

**THE  
CROSS PLAINS  
MUNICIPAL  
CODE**

Prepared by the

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

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

June 1994

**CITY OF CROSS PLAINS, TENNESSEE**

**MAYOR**

Barry Faulkner

**VICE MAYOR**

Jimmy Villines

**COMMISSIONER**

Jimmy Stark  
Carl Swann  
Charles Yates

**MANAGER**

Chip Hellmann

**RECORDER**

Tammy Covington

## Preface

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

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

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

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

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

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

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

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

The able assistance of Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, and Tracy Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini  
Codification Specialist

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

1. General power to enact ordinances: (6-19-101)
2. All ordinances shall begin, "Be it ordained by the City of Cross Plains as follows:" (6-20-214)
3. Ordinance procedure.--(a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-23 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.
  - (b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.
  - (c) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.
  - (d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance. (6-20-215)
4. Publication of penal ordinances--Effective date.--
  - (a) Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city.
  - (b) No such ordinance shall take effect until the ordinance, or its caption, is published except as otherwise provided in chapter 54 part 5 of this title. (6-20-218)

**TITLE 1****GENERAL ADMINISTRATION<sup>1</sup>****CHAPTER****1. BOARD OF COMMISSIONERS.****CHAPTER 1****BOARD OF COMMISSIONERS<sup>2</sup>****SECTION**

1-101. Time and place of regular meetings.

1-102. Ordinances.

1-103. Election date.

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<sup>1</sup>Charter reference

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

Municipal code references

Utilities: titles 18 and 19.

Water and sewers: title 18.

Zoning: title 14.

<sup>2</sup>Charter reference

For detailed provisions of the charter related to the election, and to general and specific powers and duties of, the board of commissioners, see Tennessee Code Annotated, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

Appointment and removal of city judge: § 6-21-501.

Appointment and removal of city manager: § 6-21-101.

Compensation of city attorney: § 6-21-202.

Creation and combination of departments: § 6-21-302.

Subordinate officers and employees: § 6-21-102.

Taxation

Power to levy taxes: § 6-22-108.

Change tax due dates: § 6-22-113.

Power to sue to collect taxes: § 6-22-115.

Removal of mayor and commissioners: § 6-20-220.

**1-101. Time and place of regular meetings.** Regular meetings of the Board of Commissioners of the City of Cross Plains, Tennessee shall be held at 7:00 P.M., on the first Thursday of each month at the municipal building. (Ord. #90-1, March 1990)

**1-102. Ordinances.** The caption of an ordinance shall be read on the first and second reading, and the ordinance shall be read in its entirety on the third reading. (Ord. #79-9, Sept. 1979)

**1-103. Election date.** Pursuant to Tennessee Code Annotated, § 6-20-102(c)(2), the election date for the City of Cross Plains shall be the date of the regular November election as defined in Tennessee Code Annotated, § 2-1-104(24).

The commissioner elected in the city election to be held July, 1989 shall serve a transitional term until the regular November election in 1992.

The two commissioners elected in the city election to be held in July, 1991 shall serve transitional terms until the regular November election in 1994. (Ord. #87-3, Oct. 1987)

**TITLE 2**

**BOARDS AND COMMISSIONS, ETC.**

**[RESERVED FOR FUTURE USE]**



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

**CHAPTER**  
1. CITY JUDGE.

**CHAPTER 1**

**CITY JUDGE**

**SECTION**

- 3-101. Qualification.  
3-102. Compensation.

**3-101. Qualification.** Any city judge appointed by the board of commissioners shall be at least 21 years of age. (Ord. #5-73, December 1973)

**3-102. Compensation.** The compensation of the city judge shall be \$100.00 per month. (Ord. #5-73, December 1973, as amended by Ord. #81-3, June 1981, Ord. #82-7, Oct. 1982, Ord. #83-1, Sept. 1983, Ord. 85-3, Sept. 1985, Ord. #88-5, Sept. 1988, Ord. #90-5, Oct. 1990, and Ord. 91-6, Oct. 1991)

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<sup>1</sup>Charter references

For provisions of the charter governing the city judge and city court operations, see Tennessee Code Annotated, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:

City judge:

Appointment and term: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

City court operations:

Appeals from judgment: § 6-21-508.

Appearance bonds: § 6-21-505.

Arrest warrants: § 6-21-504.

Docket maintenance: § 6-21-503.

Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

**TITLE 4****MUNICIPAL PERSONNEL****CHAPTER****1. INFECTIOUS DISEASE CONTROL POLICY.****CHAPTER 1****INFECTIOUS DISEASE CONTROL POLICY****SECTION**

- 4-101. Purpose.
- 4-102. Coverage.
- 4-103. Administration.
- 4-104. Definitions.
- 4-105. Policy statement.
- 4-106. General guidelines.
- 4-107. Hepatitis B vaccinations.
- 4-108. Reporting potential exposure.
- 4-109. Hepatitis B virus post-exposure management.
- 4-110. Human immunodeficiency virus post-exposure management.
- 4-111. Disability benefits.
- 4-112. Training regular employees.
- 4-113. Training high risk employees.
- 4-114. Training new employees.
- 4-115. Records and reports.
- 4-116. Legal rights of victims of communicable diseases.

**4-101. Purpose.** It is the responsibility of the City of Cross Plains to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the City of Cross Plains, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (as added by Ord. #96-2, March 1996)

**4-102. Coverage.** Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to infectious materials from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;
- (3) Housekeeping and laundry workers;
- (4) Police and security personnel;
- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination. (as added by Ord. #96-2, March 1996)

**4-103. Administration.** This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
- (3) Maintain records of all employees and incidents subject to the provisions of this chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the board of commissioners any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- (8) Perform such other duties and exercise such other authority as may be prescribed by the board of commissioners. (as added by Ord. #96-2, March 1996)

**4-104. Definitions.** (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(2) "Exposure" - the contact with blood or other potentially infectious materials to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(5) "Tuberculosis (TB)" - an acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected. (as added by Ord. #96-2, March 1996)

**4-105. Policy statement.** All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (as added by Ord. #96-2, March 1996)

**4-106. General guidelines.** General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or other potentially infectious materials which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or other potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(5) The city will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or other potentially infectious materials to which universal precautions apply:

- (a) While handling an individual where exposure is possible;
- (b) While cleaning or handling contaminated items or equipment;
- (c) While cleaning up an area that has been contaminated with one of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employees shall not wash or disinfect surgical or examination gloves for reuse.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel to provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other potentially infectious materials to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other potentially infectious materials.

