or cesspool.

(49) "Sewer." A pipe or conduit for carrying wastewater.

(50) "Sewer System Overflow (SSO)." An unintentional occurrence where wastewater discharges from the wastewater system to the surrounding ground surface or to the waters of the state.

(51) "Shall." Mandatory.

(52) "Slug." Any discharge of wastewater for any duration during which the rate of flow or concentration of any constituent increases to such magnitude so as to adversely affect the operation of the wastewater system or the ability of the wastewater treatment plant to meet applicable water quality objectives and SOP permit compliance.

(53) "Standard methods." The analytical procedures set forth in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, or *EPA Methods for Chemical Analysis of Water and Wastes*. All procedures must conform to 40 CFR part 136.

(54) "Standard Operating Permit (SOP)." A permit issued by the state under delegation from EPA.

(55) "State." The State of Tennessee.

(56) "Storm sewer" or "storm drain." A sewer that carries storm and surface waters and drainage, but that excludes wastes.

(57) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(58) "Strength of waste." The concentration of pollutants or substances contained in a wastewater.

(59) "Total Suspended Solids (TSS)." The total solid matter that either floats on the surface of or is suspended in wastewater and that is removable by laboratory filtration.

(60) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in federal or state law or regulations promulgated by EPA or the state.

(61) "Twenty-five percent (25%) rule." All grease traps and grease interceptors shall be cleaned when the accumulation of floatable FOG has reached a depth no greater than twenty-five percent (25%) of the total operating vessel depth.

(62) "Unpolluted wastewater." Wastewater not containing any pollutants limited or prohibited by the effluent standards in effect, or wastewater that will not cause any violation of receiving water quality standards when discharged.

(63) "Upset of pretreatment facilities." An exceptional incident in which there is an unintentional and temporary noncompliance with the effluent limitations of the user's permit because of factors beyond the reasonable control of the user. An upset does not include noncompliance caused by operational error, improper design or inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations.

(64) "User." Any person or facility who discharges, causes, or permits the discharge of wastewater into the wastewater system.

(65) "Waste." Any physical, chemical, biological, radioactive, or thermal material, which may be a solid, liquid, or gas, and that may be discarded from any industrial, municipal, agricultural, commercial, institutional, or domestic activity.

(66) "Wastewater." The liquid and water-carried commercial, industrial, institutional, or domestic wastes from dwellings, commercial establishments, industrial facilities, and institutions together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the city's wastewater system.

(67) "Wastewater system." All facilities for collecting, pumping, transporting, treating, and disposing of wastewater.

(68) "Wastewater treatment plant." The facilities of the city for treating and disposing of wastewater.

(69) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state of any portion thereof. (Ord. #O-04-10, Oct. 2010)

**18-102. Use of public sewers required.** (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any wastewater, human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city, or any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter.

(3) Except as provided herein, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, property, or right-of-way in which there is now located or may in the future be located a public sewer of the City of Blaine, is hereby required at his expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after the date of official notice from the city to do so, provided that said public sewer is available within three hundred feet (300') of the closest point to the real property, except as provided for herein. If the property owner has a private wastewater disposal system that is in good working condition in accordance with all local, state and federal requirements, the property owner may request a waiver from connecting to the public sewer. If the city grants a waiver, the property owner must connect to the public sewer at such time in the future that his private wastewater disposal system no longer meets all local, state and federal requirements. The property owner shall not repair the private wastewater disposal system for continued use once the public sewer is available to his property. During such time that the connection waiver is in effect, the property owner must pay the monthly minimum fee. When the connection to the public sewer is complete in the future, the property owner shall pay all applicable rates, fees and charges applicable to all users. (Ord. #O-04-10, Oct. 2010)

**18-103. Private wastewater disposal.** (1) Where any residence, office, commercial, industrial, or recreational facility, or other establishment used for human activity is not accessible to a public sewer, the property owner shall provide a private sewage disposal system.

(2) Where the building drain of any residence, office, commercial or recreational facility, or other establishment used for human activity is below the elevation to obtain a one percent (1%) grade in the building sewer, the property owner shall provide a private sewage disposal system.

(3) A private wastewater disposal system may not be constructed within the city limits unless and until a certificate is obtained from the director

stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future.

(4) Any private wastewater disposal system must be constructed in accordance with the requirements of the state, the appropriate county health department, and the city and must be inspected and approved by the authorized representative of the appropriate county health department.

(5) The property owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times.

(6) When a public sewer becomes available, the building sewer shall be connected to such public sewer within ninety (90) days of the date of notice from the city to do so, and the private wastewater disposal system shall be abandoned by cleaning the sludge from the tank, cracking or drilling the tank bottom foundation, and filling the tank with suitable compacted material, such as soil or gravel.

(7) Holding tank waste, septage, and any other waste from private wastewater disposal systems within the city shall not be discharged into the wastewater system under the any conditions such as, but not limited to, the following:

(a) Persons owning or operating vacuum-pump trucks or trucks hauling septage or other liquid waste transport trucks shall not discharge wastewater directly or indirectly from such trucks into the wastewater system.

(b) No person shall discharge any other holding tank waste or any other waste, including industrial waste, into the wastewater system.

(c) Notwithstanding any of the forgoing, no holding tank waste, septage, or any other waste from outside the city shall not be discharged directly or indirectly into the wastewater system.

(d) No person shall operate a dumping station for the discharge of wastewater from recreation vehicles into the wastewater system.

(8) Nothing in this section shall be construed to allow waste haulers access to the wastewater system even if such access may be implied or directed by other local or state agencies. (Ord. #O-04-10, Oct. 2010)

**18-104. Building sewers and connections.** (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb a public sewer or appurtenances thereof without first obtaining written approval from the director.

(2) The person requesting any action described in subsection (1) above shall make application on the appropriate form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director. An application fee shall be paid by all new applicants, including transferals. The application fee shall be nonrefundable. Applicants for commercial building sewer permits shall

provide a description of the constituents of the wastewater and all other information that may be requested by the city.

(3) All residential, commercial, and industrial users to whom a public sewer is accessible shall connect to the sewer as provided in § 18-102(4) following payment of all fees and charges associated with such connection. Residential, commercial, and industrial users will be charged based on the number of individual units to be served, regardless of whether the complex is to be used as apartments, retail shops, duplexes, or multiple businesses. There will be one (1) sewer bill for each individual unit to be served. The user charge for monthly sewer use shall be based on the sewer rate schedule adopted and current as of the date of the connection. In addition, the city shall not be responsible for any cost that a developer may incur in the installation of public sewers.

(4) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the user through the applicable rates, fees and charges. The user shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Connection to public sewers shall be made only by the city or a plumber or contractor duly licensed and approved by the city.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination by the director, to meet all requirements of this chapter.

(6) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the public sewer at a grade of one percent (1%) or more is possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the public sewer, adequate precautions, by installation of check valves or other backflow prevention devices, to protect against flooding shall be provided by the owner of said building. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be pumped to the building sewer as approved by the director at the expense of the owner of the building.

(7) (a) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer that in turn is connected directly or indirectly to a public sewer.

(b) No person shall cover, construct, build, or erect any structure that will interfere with the accessibility, service, or removal of any sewer appurtenance that is maintained by the city. If an obstruction is found upon inspection by city personnel, the responsible party shall be notified immediately that the obstruction is to be removed permanently within a specified time limit as determined by the director. The responsible party includes, but is not restricted to, owner, leaseholder, contractor, developer, and person(s) who are using or causing a discharge



into the public sewer. A violation of this subsection shall be punishable by fine, upon conviction as authorized by law, and each day shall constitute a separate offense.

(8) The connection of a building sewer into the public sewer shall conform to the rules, regulations, policies, and standards of the city. All such connections shall be made gas-tight and watertight as verified by proper testing.

(9) The applicant for the building sewer shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director or his authorized representative.

(10) At least one (1) cleanout shall be provided for each building sewer. The cleanout shall be located as near to the building as possible. Additional cleanouts are recommended at any horizontal change in direction in the building sewer requiring a forty-five (45) degree or greater bend.

(11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(12) Destruction or malice to any city-owned appurtenances, pumps, or lines shall be the responsibility of the owner. A charge for replacement of said equipment and associated labor shall be rendered.

(13) Upon review by the city and director, a service charge may be imposed on any commercial or residential user for foreign material, such as, but not limited to, plastic, cloth, metal, wood, etc., or breakage of the pump station.

(14) A service charge may be imposed if the director determines that abuse or neglect of a wastewater disposal device has occurred by the owner, whether it involves the cleaning or repair of a pit or other appurtenance of the city that was taken out of service or abused by the owner of said property.