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10

parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

(10) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120° are adequate for decontamination.

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. NOTE: Sharp objects must be placed in an impervious container and shall be properly disposed of.

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(b) The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.

(c) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(13) Linen soiled with blood or other potentially infectious materials shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transported soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with potentially infectious materials.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (as added by Ord. #96-2, March 1996)

**4-107. Hepatitis B vaccinations.** The City of Cross Plains shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who

shall make the appropriate arrangements through the Infectious Disease Control Coordinator. (as added by Ord. #96-2, March 1996)

**4-108. Reporting potential exposure.** City employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

(1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.

(2) Complete the appropriate accident reports and any other specific form required.

(3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (as added by Ord. #96-2, March 1996)

**4-109. Hepatitis B virus post-exposure management.** For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (ie., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (as added by Ord. #96-2, March 1996)

**4-110. Human immunodeficiency virus post-exposure management.** For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure.

The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (as added by Ord. #96-2, March 1996)

**4-111. Disability benefits.** Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of T.C.A. 50-6-303. (as added by Ord. #96-2, March 1996)

**4-112. Training regular employees.** On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (as added by Ord. #96-2, March 1996)

**4-113. Training high risk employees.** In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (as added by Ord. #96-2, March 1996)

**4-114. Training new employees.** During the new employee's orientation to his/her job, all new employee will be trained on the effects of



infectious disease prior to putting them to work. (as added by Ord. #96-2, March 1996)

**4-115. Records and reports.** (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e. gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (as added by Ord. #96-2, March 1996)

**4-116. Legal rights of victims of communicable diseases.** Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and, or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the city attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the city attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or city attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil/and/or criminal prosecution. (as added by Ord. #96-2, March 1996)

**TITLE 5****MUNICIPAL FINANCE AND TAXATION<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. LOCAL SALES TAX.

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

- 5-101. Official depository for city funds.  
5-102. Fiscal year of the city.

**5-101. Official depository for city funds.** The First National Bank of Springfield is hereby designated as the official depository for all city funds.<sup>2</sup> (Ord. #79-10, Oct. 1979)

**5-102. Fiscal year of the city.** The fiscal year of the City of Cross Plains shall be from the 1st day of July to the 30th day of June of the year next following.<sup>3</sup> (Ord. #1-73, Aug. 1973)

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<sup>1</sup>Charter reference

Finance and taxation: title 6, chapter 22.

<sup>2</sup>Charter reference

Tennessee Code Annotated, § 6-22-120 prescribes depositories for city funds.

<sup>3</sup>Charter reference

Tennessee Code Annotated, § 6-22-121 provides that the fiscal year of the city shall begin on July 1 unless otherwise provided by ordinance.

## CHAPTER 2

### LOCAL SALES TAX

#### SECTION

5-201. Authorization of tax.

5-202. Collection of tax.

**5-201. Authorization of tax.** As authorized by Tennessee Code Annotated, § 67-6-701 as amended, there is levied a tax in the same manner and on the same privileges subject to the Retailer's Sales Tax Act under T.C.A., title 67, chapter 6, as the same may be amended, which are exercised in the City of Cross Plains. The tax is levied on all such privileges at a rate of three eighteenths ( $3/18$ th) of the present four and one-half ( $4\frac{1}{2}$ ) percent state rate in order to provide for a three fourths ( $3/4$ ) percent tax rate as that rate may be limited or reduced by statute. (Ord. #82-2, May 1982)

**5-202. Collection of tax.** (1) If a majority of those voting in the election required by T.C.A., § 67-6-706, vote for the ordinance, collection of the tax levied by this chapter shall begin on the first day of the month occurring 30 or more days after the county election commission makes it official canvass of the election returns.

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

(3) In the event the tax is collected by the Department of Revenue, suits for the recovery of any tax illegally assessed or collected shall be brought against the mayor. (Ord. #82-2, May 1982)

**TITLE 6**

**LAW ENFORCEMENT**

**CHAPTER**

**1. POLICE AND ARREST.**

**CHAPTER 1**

**POLICE AND ARREST**

**SECTION**

6-101. Police officer to allow deposit of license in lieu of bond.

**6-101. Police officer to allow deposit of license in lieu of bond.** If an officer deems it necessary, he may allow a driver of a vehicle to deposit his chauffeur's or operators license with the officer or to the court and demand bail in lieu of any other security required for his appearance in city court.

In such case, the operator will have been issued a citation or arrested and charged with a violation of any municipal ordinance or state statute regulating traffic.

The drivers license will be returned to the operator when the operator has complied with decree of the law.

The matter of seizing the operator's drivers license be left up to the judgment of the police officer on duty. Only if the police officer deems it necessary will the operator's license be confiscated. (Ord. #92-8, Dec. 1992)

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

- 7-101. Definition of fireworks.
- 7-102. Prohibition of sale.
- 7-103. Exceptions.
- 7-104. Confiscation.
- 7-105. Violation.
- 7-106. Non-conforming use.