(15) Upon the inspection of property, if the city finds breakage, abuse, or leakage of service lines from buildings to the city equipment or lines, the city shall give the owner time to correct the problem as determined by the director. If the problem is not corrected within a specified period, the city shall have the right to repair and charge the owner for corrections or discontinue water service. (Ord. #O-04-10, Oct. 2010)

**18-105. Excluded wastes.** (1) General prohibitions. The following general prohibitions apply to all users of the wastewater system:

(a) All users shall take all reasonable steps to prevent any discharge in violation of the user's permit and this chapter. Pollutants, substances, wastewater, or other wastes prohibited by this chapter shall not be processed or stored in such a manner that they could be discharged to the wastewater system.

(b) No user shall increase the use of potable or process water or in any other way attempt to dilute the discharge as a partial or complete

substitute for adequate treatment to achieve compliance with the limitations contained in the user's permit.

(c) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater that causes interference or pass through with the operation or performance of the wastewater system.

(d) All users operating food service establishments may, at the discretion of the director, be required to provide fats, oils, and grease (FOG) interceptors or traps for the proper handling of liquid waste containing FOG or other harmful ingredients. All interceptors or traps shall be of a type and capacity approved by the city, and shall be located so as to be readily and easily accessible for cleaning and inspection. All interceptors or traps shall be supplied and properly maintained for continuous, satisfactory, and effective operation by the user at his expense.

(e) The discharge of any hazardous material, listed in 40 CFR part 261, is expressly forbidden.

(f) All users shall comply with the general prohibitive discharge standards in 40 CFR part 403.5 (a) and (b) of the federal pretreatment regulations.

(g) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters in any public sewer.

(2) Prohibited wastes. No user shall discharge or deposit any of the following materials, waste materials, waste gases, or liquids into any public sewer forming a part of the city's wastewater system, except where these may constitute occasional, intermittent inclusions in the wastewater discharged from residential premises:

(a) Any wastewater having a temperature that will inhibit biological activity in the wastewater treatment plant or result in other interference with the treatment process, but in no case wastewater with a temperature that exceeds sixty degrees Celsius (60°C) (one hundred forty degrees Fahrenheit (140°F)) at its introduction into the wastewater treatment plant.

(b) Visible floatable fats, oils, or grease (FOG) of animal or vegetable origin in concentrations greater than fifty (50) mg/L or in amounts that, in the discretion of the director, may cause interference or pass through.

(c) Visible floatable petroleum oil, cutting oil, or products of mineral origin in amounts that, in the discretion of the director, may cause interference or pass through.

(d) Substances that will solidify or become viscous at temperatures between zero degrees Celsius (0°C) (thirty-two degrees

Fahrenheit (32° F)) and sixty degrees Celsius (60°C) (one hundred forty degrees Fahrenheit (140°F)).

(e) Any garbage that has not been properly shredded so that no particles are any greater than one-half inch (1/2") in any dimension.

(f) Any waste capable of causing abnormal corrosion, abnormal deterioration, damage, or hazard to structures or equipment of the wastewater system or to humans or animals, or cause interference with proper operation of the wastewater treatment plant. All waste discharged to the wastewater system must have a pH value in the range of six (6) to nine (9) standard pH units. Prohibited materials include, but are not limited to, concentrated acids and alkalis; high concentrations of compounds of sulfur, chlorine, and fluorine; and substances that may react with water to form strongly acidic or basic products.

(g) Any waste having a color that is not removable by the existing wastewater treatment processes and that would cause the plant effluent to exceed color requirements of the State of Tennessee for discharge to the receiving stream, if applicable.

(3) Specific prohibited wastes. No user shall discharge or deposit any of the following materials, waste materials, waste gases, or liquids into any public sewer forming part of the city wastewater system.

(a) Pollutants that create a fire or explosive hazard, including, but not limited to, waste streams with a closed cup flashpoint of less than sixty degrees Celsius (60°) C (one hundred forty degrees Fahrenheit (140°F)) using the test methods specified in 40 CFR 261.21.

(b) Any liquids, solids, or gases that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the wastewater system or to the operation of the wastewater system. At no time shall two (2) successive readings (fifteen (15) to thirty (30) minutes between readings) on an explosion hazard meter at the point of discharge into the wastewater system be more than five percent (5%), nor any single reading over ten percent (10%), of the Lower Explosive Limit (LEL) of the meter. Prohibited materials covered by this subsection include, but are not limited to, gasoline, kerosene, naphtha, benzene, fuel oil, motor oil, mineral spirits, commercial solvents, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, and hydrides.

(c) Any trucked or hauled pollutants, except at discharge point(s) designated by the director in accordance with § 18-202.

(d) Any solid or viscous substances in quantity or character capable of causing obstruction to flow in public sewers, interference with proper operation of the city's wastewater system, or risks to the health and safety of the city's personnel. Prohibited materials covered by this subsection include, but are not limited to, eggshells from egg processors,

ashes, cinders, ceramic waste, stone or marble dust, sand, mud, straw, shavings, grass clippings, thread, glass, glass grinding or polishing wastes, rags, metal, feathers, bones, tar, plastics, wood, paunch manure, insulation materials, fibers of any kind, stock or poultry feeds, processed grains, spent hops, animal tissues, hair, hides, or fleshings, entrails, whole blood, viscera or other fleshy particles from processing or packing plants, lime or similar sludges, and residues from refining or processing of fuel or lubricating oils.

(e) Any noxious or malodorous solids, liquids, or gases that, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are or may be sufficient to prevent entry into a sewer for maintenance and repair.

(f) Any pollutants that result in the presence of toxic gases, vapors, or fumes within the wastewater system in a quantity that may cause worker health and safety problems.

(g) Any substances that may cause wastewater treatment plant effluent, or any other products of the wastewater system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to cause interference with the reclamation process. In no case shall a substance discharged to the wastewater system cause the wastewater system to be in noncompliance with sludge use or disposal criteria, guidelines, ordinances, or regulations developed by local, state, or federal authorities.

(h) Any wastewater containing pollutants, including oxygen-demanding pollutants (BOD, etc.), in sufficient quantity, flow, or concentration (either singly or by interaction with other pollutants) to cause interference with the wastewater treatment plant.

(i) Any substance that will cause the sewerage system to violate its SOP permit or water quality standards of the receiving stream.

(j) Any waste that, by interaction with other waste in the wastewater system, may release obnoxious gases, form suspended solids that cause interference with operation of the public sewer, or create conditions deleterious to structures and wastewater treatment processes.

(k) Any form of inflow as defined by § 18-101, including stormwater.

(l) Infiltration determined to be excessive by the director.

(m) Any unpolluted wastewater as defined by § 18-101, except as specifically permitted by the director.

(4) Specific pollutant limitations. No user shall discharge into any public sewer forming part of the city wastewater system any of the following materials in concentrations exceeding the limits stated below:

(a) Any wastes that contain more than ten (10) mg/L of hydrogen sulfide, sulfur dioxide, or nitrous oxide.

(b) Any toxic or poisonous substance or any other materials in sufficient quantity to cause interference with the operation of the city's wastewater treatment plant, to constitute a hazard to humans or animals, or to cause a violation of the water quality standards or effluent standards for the disposal system receiving the effluent from the wastewater treatment plant, or to exceed limitations established by the director or set forth in applicable pretreatment standards as referenced in 40 CFR 403.

(c) Any waste containing suspended solids of such character and quantity that unusual provisions, attention, or expense is required to handle such materials at the city's wastewater treatment plant.

(d) Any waste containing quantities of radium or naturally occurring or artificially produced radioisotopes in excess of presently existing or subsequently accepted limits for drinking water as established by current drinking water regulations promulgated by EPA.

(e) No person shall discharge wastewater containing concentrations of the constituents listed below in excess of the upper limits listed below.

(i) No person with a permit to discharge industrial/commercial waste shall discharge in excess of the following limits.

***Protection Criteria***

<b><i>Parameter</i></b>	<b><i>Monthly Average (mg/L*)</i></b>	<b><i>Daily Maximum (mg/L*)</i></b>
Chromium, hexavalent	1.0	70
Chromium, trivalent	N/A	2,200
Nickel	56	1100
Cyanide	3.5	52
Zinc	47	180
Cadmium	0.012	1.5
Copper	20	30
Iron	1,500	3,000
Antimony	1,600	9,000
Arsenic	40	440
Lead	0.75	74

*Protection Criteria*

<i>Parameter</i>	<i>Monthly Average (mg/L*)</i>	<i>Daily Maximum (mg/L*)</i>
Mercury	0.02	4.1
Selenium	35	260
Silver	0.6	1.2
Phenols	N/A	300

\* Milligram/liter

These limits are established to comply with published thresholds or ranges for inhibitory effects on the unit operations of the treatment plant. Limits on the concentrations of other metallic constituents and/or toxic substances that may have a detrimental effect on the wastewater treatment plant may be established by the director and/or the state, unless the prospective discharger can prove to the aforementioned parties that such substances are amenable to treatment at the treatment plant. The concentrations listed for the specific pollutants in this paragraph are daily average maximum concentrations in mg/L based on twenty-four (24) hour flow proportional composite samples. The city shall monitor the wastewater treatment plant for each parameter in the above table. In the event that the influent of the wastewater treatment plant reaches or exceeds the level established by this table, the director shall initiate technical studies to determine the cause of the violation and shall recommend to the city the necessary legal measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels.