**7-101. Definition of fireworks.** The term "fireworks" as used in this chapter shall be held to mean any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, expulsion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, Daygo Bombs, sparklers and other fireworks of like construction and any fireworks containing any explosive or flammable compound or any tablets or other device containing any explosive substance except that the term "fireworks" shall not include model rockets and model rocket engines designed, sold and used for the purpose of propelling recoverable aero models and shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Each package containing toy paper and/or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. (Ord. #89-4, Sept. 1989)

**7-102. Prohibition of sale.** Except as hereinafter provided, it shall be unlawful for any person, firm or corporation to offer for sale, expose for sale, or sell at retail, any fireworks within the City of Cross Plains. (Ord. #89-4, Sept. 1989)

**7-103. Exceptions.** Any person, firm or corporation engaged in the sale of goods, wares and merchandise at wholesale may store pyrotechnic or

fireworks as defined in this chapter provided that no sales are made within the City of Cross Plains and provided further that the storage of said pyrotechnics or fireworks shall be subject to the inspection of the city or his designated representative. (Ord. #89-4, Sept. 1989)

**7-104. Confiscation.** Any fireworks stored, sold or offered for sale in the City of Cross Plains contrary to provisions of this chapter may be forthwith confiscated and destroyed by the City of Cross Plains. (Ord. #89-4, Sept. 1989)

**7-105. Violation.** Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25.00 nor more than \$50.00 provided however, that each days violation of the provisions hereof shall constitute a separate offense. (Ord. #89-4, Sept. 1989)

**7-106. Non-conforming use.** Fireworks sales may take place only in permanent buildings and by businesses which are in the principle business of fireworks twelve (12) months a year in the City of Cross Plains. (Ord. #89-4, Sept. 1989, as amended by Ord. #92-9, Jan. 1993)

**TITLE 8****ALCOHOLIC BEVERAGES<sup>1</sup>****CHAPTER****1. BEER.****CHAPTER 1****BEER<sup>2</sup>****SECTION**

- 8-101. Beer board established.
- 8-102. Meetings of the beer board.
- 8-103. Record of beer board proceedings to be kept.
- 8-104. Requirements for beer board quorum and action.
- 8-105. Powers and duties of the beer board.
- 8-106. "Beer" defined.
- 8-107. Permit required for engaging in beer business.
- 8-108. Privilege tax.
- 8-109. Beer permits shall be restrictive.
- 8-110. Interference with public health, safety, and morals prohibited.
- 8-111. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-112. Prohibited conduct or activities by beer permit holders.
- 8-113. Suspension and revocation of beer permits.
- 8-114. Civil penalty in lieu of suspension.

**8-101. Beer board established.** There is hereby established a beer board to be composed of five (5) members appointed by the board of commissioners. A chairman shall be elected annually by the board from among its members. (Ord. #93-6, Nov. 1993)

**8-102. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he

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<sup>1</sup>State law reference  
Tennessee Code Annotated, title 57.

<sup>2</sup>State law reference  
For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).



gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #93-6, Nov. 1993)

**8-103. Record of beer board proceedings to be kept.** The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the beer board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. #93-6, Nov. 1993)

**8-104. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #93-6, Nov. 1993)

**8-105. Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the municipality in accordance with the provisions of this chapter. (Ord. #93-6, Nov. 1993)

**8-106. "Beer" defined.** The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. #93-6, Nov. 1993)

**8-107. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to T.C.A. § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250). Said fee shall be made payable to the City of Cross Plains. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (Ord. #93-6, Nov. 1993)

**8-108. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994 and each successive January 1, to the City of Cross Plains, Tennessee. At the time a new permit is

issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #93-6, Nov. 1993)

**8-109. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (Ord. #93-6, Nov. 1993)

**8-110. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred feet of any hospital, school, church or other place of public gathering. The distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the beer will be manufactured, stored, or sold to the nearest point on the property line of the hospital, school, church or other place of public gathering. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, church or other place of public gathering if a valid permit had been issued to any business on that same location as of January 1, 1993, unless beer is not sold, distributed or manufactured at that location during any continuous six month period after January 1, 1993. (Ord. #93-6, Nov. 1993)

**8-111. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permits shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have 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 years. (Ord. #93-6, Nov. 1993)

**8-112. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

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

(2) Make or allow any sale of beer to a person under twenty one (21) years of age.

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

(4) Allow drunk persons to loiter about his premises.

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

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

(7) Make or allow any sale of beer between the hours of 6:00 A.M. Sunday morning until 1:00 P.M. the same day. (Ord. #93-6, Nov. 1993, modified)

**8-113. Suspension and revocation of beer permits.** The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the beer board. (Ord. #93-6, Nov. 1993)

**8-114. Civil penalty in lieu of suspension.** The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (Ord. #93-6, Nov. 1993)

## TITLE 9

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

#### CHAPTER

1. PARADE AND PUBLIC GATHERINGS.
2. FAIRS AND CARNIVALS.
3. CABLE TELEVISION.

#### CHAPTER 1

### PARADE AND PUBLIC GATHERINGS

#### SECTION

- 9-101. Definitions.
- 9-102. Purposes.
- 9-103. Permit.
- 9-104. Application.
- 9-105. Standards for issuance.
- 9-106. Duties of permittee.
- 9-107. Revocation of permit.
- 9-108. Notice to city officials.
- 9-109. Violation and penalty.

**9-101. Definitions.** The following words, for the purpose of this chapter shall have the following meanings:

(1) "Parade" or "public gatherings" is any meeting, parade, demonstration, exhibitions, festival, homecoming, assembly, donations collected for any purpose or other such event to be held in, upon, or along any street, or on any other city owned outdoor public place in Cross Plains.

(2) "City" is the City of Cross Plains.

(3) "Parade permit" is a permit as required by this chapter.

(4) "Person" is any person, firm, group, partnership, association, corporation, company or organization of any kind. (Ord. #92-4, June 1992)

**9-102. Purposes.** (1) The City of Cross Plains recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.

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<sup>1</sup>Municipal code references

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

(2) The city passes this chapter to regulate the time, place, and manner of parades.

(3) The City of Cross Plains passes this chapter in the interest of all its citizens' public safety, health, welfare, comfort and convenience.

(4) The City of Cross Plains has limited resources and passes this chapter so that it may properly allocate these resources among its citizens.

(5) The purpose of this chapter is to promote order, safety, tranquility in the streets of the city.

(6) This chapter is passed to help minimize traffic and business interruption on or along city streets and public places. (Ord. #92-4, June 1992)

**9-103. Permit.** (1) No person shall parade or hold a gathering unless a parade permit has been obtained from the Cross Plains Board of Commissioners. Any parade held without the proper permit shall be unlawful. One permit per year to any person or organization for a public gathering or parade is deemed sufficient to the Cross Plains Board of Commissioners.