(ii) Unless specifically authorized by a permit to discharge industrial/commercial waste, no person shall discharge wastewater continuing concentrations of the constituents listed in § 18-105(4)(e) above in excess of levels currently established for wastewater in the city. Such concentration levels shall be established by the director.

(f) The admission into the wastewater system of any waste having a Biochemical Oxygen Demand (BOD) in excess of two hundred (200) mg/L on a twenty-four (24) hour composite basis or any single grab sample having a BOD concentration in excess of one thousand (1,000) mg/L may be subject to review by the director. Where necessary, in the discretion of the director, the user shall provide and operate, at his own expense, such pretreatment facilities as may be required to reduce the BOD to meet requirements specified by the director.

(g) The admission into the wastewater system of any waste having a Total Suspended Solids (TSS) concentration in excess of three hundred (300) mg/L on a twenty-four (24) hour composite basis or for any single grab sample having a TSS concentration in excess of one thousand (1,000) mg/L will be subject to review by the director. Where necessary, in the discretion of the director, the user shall provide and operate, at his own expense, such pretreatment facilities as may be required to reduce the TSS content to meet requirements specified by the director.

(h) The admission into the wastewater system of any waste having a total oil and grease (combined polar and non-polar) content in excess of one hundred (100) mg/L. If the waste stream is of mineral hydrocarbons (non-polar), the content shall not exceed fifty (50) mg/L. If the waste stream is of biological lipids (polar), the content shall not exceed one hundred (100) mg/L. Where necessary, in the discretion of the director, the user shall provide and operate, at his own expense, such pretreatment facilities as may be required to reduce the oil and grease (polar and non-polar) content to meet requirements specified by the director.

(i) The admission into the wastewater system of any waste in volumes or with constituents such that existing conditions in the public sewer or at the city's wastewater treatment plant would be affected to the detriment of the wastewater system will be subject to review by the director. Where necessary, in the discretion of the director, pretreatment or equalizing units may be required to bring constituents or volumes of flow within the limits previously prescribed or to an otherwise acceptable level and to hold or equalize flows so that no peak flow conditions may hamper the operation of any unit of the wastewater system. Said equalization or holding unit shall have a capacity suitable to serve its intended purpose and be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the waste flow.

(j) If any federal categorical pretreatment standards are more stringent than limitations imposed by this chapter, the federal categorical pretreatment standards shall immediately supersede the limitations imposed under this chapter. All affected users shall notify the director of the applicable reporting and monitoring requirements imposed by the federal standards within thirty (30) days of passage.

(k) State requirements and limitations shall apply in any case where they are more stringent than federal requirements and limitations or those of this chapter.

(l) The city reserves the right to establish more stringent limitations or requirements on discharges to the wastewater system.

(5) Standards and requirements for food service establishments. Food service establishments, as defined in § 18-101, shall provide means of

preventing grease and oil discharges to the wastewater system. Where a grease and oil interceptor currently exists or is required by the city, it shall be maintained for continuous, satisfactory, and effective operation by the owner, leaseholder, or operator at his expense. Grease and oil interceptors shall be of a type and capacity approved by the city and shall be located as to be readily accessible for cleaning and inspection.

(a) All food service establishments shall have grease-handling facilities approved by the city. Establishments whose grease-handling facilities or methods are not adequately maintained to prevent Fats, Oils, or Grease (FOG) from entering the wastewater system shall be notified in writing by the director of any noncompliance and required to provide a schedule whereby corrections will be accomplished.

(b) All food service establishments' grease-handling facilities shall be subject to review, evaluation, and inspection by the city's representatives during normal working hours. Results of inspections will be made available to the owner or operator. The city may make recommendations for correction and improvement.

(c) Each facility will be issued a grease interceptor/trap maintenance log upon initial inspection. Failure to maintain a log shall constitute a violation of this chapter.

(d) Food service establishments receiving two (2) consecutive unsatisfactory evaluations or inspections shall be subject to penalties or other corrective actions as provided for in this chapter. Two (2) consecutive satisfactory inspections need to be conducted to bring the facility into compliance.