(2) This chapter shall not apply to funeral processions on the public streets. (Ord. #92-4, June 1992)

**9-104. Application.** (1) Any person seeking issuance of a parade permit shall file an application with the city recorder on forms provided by the city recorder. The city recorder shall place the request for a parade permit on the agenda of the next meeting of the board of commissioners, for action by it in the normal course of business.

(2) The application for a parade permit shall be filed in writing with the city recorder not less than thirty (30) days prior to the contemplated parade or ten days prior to any regularly scheduled called meeting of the Cross Plains Board of Commissioners. No permit shall be granted sooner than 180 days prior to the contemplated parade. A copy of the application shall be given to the chief of police who shall investigate and make a report to the board of commissioners.

(3) The application for a parade permit shall set forth the following information:

(a) The name, address, and telephone number of the person seeking to conduct a parade or gathering, or of the organization and its responsible heads;

(b) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(c) The date when the parade or gathering is to be conducted;

(d) The route to be travelled, the starting point, and termination point;

(e) The approximate number of persons who, and animals which will constitute such parade; the type of animals and description of the vehicles;

(f) The hours when the parade or gathering will begin and end;

- (g) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- (h) The location by street of any assembly area(s);
- (i) The time at which units of the parade will begin to assemble at any assembly areas;
- (j) The interval of space to be maintained between units of the parade;
- (k) If the parade or gathering is to be held on behalf of any person other than the applicant, the authorization of that person; and
- (l) Whether the applicant has been convicted for the violation of the city parade ordinance of the City of Cross Plains.

(4) The Cross Plains Board of Commissioners shall decide whether to grant the application for a permit. The board may consult with the chief of police in making their decision.

(5) The board of commissioners in cooperation with the chief of police shall have the authority to designate the starting point, route, terminal point or other time, place and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace or order. (Ord. #92-4, June 1992)

**9-105. Standards for issuance.** (1) The Cross Plains Board of Commissioners shall issue a parade permit upon consideration of the application and other information obtained when they find that:

- (a) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;
- (b) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services;
- (c) The parade is scheduled to move from its origin to its termination expeditiously and without reasonable delay;
- (d) No other permit has been granted for the same day;
- (e) A permit shall be granted to the first person properly applying under the requirements of this chapter;
- (f) No permit shall be granted for a parade except those restricted to the following time:
  - (i) No earlier than 8:00 A.M.
  - (ii) No later than 12:00 Midnight.

The city recorder shall notify the applicant within five days after the action of the board commissioners if the permit has been denied or granted. If denied, the city recorder will set forth the reasons why. (Ord. #92-4, June 1992)

**9-106. Duties of permittee.** A permittee shall comply with application information, permit directions and conditions and with all applicable laws and ordinances.

The permittee shall advise parade participants of such permit requirements.

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade. (Ord. #92-4, June 1992)

**9-107. Revocation of permit.** The board of commissioners shall have authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance as herein set forth if it is found that:

- (1) Applicant materially misrepresented facts or information in the application.
- (2) Applicant failed to meet the standards for issuance set forth herein.
- (3) A public emergency arises requiring revocation to protect the safety of persons or property.
- (4) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants occurs. (Ord. #92-4, June 1992)

**9-108. Notice to city officials.** Immediately upon issuance of a parade permit, the city recorder shall send a copy of the permit to the following: the mayor; the fire chief; chief of police. (Ord. #92-4, June 1992)

**9-109. Violation and penalty.** It shall be unlawful for any person to parade without first obtaining a permit as required by this chapter.

It shall be unlawful for any person to participate in a parade, or public gathering in Cross Plains for which a permit has not been granted.

It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

Any person violating the provisions of any section of this chapter shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each violation. (Ord. #92-4, June 1992)

## CHAPTER 2

### FAIRS AND CARNIVALS

#### SECTION

9-201. Report required to be filed with the city manager.

9-202. City manager to inspect premises.

9-203. Issuance of license.

9-204. License fee.

9-205. Permit to be displayed.

9-206. Definitions.

9-207. Appeals to board of commissioners.

9-208. Violation and penalty.

**9-201. Report required to be filed with city manager.** Each person, corporation, or organization shall file with the city manager a report of the location of any such fair or carnival prior to the first day on which such activity will be open to the public. In addition to the location, the report shall also contain a statement of the duration of the fair or carnival, the type of activities that will be conducted, the name and address of a person who will be in charge of the activity or who will conduct the fair or carnival. The report shall also include a list and description of games, rides, contests, entertainment or activities that will be conducted at the fair or carnival giving a particular description of the activities. (Ord. #92-7, Dec. 1992)

**9-202. City manager to inspect premises.** Upon filing the report the city manager will inspect or cause to be inspected the activity for the purpose of determining if the activity creates a health, safety, and/or welfare threat to the citizens of the City of Cross Plains. The inspection will also be for the purpose of determining if any games, rides, contests, or amusements are safe or present hazards to the public and if any special provisions must be put in place to control crowds and/or traffic. (Ord. #92-7, Dec. 1992)

**9-203. Issuance of license.** Following the inspection, if the city manager finds the activities planned to be in compliance with state, county, and local laws and further finds no health, safety, or welfare violations, he will issue or cause to be issued a "Fair Permit" expressly authorizing the activity to be conducted in the City of Cross Plains as a public fair. This license shall be dated and shall expire at the end of two weeks per year and may be issued for ongoing fairs. (Ord. #92-7, Dec. 1992, as amended by Ord. #95-1, April 1995)

**9-204. License fee.** The City of Cross Plains is authorized and empowered to collect a license fee of \$100.00 per year for one two-week time



period for issuing their permit. (Ord. #92-7, Dec. 1992, as amended by Ord. #95-1, April 1995)

**9-205. Permit to be displayed.** The fair permit will be displayed on the premises of the business clearly visible to the public. (Ord. #92-7, Dec. 1992)

**9-206. Definitions.** For purposes of this chapter a "public fair" or "carnival" is defined as a gathering of buyers and sellers for the purpose of exhibiting and selling goods accompanied by any amusement, contest, or entertainment in which goods or prizes or premiums are awarded or offered at the location. (Ord. #92-7, Dec. 1992)

**9-207. Appeals to board of commissioners.** Any person adversely affected by a determination of the city manager may appeal his decision to the board of commissioners within 10 days of an unfavorable determination. (Ord. #92-7, Dec. 1992)

**9-208. Violation and penalty.** A violation of this chapter shall be punishable by a fine not to exceed fifty dollars. (Ord. #92-7, Dec. 1992)

## CHAPTER 3

### CABLE TELEVISION

#### SECTION

9-301. To be furnished under franchise.

9-302. Regulations for basic cable television service.

**9-301. To be furnished under franchise.** Cable television service shall be furnished to the City of Cross Plains and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the City of Cross Plains and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>1</sup>

**9-302. Regulations for basic cable television service.** Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority of said Act certifying the City of Cross Plains to regulate basic cable television service within the boundaries of Cross Plains; and for the purposes of regulating the rates charged to customers of any cable television operator franchised by the City of Cross Plains, the regulations contained in Title 47 of the Code of Federal Regulations, Part 76, Subpart N, sections 76.900 through 76.985, are hereby adopted and incorporated by reference as a part of this code.

Whenever the regulations cited in this section refer to "franchising authority", it shall be deemed to be a reference to the City of Cross Plains. (Ord. #93-7, May 1994)

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. #87-1, dated January, 1987, in the office of the city recorder.

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

1. IN GENERAL.
2. DOGS.

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

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

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

Vietnamese Pot-Bellied Pigs will not be considered "livestock" and will be allowed as pets as long as they are penned or on a leash and not allowed to run loose. There shall be only one (1) such animal per acre in subdivisions and trailer parks.

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (Ord. #93-5, Nov. 1993, as amended by Ord. #93-8, June 1994)

**10-102. Pen or enclosure to be kept clean.** When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (Ord. #93-5, Nov. 1993)

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

All feed shall be stored and kept in a rat-proof and fly-tight building, box or receptacle. (Ord. #93-5, Nov. 1993)

**10-104. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease or other reason. (Ord. #93-5, Nov. 1993)

**10-105. Cruel treatment prohibited.** It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (Ord. #93-5, Nov. 1993)

**10-106. Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the police officer or other properly designated officer or official and confined in a pound provided or designated by the board of commissioners. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of commissioners.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of commissioners, to cover the costs of impoundment and maintenance. (Ord. #93-5, Nov. 1993)

## CHAPTER 2

### DOGS

#### SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of dangerous or infected dogs running at large.
- 10-209. Fines and penalties.

**10-201. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (Ord. #93-5, Nov. 1993)

**10-202. Dogs to wear tags.** It shall be unlawful for any person to own, keep or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (Ord. #93-5, Nov. 1993)

**10-203. Running at large prohibited.**<sup>1</sup> It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (Ord. #93-5, Nov. 1993)

**10-204. Dogs to be securely restrained.** It shall be unlawful for any person to own or keep any dog known to be dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (Ord. #93-5, Nov. 1993, as amended by Ord. #95-4, Sept. 1995)

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<sup>1</sup>State law reference

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

**10-205. Noisy dogs prohibited.** No person shall own, keep or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (Ord. #93-5, Nov. 1993)

**10-206. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (Ord. #93-5, Nov. 1993)

**10-207. Seizure and disposition of dogs.** Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of commissioners. If said dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of commissioners, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag, it shall be sold or humanely destroyed unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar. (Ord. #93-5, Nov. 1993)

**10-208. Destruction of dangerous or infected dogs running at large.** When, because of its dangerousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer.<sup>1</sup> (Ord. #93-5, Nov. 1993, as amended by Ord. #95-4, Sept. 1995)

**10-209. Fines and penalties.** The following fines have been approved by the board of commissioners: Second time picked up \$25. Third time picked up \$50. Any dog that has harmed a person hospital bills. (Ord. #93-5, Nov. 1993, as amended by Ord. #95-4, Sept. 1995)

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<sup>1</sup>State law reference

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

## TITLE 11

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

#### CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PERSON.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. FIREARMS, WEAPONS AND MISSILES.
5. TRESPASSING.
6. MISCELLANEOUS.

#### CHAPTER 1

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

#### SECTION

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

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premises consumption. (Ord. #79-6, Aug. 1979)

**11-102. Minors in beer places.** No person under twenty-one (21) years of age shall loiter in or around or otherwise frequent any place where beer is sold at retail for consumption on the premises. (Ord. #79-6, Aug. 1979, modified)

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<sup>1</sup>Municipal code references

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

<sup>2</sup>Municipal code reference

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

State law reference

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

**CHAPTER 2**

**OFFENSES AGAINST THE PERSON**

**SECTION**

11-201. Assault and battery.

**11-201. Assault and battery.** It shall be unlawful for any person to commit an assault or an assault and battery. (Ord. #79-6, Aug. 1979)



## CHAPTER 3

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

**11-301. Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (Ord. #79-6, Aug. 1979)

**11-302. 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) **Blowing horns.** The sounding of any horn or other device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) **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. (Ord. #79-6, Aug. 1979)

CHAPTER 4

**FIREARMS, WEAPONS AND MISSILES**

**SECTION**

11-401. Discharge of firearms.

**11-401. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (Ord. #79-6, Aug. 1979, modified)

**CHAPTER 5****TRESPASSING****SECTION**

11-501. Trespassing.

**11-501. Trespassing.** The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge. (Ord. #79-6, Aug. 1979)

**CHAPTER 6****MISCELLANEOUS****SECTION**

11-601. Curfew for minors.

11-602. Unlawful to loiter during school hours.

**11-601. Curfew for minors.** It shall be unlawful for any person, under the age of eighteen (18) years to be abroad at night between 11:00 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult having lawful custody of such minor. (Ord. #79-6, Aug. 1979)

**11-602. Unlawful to loiter during school hours.** (1) A child who has not reached his/her eighteenth (18<sup>th</sup>) birthday, and being subject to the state compulsory attendance law, Tennessee Code Annotated, § 49-6-3001, shall not loiter, idle, wander or play in or upon the public streets, highways, alleys, parks or other public places, buildings, business, places of amusement and entertainment, vacant lots or other unsupervised places during those hours he/she is required to be in school under the state compulsory school attendance law. Further, no child shall be taken into custody for the violation of this section until an investigation with the proper school officials has been made to determine if the child is required to be in school.

(2) No parent, guardian or other adult person who has been delegated the care and custody of such child under the age of eighteen (18), shall knowingly permit such child to violate the provisions of this section. A parent, guardian or other person who has been delegated the care or custody of such child found to be in violation of this section shall be punishable by a fine of not more than \$50.00. (as added by Ord. #97-1, March 1997)

**TITLE 12****BUILDING, UTILITY, ETC. CODES****CHAPTER****1. BUILDING 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 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code<sup>2</sup>, 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code.

**12-102. Modifications.** (1) Definitions. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of commissioners. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the building code.

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

(2) Permit fees. The recommended schedule of permit fees set forth in Appendix "B" of the building code is adopted.

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

**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 this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. OPEN BURNING.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds.
- 13-104. Health and sanitation nuisances.

**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. (Ord. #1-74, July 1974)

**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 to effectively prevent the breeding of mosquitoes. (Ord. #1-74, July 1974)

**13-103. Weeds.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (Ord. #1-74, July 1974)

**13-104. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-101.

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. (Ord. #1-74, July 1974)



## 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 order.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

**13-201. Findings of board.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of commissioners 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 insanitary, 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) "Municipality" shall mean the City of Cross Plains, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

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

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

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

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

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

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

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

**13-205. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order: (1) if the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the

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

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

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

**13-208. Lien for expenses; sale of salvage materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Robertson County, 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. 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 action for debt against more than one 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 action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Robertson County by the public officer, shall be secured in such manner as may be directed by such court, and shall be

disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Cross Plains 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 public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Cross Plains; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness.

**13-210. Service of complaints or orders.** Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Robertson 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 order.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such suit in the court.

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

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

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

**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.

Violations of this section shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

## CHAPTER 3

### OPEN BURNING

#### SECTION

- 13-301. Purpose.
- 13-302. Outdoor burning - permits.
- 13-303. Permit - types of fires.
- 13-304. Permit - application.
- 13-305. Permit fee.
- 13-306. Permits available for inspection.
- 13-307. Permit period.
- 13-308. Authority to suspend burning.
- 13-309. Exemptions.
- 13-310. Violations.

**13-301. Purpose.** The purpose of this chapter is to eliminate potentially dangerous accumulations of combustible materials and to assist the city in eliminating unlawful, unnecessary and indiscriminate burning. (Ord. #92-3, June 1992)

**13-302. Outdoor burning - permits.** No outdoor burning shall be permitted within the city limits of Cross Plains except when a permit for the same has been issued by the fire department. (Ord. #92-3, June 1992)

**13-303. Permit - types of fires.** A permit may be issued pursuant to this chapter for the following types of fires within the city limits of Cross Plains:

- (1) Fires for the destruction of natural vegetation which has been cut out and stacked as a result of single, residential yard clean-up.
- (2) Fires for ceremonial rites or larger outdoor gatherings involving a controlled bon fire. (Ord. #92-3, June 1992)

**13-304. Permit - application.** To obtain a permit required by this chapter, the applicant shall file an application with the fire department which shall include:

- (1) The type of materials to be burned.
- (2) The location of the fire.
- (3) The individual(s) designated as being responsible for controlling the fire.
- (4) A signed statement by the applicant stating he will follow all outdoor burning regulations contained in this code, and that no outdoor burning shall be left unattended or permitted later than one hour after sunset and that he will provide protection against the fire spread in a manner approved by the fire chief. (Ord. #92-3, June 1992)

**13-305. Permit fee.** No fee shall be required to obtain an outdoor burning permit. (Ord. #92-3, June 1992)

**13-306. Permits available for inspection.** All such permits shall be available for inspection throughout the period of time the permit is issued and burning is in progress. (Ord. #92-3, June 1992)

**13-307. Permit period.** The fire department shall establish an effective permit period, that it shall not exceed 30 days. (Ord. #92-3, June 1992)

**13-308. Authority to suspend burning.** Regardless of any established permit period, the fire department shall have the authority to forbid, restrict or suspend any and all burning when the fire chief has determined that weather conditions are unfavorable or hazardous for outdoor fires. (Ord. #92-3, June 1992)

**13-309. Exemptions.** The following types of outdoor fires are exempt from permit process:

- (1) Contained cooking fires.
- (2) Fire in outdoor fire pits or fireplaces. (Ord. #92-3, June 1992)

**13-310. Violations.** It shall be unlawful for any person to violate any of these provisions. (Ord. #92-3, June 1992)

**TITLE 14**

**ZONING AND LAND USE CONTROL**

**CHAPTER**

**1. ZONING ORDINANCE.**

**CHAPTER 1**

**ZONING ORDINANCE**

**SECTION**

14-101. Land use to be governed by zoning ordinance.

**14-101. Land use to be governed by zoning ordinance.** Land use within the City of Cross Plains shall be governed by Ordinance Number 85-1, titled "Zoning Ordinance, Cross Plains, Tennessee," and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance No. 85-1, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.



**TITLE 15****MOTOR VEHICLES, TRAFFIC AND PARKING****CHAPTER**

1. MISCELLANEOUS.
2. SPEED LIMITS.

**CHAPTER 1****MISCELLANEOUS<sup>1</sup>****SECTION**

15-101. Driving on streets.

**15-101. Driving on streets.** Every person operating a vehicle upon the streets within the City of Cross Plains shall drive the same in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and use of these streets and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this section. (Ord. #83-3, Sept. 1983)

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<sup>1</sup>State law references

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

**CHAPTER 2**

**SPEED LIMITS**

**SECTION**

15-201. In general.

**15-201. In general.** The speed limit for all city streets shall be 30 mph, except the streets named herein; the speed limit will be 20 mph for Maple Street, Willow Street, Cedar Street and Village Green Circle. (Ord. #79-4, Aug. 1979)

**TITLE 16**

**STREETS AND SIDEWALKS, ETC<sup>1</sup>**

**CHAPTER**

1. MISCELLANEOUS.
2. PROPERTY NUMBERING SYSTEM.

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

16-101. Littering streets, alleys, or sidewalks prohibited.

**16-101. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (Ord. #79-8, Sept. 1979)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

## CHAPTER 2

### PROPERTY NUMBERING SYSTEM

#### SECTION

- 16-201. Street names.
- 16-202. Assignment of street names.
- 16-203. Property numbering.
- 16-204. Assignment and posting of numbers.
- 16-205. System of property numbering.

**16-201. Street names.** The Robertson County 911 System has promised the City of Cross Plains a map to establish a beginning. Such map will be placed in the office of the recorder.

The city recorder shall be responsible for the maintenance of the system of street names. He or she shall maintain a copy of the street map given us by the county and shall record thereon all changes. (Ord. #91-4, June 1991)

**16-202. Assignment of street names.** Names of streets shall remain as shown on the street name map unless officially changed by resolution.

No new streets shall be accepted by the city until such street or streets have been named. If they are extensions of existing streets the existing name shall be continued. If not an extension, name recorded may not duplicate or closely approximate street names already assigned. (Ord. #91-4, June 1991)

**16-203. Property numbering.** There is hereby established an official system of property numbering as shown on the map given to the city by the county. All properties, building, lots and parcels of land within the corporate limits of the city shall hereafter be identified by reference to the official system adopted herein. (Ord. #91-4, June 1991)

**16-204. Assignment and posting of numbers.** The city recorder shall be responsible for the maintenance of the system of property numbers. He or she shall maintain a copy of the above referenced map as well as an official property numbering log and shall record therein all assigned property numbers. The city recorder shall be responsible to assign numbers to properties in accordance with the above referenced map.

Numerals and letters indicating the official physical property number designation shall be posted at the entrance to the structure for which the designated number has been assigned in such a manner as to provide an unobstructed sighting from the street on which the building is located. Such numerals and letters shall be no less than three inches in height.

No person agency or business shall adopt, assign, display or cite any number other than that assigned as provided herein for the purpose of physical property identification. (Ord. #91-4, June 1991)

**16-205. System of property numbering.** When possible numbers are to be assigned to or reserved for each 50 feet of distance. In some cases, 25 foot distances may be used.

Odd numbers are to be assigned to properties on the north and west sides of streets and even numbers assigned to properties on the east and south sides of streets.

The structure shall be assigned the number of the 50 foot interval in which the main entrance of the structure falls.

A multiple family dwelling having only one main entrance shall be assigned only one number, and separate apartments in the building will carry a letter designation such as A, B, C, in addition to the number assigned to the main entrance of the building. (Ord. #91-4, June 1991)

**TITLE 17**

**REFUSE AND TRASH DISPOSAL**<sup>1</sup>

**[RESERVED FOR FUTURE USE]**

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<sup>1</sup>Municipal code reference  
Property maintenance regulations: title 13.

**TITLE 18**

**WATER AND SEWERS**

**CHAPTER**

**1. WATER.**

**CHAPTER 1**

**WATER**

**SECTION**

18-101. To be furnished under franchise.

**18-101. To be furnished under franchise.** Water service shall be furnished to the City of Cross Plains and its inhabitants under franchise granted to The White House Utility District of Robertson and Sumner Counties, Tennessee. The rights, powers, duties and obligations of the City of Cross Plains and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.<sup>1</sup> (Ord. #2-74, Sept. 1974)

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<sup>1</sup>For complete details relating to the water franchise agreement see Ord. #2-74 dated September 1974 in the office of the city recorder.

**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

**1. GAS.**

**CHAPTER 1**

**GAS**

**SECTION**

19-101. To be furnished under franchise.

**19-101. To be furnished under franchise.** Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.<sup>1</sup> (Ord. #87-2, June 1987)

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<sup>1</sup>The agreements are of record in the office of the city recorder.



## TITLE 20

### MISCELLANEOUS

#### CHAPTER

#### 1. LITTER CONTROL.

#### CHAPTER 1

### LITTER CONTROL

#### SECTION

- 20-101. Accumulation of leaves on sidewalks, etc. unlawful.
- 20-102. Littering prohibited.
- 20-103. Inoperable vehicles, equipment, etc. prohibited.
- 20-104. Overgrown and dirty lots.
- 20-105. Containers for litter required.
- 20-106. Construction litter; receptacle required.
- 20-107. Definitions.
- 20-108. Compliance.
- 20-109. Enforcement.
- 20-110. Receipts.

**20-101. Accumulation of leaves on sidewalks, etc. unlawful.** It shall be unlawful for any person to place or allow to be placed or permit to continue the accumulation of leaves from their premises to be on a public street, sidewalk, grass strip between a paved sidewalk and street, or on an area that pedestrians would be expected to use to walk upon parallel to a public street, or a median strip within a public right-of-way. (Ord. #85-4, Sept. 1985)

**20-102. Littering prohibited.** It shall be unlawful for any person to scatter, cast, throw, place, sweep or deposit anywhere within the city any litter in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, body of water, parkway, lot, public property or private property. Any unauthorized accumulation of litter is hereby declared to be a public nuisance and is prohibited. Failure of owner or occupant to remove or correct any such accumulation of litter within seven (7) days after appropriate notice from the board of commissioners shall be in violation of this chapter. (Ord. #85-4, Sept. 1985)

**20-103. Inoperable vehicles, equipment, etc. prohibited.** It shall be unlawful for any person to have on their residential or business premises materials that would create a littered condition such as dilapidated furniture, appliances, machinery, equipment, building material, automobile parts, tires,

or any other items which are wholly or partially rusted, wrecked, junked, dismantled, or in inoperable condition which are not completely enclosed within a building or dwelling. After such notice of violation of this section, it shall be unlawful to allow any such item(s) to remain on the property of the occupant or owner for any period longer than seven (7) days. (Ord. #85-4, Sept. 1985)

**20-104. Overgrown and dirty lots.** It shall be unlawful for the owners and occupants of property to fail to cut grass, weeds and other overgrown vegetation on property when the grass, weeds and other overgrown vegetation is of a greater height than one foot on the average, or to permit the said property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard, any one of which situation is declared to be a nuisance. It shall be the duty of the owner and occupant to cut and remove all grass, weeds and overgrown vegetation as often as necessary as to comply with this provision of the city code. Vacant lots adjacent to improved property shall be kept cut and shall be cut at least three (3) times per year, as required during the growing season (April through September). (Ord. #85-4, Sept. 1985)

**20-105. Containers for litter required.** It shall be unlawful for any person or business establishment to fail to store their refuse in containers as specified herein so as to eliminate wind-driven debris and unsightly litter in and about their premises or establishments in order to have a clean, neat and sanitary premises or fail to immediately clean up any spillage and overflow as it occurs. Approved methods of containerization include refuse receptacles, bulk containers and detachable containers. (Ord. #85-4, Sept. 1985)

**20-106. Construction litter; receptacle required.** It shall be unlawful for any construction and/or demolition contractor to fail to provide on-site refuse receptacles, bulk containers, or detachable containers for loose debris paper, building material waste, scrap building material, and other trash produced by those working on the site. All such material shall be containerized by the end of each day, and the site shall be kept in a reasonably clean and litter-free condition. The number of refuse receptacles, bulk containers or detachable containers shall be determined by the size of the job. Dirt, mud, construction materials or other debris deposited upon any public or private property as a result of the construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept clean and orderly at all times. (Ord. #85-4, Sept. 1985)

**20-107. Definitions.** (1) "Declared nuisances" means anything that causes injury or damage to the health or life of any other person or causes an offensive odor are declared nuisances and it shall be unlawful for any person to

create such a declared nuisance on his lot or a lot occupied by him, or to allow such a declared nuisance to remain on his lot or a lot occupied by him.

(2) "Junk" means any item, including but not limited to dilapidated furniture, appliances, machinery, equipment, building materials, automobile parts, tires, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition.

(3) "Litter" means all discarded man-made materials, including but not limited to waste materials, building materials, business trash, garbage, household trash, industrial waste, refuse and yard trash as specified herein:

(a) "Building material" means any materials or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

(b) "Business trash" means any accumulation of dust, paper and cardboard, excelsior, rags, or accumulations other than garbage or household trash, which are usually attendant to the operation of store, offices and similar businesses.

(c) "Foul odors" means odors emanating from garbage.

(d) "Garbage" means the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.

(e) "Hazardous refuse" means materials such as paint, poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.

(f) "Household trash" means any waste accumulation of paper sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

(g) "Industrial waste" means all waste, including solids, semisolids, sludges and liquids, created by factories, processing plants or other manufacturing enterprises.

(h) "Weeds and grass" means weeds and grass in excess of twelve (12) inches in height. Heavily wooded lots where equipment cannot maneuver on the lot because of the density are exempt from this section. Agricultural and undeveloped lots are also exempt.

(j) "Yard trash" means waste accumulation of lawn, grass or shrubbery cuttings or clippings, bushes and dry leaf rakings free of dirt, rocks, large branches, and bulky or noncombustible material.

(4) "Person" means any natural person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, occupant, lessee, tenant, or representative or group of

individuals or entities of any kind and who occupies a dwelling, building or premise for seven (7) or more consecutive days.

(5) "Premises" means lots, sidewalks, alleys, rights-of-way, grass strips and curbs up to the edge of the pavement of any public street. (Ord. #85-4, Sept. 1985)

**20-108. Compliance.** The owner, agent, person as herein defined, tenant, occupant, or lessee of all residential, commercial, industrial, institutional or governmental establishments shall be responsible for compliance with this chapter. Owner, agent, person, occupant, tenant, or lessee as herein stated shall mean anyone occupying a dwelling, building or premise for seven (7) or more consecutive days and thus also shall be responsible for correcting the violation. (Ord. #85-4, Sept. 1985)

**20-109. Enforcement.** A city commissioner or any of his representatives shall have the authority to enter upon property, to obtain an administrative search warrant if necessary, to issue a notice of violation to enter upon or authorize an agent to enter upon and clean up the premises if there is no compliance with the notice of violation, and to file a notice of lien against the property in the event that the city seeks to secure the cost of bringing the property into compliance with the chapter.

(1) Notice of violation. A written notice will be delivered or sent by certified mail in the event that the person (as herein defined in this chapter) that has allowed to accumulate the trash, garbage, refuse, leaves, weeds, grass or overgrowth on said property shall upon receipt of the notice fail to comply within seven (7) days. Such failure will be deemed to be in violation of this chapter.

(2) Violations and enforcement. It shall be unlawful to violate any provision of this chapter. The city may take one or more of the following courses of action in enforcing any violation of this chapter:

(a) A penalty of fifty dollars (\$50.00) may be levied against any person who violates any section of this chapter;

(b) The violator may be charged with a misdemeanor and be subject to any penalty prescribed by law;

(c) The city may apply to the appropriate court for an injunction and order of abatement which would require that a violator correct any unlawful condition relating to this chapter existing on his or her property; or

(d) A lien will be levied against the property owner for the cost of removal of trash, weeds or grass by city personnel or private contractor as provided by the authority of the city. (Ord. #85-4, Sept. 1985)

**20-110. Receipts.** All proceeds received from the collection of penalties shall be deposited into the general fund. (Ord. #85-4, Sept. 1985)

ORDINANCE NO. 94-4

**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF CROSS PLAINS, TENNESSEE.**

WHEREAS some of the ordinances of the City of Cross Plains are obsolete, and

WHEREAS some of the other ordinances of the City are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Commissioners of the City of Cross Plains, 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 "Cross Plains Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF CROSS PLAINS, AS FOLLOWS:

Section 1. Ordinances codified. The ordinances of the City of Cross Plains 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 "Cross Plains 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 occurring before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any providing for local improvements and special assessments therefore; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgement 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 codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

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

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of commissioners, 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: Dec 1, 1994

Passed 2nd reading: Jan 5, 1995

Passed 3rd reading: Feb 2, 1995

  
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Mayor Barry Faulkner

  
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Lana A. Osborne, City Recorder/Mgr