(e) Food service establishments that continue to violate the city's grease standards and requirements shall be subject to additional enforcement action, including termination of service.

(f) Food service establishments whose operations cause or allow excessive FOG to discharge or accumulate in the city's collection system shall be liable to the city for costs related to city service calls for line blockages, line cleanings, line and pump repairs, etc., including all labor, materials, and equipment. If the blockage results in a Sewer System Overflow (SSO), and the city is penalized for the SSO, the penalty shall be passed along to the food service establishment.

(g) Regularly scheduled maintenance of grease-handling facilities is required to ensure adequate operation. In maintaining the grease interceptors and/or grease traps, the owner, leaseholder, or operator shall be responsible for the proper removal and disposal of grease by appropriate means and shall maintain an on-site record of dates and means of disposal.

(h) All grease traps and/or grease interceptors shall be cleaned based on the twenty-five percent (25%) rule or when the discharge exceeds fifty (50) mg/L.



FOR EXAMPLE: If the Total Depth (TD) of the grease interceptor (GI) is forty inches (40"), the maximum allowable depth (d) of floatable grease equals forty inches (40") multiplied by 0.25 or  $d=TD \times 0.25$ -10 inches. Therefore, the maximum allowable depth of floatable grease of the vessel should not exceed ten inches (10").

(i) The exclusive use of enzymes, grease solvents, emulsifiers, etc., is not considered acceptable grease trap maintenance practice.

(j) Any food service establishment whose effluent discharge to the wastewater system is determined by the city to cause interference in the conveyance or operation of the wastewater system shall be required to sample the grease interceptor and/or grease trap discharge and have it analyzed for FOG at the expense of the owner, leaseholder, or operator. The city shall approve the sampling plan and shall witness the taking of the samples. The analyses shall be performed by a certified laboratory and the report of such analyses shall be provided to the city.

(k) All grease interceptors and/or grease traps shall be designed and installed to allow for complete access for inspection and maintenance of the inner chamber(s) and viewing and sampling of effluent wastewater discharged to the public sewer. These chambers shall not be visually obscured with soil, mulch, floorings, or pavement of any material.

(l) Food service establishments shall adopt Best Management Practices (BMPs) for handling sources of floatable FOG originating within their facility. A notice shall be permanently posted at a prominent place in the facility advising employees of the BMPs to be followed. The city may render advice regarding the minimization of waste.

(m) Food service establishments shall develop and implement a waste minimization plan pertaining to the disposal of FOG and food particles. The city may render advice or make suggestions regarding the minimization of waste.

(6) Construction standards for new food service establishments. All new food service establishments shall be required to install an outdoor grease interceptor, the design and location of which must be approved in writing by the city prior to installation.

(a) Grease interceptors shall be adequately sized, with no interceptor less than one thousand (1,000) gallons total capacity unless otherwise approved by the city.

(b) The inlet chamber of the vessel will incorporate a PVC open sanitary tee that extends equal to or greater than twelve inches (12") below the water surface. The outlet chamber of the vessel will incorporate a PVC open sanitary tee that extends two-thirds (2/3) below the water surface. The sanitary tees (both inlet and outlet) will not be capped, but opened for visual inspection of the waste stream.

(c) All grease interceptors, whether singular or two (2) tanks in series, must have each chamber directly accessible from the surface to

provide means for servicing and maintaining the interceptor in working and operating condition.

(d) All pot and pan wash, pre-rinse sinks, and scullery and floor drains will connect and discharge to the grease interceptor.

(e) Where automatic dishwashers are not installed, the discharge from those units will discharge directly into the building drainage system without passing through a grease trap, unless otherwise directed by the city.

(f) Where automatic dishwashers are installed, the discharge from those units will discharge directly into the grease interceptor, before entering the building drainage system.

(g) The pre-rinse sink of the automatic dishwasher will discharge directly into the grease interceptor and/or grease traps.

(h) Where food waste grinders are installed, the waste from those units shall discharge directly into the building drainage system without passing through grease interceptor and/or grease traps.

(i) The grease trap is to be installed at least fifteen feet (15') from the last drainage fixture, except as may be approved by the Director.

(j) The grease interceptor is installed at least nine feet (9') from the exterior wall, except as may be approved by the director.

(k) The grease interceptor is not to be installed within a drive-thru pick-up area, underneath menu boards, or in the vicinity of menu boards.

(l) A grease trap may be installed in lieu of a grease interceptor, at the discretion of the city. This determination will be based on engineering concepts that dictate the grease interceptor installation is not feasible. The design and location of the grease trap must be approved in writing prior to installation by the city.

(m) The gallonage capacity of a grease trap shall be equal to or greater than double the gallonage capacity of all drainage fixtures discharging to the grease trap. These fixtures and other potentially grease-containing drains connecting to the grease trap will be determined and approved by the city prior to installation.

(n) No new food service establishments will be allowed to initiate operations until all grease-handling facilities are approved, installed, and inspected by the city.

(o) A basket, screen, or other intercepting device shall prevent passage into the drainage system of solids one-half inch (1/2") or larger in size. The basket or device shall be removable for cleaning purposes.

(7) Construction standards for existing food service establishments. All existing food service establishments shall have grease-handling facilities. Food service establishments without any grease-handling facilities will be given a compliance schedule to have grease-handling equipment installed. Failure to do

so will be considered a violation of this chapter and shall subject the establishment to penalties and/or corrective actions.

(a) In the event that an existing food service establishment's grease-handling facilities are either under-designed or substandard in accordance with this chapter, the owner(s) will be notified in writing of the deficiencies and required improvements and given a compliance schedule.

(b) For cases in which outdoor grease interceptors are infeasible to install, existing food service establishments will be required to install approved under-the-counter grease traps.

(c) Factory-installed flow control fittings must be provided to the inlet side of all under-the-counter grease traps to prevent overloading of the grease trap and to allow for proper operation.

(d) City approval of grease trap design will be obtained prior to installation.

(e) The location of under-the-counter units must be determined and approved by the city prior to installation.

(f) Wastewater from garbage grinders should not be discharged to grease interceptors.

(g) Wastewater from automatic dishwashers should be discharged to grease interceptors.

(h) Wastewater from the pre-rinse sink of the automatic dishwasher shall discharge directly into grease interceptors.

(i) In maintaining grease interceptors, the owner(s) shall be responsible for the proper removal and disposal of captured material and shall maintain records of the dates and means of disposal.

(j) The exclusive use of enzymes, grease solvents, emulsifiers, etc., is not considered acceptable grease trap maintenance practice. All grease interceptors must be cleaned based on the twenty-five percent (25%) rule. (Ord. #O-04-10, Oct. 2010)

**18-106. Extension of sewer service.** Extensions or modifications of the wastewater system shall be accomplished in accordance with the sewer service extension policy of the city, as may be amended from time to time. (Ord. #O-04-10, Oct. 2010)

**18-107. Conflict.** (1) Conflict with other ordinances and regulations. All other ordinances and regulations and parts of other ordinances and regulations inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict. This chapter shall not affect any litigation or other proceedings pending at the time of its adoption.

(2) Conflict with federal, state, or local law. Nothing in this chapter is intended to affect any requirements, including standards or prohibitions established by federal, state, or local law, so long as federal, state, or local

requirements are not less stringent than the requirements set forth in this chapter. (Ord. #O-04-10, Oct. 2010)

**18-108. Amendments.** The city reserves the right to amend this chapter. (Ord. #O-04-10, Oct. 2010)

**18-109. Violations and penalty.** Wherever in this title an act is prohibited or is made or declared to be unlawful, the violation of such provision shall be punishable by a civil penalty not to exceed a fifty dollar (\$50.00) fine, in addition to any administrative and/or court costs and fees, and/or in addition to any applicable state or federal penalties. Each day of violation constitutes a separate offense.

## CHAPTER 2

### SEWER RATES, FEES AND CHARGES

#### SECTION

18-201. Rates.

18-202. Fees and charges.

**18-201. Rates.** (1) Free service prohibited. Wastewater service shall not be furnished or rendered free of charge to any person or user, as defined in chapter 1.

(2) Wastewater usage rates. Wastewater service shall be charged at rates established by the City of Blaine. Users will be charged a minimum based on the number of water meters installed unless one (1) water meter is used to serve multiple units. In such cases, each unit will be charged at least the minimum monthly fee for each individual unit served. The monthly wastewater rate schedule shall be on as follows:

#### City of Blaine Wastewater Fee Schedule

##### Residential

Thirty-four dollars (\$34.00) (minimum bill) for the first one thousand (1,000) gallons of water used.

All additional gallons of water used are billed at the rate of fifteen dollars (\$15.00) per one thousand (1,000) gallons

##### Commercial

Thirty-four dollars (\$34.00) (minimum bill) for the first five hundred (500) gallons. Then an additional fifteen dollars (\$15.00) for the first five hundred to one thousand (500-1,000) gallons, then fifteen dollars (\$15.00) for each additional 1,000 gallons used.

##### Well Users

Thirty-four dollars (\$34.00) (minimum bill). If two (2) or more people reside at the same residence they will be billed for a minimum of two thousand (2,000) gallons (an additional fifteen dollars (\$15.00)) unless proof is made that you use less than two thousand (2,000) gallons a month.

Any residence within three hundred feet (300') of the main sewer line shall be accessed the minimum bill even if they are not connected to the City of Blaine's sewer system.

(3) Delinquent payments. (a) Wastewater usage charges shall be paid by the due date.

(b) Usage charges that are not paid by the due date shall be assessed a penalty in the amount of ten percent (10%) of the amount due. Should wastewater usage charges and related penalties remain unpaid by the tenth day of the month following the due date, the water meter may be removed from service, unless there are extenuating circumstances in the opinion of the city.

(c) It shall be the responsibility of the person to whom the wastewater usage charges are assessed to pay all charges and past due amounts before reconnection of service. (Ord. #O-19-02, \_\_\_\_\_)

**18-202. Fees and charges.** (1) Application fee. A non-refundable application fee in the amount of one hundred dollars (\$100.00) shall be paid by the applicant for wastewater service at the time the application is filed with the city.

(2) Connection (tap) fee. A non-refundable fee in the amount appropriate in the following table shall be paid prior to beginning construction of the wastewater facilities to be completed by the applicant, including individual service connections, to cover the cost of the connection to the wastewater system.

**Table of Capacity Fees**

	<u>Description of Service</u>	<u>Amount</u>
(a)	Single family residential tap fee	\$800.00
(b)	Commercial tap fee	\$800.00

The customer must provide installation of E-1 pumping station, installation of sewer line and any excavation or road bore. Specs for pump and installation can be obtained at Blaine City Hall.

(3) Returned check charge. A charge of thirty dollars (\$30.00) or the amount of the check, whichever is lesser, will be applied to any user or potential user whose check for payment of any rates, fees or charges related to wastewater service is returned to the city due to insufficient funds, or for any other reason.

(4) Reconnection charge. A charge of twenty-five dollars (\$25.00) will be applied to any user which has been disconnected for non-payment before reinstatement will be permitted. (Ord. #O-19-02, \_\_\_\_\_)

**TITLE 19**

**ELECTRICITY AND GAS**

[RESERVED FOR FUTURE USE]

**TITLE 20****MISCELLANEOUS****CHAPTER****1. UTILITIES POLICY.****CHAPTER 1****UTILITIES POLICY****SECTION**

20-101. Installation of utility lines.

20-102. Violations and penalty.

**20-101. Installation of utility lines.** Before any individual, family, corporation, utility, business, firm, or other entity attempts to install utility lines, approval must be given by the planning commission. A minimum size water line of six inches (6") and a sewer line of four inches (4") is acceptable. A smaller size line will be permitted only when the length of the line does not exceed seven hundred feet (700') and there is no potential for future development. Service lines to one (1) house are not required to have planning commission approval provided the service line cannot be tapped onto by any other residential business or industrial use, and provided the service line does not extend from the main line over three hundred feet (300'). (1997 Code, § 20-101, modified)

**20-102. Violations and penalty.** A violation of this chapter constitutes a civil ordinance violation punishable by a civil penalty not to exceed a fifty dollar (\$50.00) fine, in addition to any administrative and/or court costs and fees, and/or in addition to any applicable state or federal penalties. Each day of violation constitutes a separate offense.



ORDINANCE NO. 1-21-01**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF BLAINE, TENNESSEE.**

WHEREAS some of the ordinances of the City of Blaine are obsolete, and

WHEREAS some of the other ordinances of the City of Blaine are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the City of Blaine, 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 "Blaine Municipal Code," now, therefore:

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

**Section 1. Ordinances codified.** The ordinances of the City of Blaine 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 "Blaine 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 fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

Each day any violation of the municipal code continues shall constitute a separate civil offense.<sup>1</sup>

**Section 6. Severability clause.** Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances

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<sup>1</sup>State law reference

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

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.

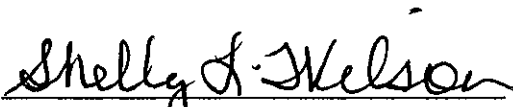
Passed 1st reading, March 15, 2021

Passed 2nd reading, April 19, 2021

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney