

**THE
ELKTON
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 1996

Change 5, November 11, 2010

CITY OF ELKTON, TENNESSEE

MAYOR

Carolyn Thompson

VICE MAYOR

Frances Neal

ALDERMEN

Bill Cary
Doug Turner
Roosevelt Whitfield
Barry Wilburn

RECORDER/CLERK

Margie Brooks

PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such

ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of Sandy Selvage, the MTAS Sr. Word Processing Specialist, and Bobbie J. Sams, 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**

ARTICLE XII

ORDINANCES

SECTION 1. FORM. All City ordinances shall begin by an enacting clause as follows: BE IT ENACTED BY THE BOARD OF MAYOR AND ALDERMEN OF ELKTON, and shall, at the end of this ordinance, contain the provision: This ordinance shall take effect from and after its passage, the public welfare requiring it, otherwise the same shall not take effect until twenty (20) days after its passage, unless another date is fixed thereon.

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

SECTION 3. AMENDMENTS. All amendments to existing ordinances shall be in the form of new ordinances and shall be adopted in the same manner.

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

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Compensation of aldermen.
- 1-103. City employees eligible to serve on board of mayor and aldermen.

1-101. Time and place of regular. The regular meetings of the board of mayor and aldermen shall be held at the city hall in Elkton, Tennessee at 6:00 P.M. on the second Thursday of each month. (Ord. #4-80, Oct. 1980, as amended by Ord. #IV93, Dec. 1993, Ord. #03, July 2003, and Ord. #02-10, April 2010)

1-102. Compensation of aldermen. Each alderman shall receive as compensation the sum of \$80.00 per month regardless of the number of meetings

¹Charter references

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

Municipal code reference

Fire department: title 7.

²Charter references

Compensation: art. V, § 14.

Composition: art. V, § 2.

Legislative powers: art. V, § 1.

Meetings: art. V, §§ 6, 7, and 12.

Qualifications: art. V, § 4.

Quorum: art. V, § 8.

Removal from office: art. V, § 15.

Rules of procedure: art. V, § 9.

Term of office: art. V, § 3.

Vacancy: art. V, § 5.

which are attended each month. (Ord. #I, 1982, July 1982, as amended by Ord. #III-91, June 1991, Ord. #III-02, Aug. 2002, and Ord. #II-98, April 2006)

1-103. City employees eligible to serve on board of mayor and aldermen. (1) Employees of the city are eligible to serve on the City of Elkton Board of Mayor and Aldermen.

(2) Board members wishing to provide fire service as either volunteer or regular fire department employees shall not vote for themselves to become employees.

(3) Such board members who also serve as employees shall not vote for measures before the board that would benefit them personally in violation of the city's ethics ordinance. (as added by Ord. #09-07, April 2007)

CHAPTER 2

MAYOR¹

SECTION

1-201. Compensation.

1-201. Compensation. The mayor shall receive as compensation the sum of one hundred dollars (\$100.00) per month. (Ord. #II-91, June 1991, as replaced by Ord. #II-98, April 2006)

¹Charter references

Compensation: art. IV, § 5.

Eligibility: art. IV, § 4.

Oath: art. IV, § 6.

Powers and duties: art. IV, § 8.

Qualifications: art. IV, § 1.

Vacancy in office: art. IV, § 3.

CHAPTER 3

RECORDER¹

SECTION

1-301. To be bonded.

1-302. Office hours.

1-301. To be bonded. (1) The city recorder, before entering upon his duties as such, shall give and execute a good and solvent bond in the amount of \$20,000.00 to insure his faithful performance and discharge of the duties of his office.

(2) The bond shall be made by a generally recognized and accepted indemnity company and the cost hereof shall be paid by the City of Elkton out of the general fund.

(3) A copy of said bond shall be spread upon the minutes of the board. (Ord. #I, 1972, July 1972)

1-302. Office hours. (1) City hall shall be open for the business at all times within the hours as hereinafter set out with the exception of all Saturdays, Sundays and legal holidays as recognized by the various departments of Government, United States, State of Tennessee and City of Elkton.

(2) The hours said office shall be open is as follows:

8:00 O'Clock A. M. to 12:00 O'Clock Noon.

12:30 O'Clock P. M. to 4:30 O'Clock P. M. (Ord. #II, 1972, July 1972, as amended by Ord. #II, 1982, July 1982)

¹Charter references

Bond: art. VI, § 7.

Compensation: art. VI, § 4.

Duties: art. VI, § 8.

Oath: art. VI, § 5.

Qualifications: art. VI, § 1.

Vacancy in office: art. VI, § 3.

CHAPTER 4

CODE OF ETHICS

SECTION

- 1-401. Use of information.
- 1-402. Use of position or authority.
- 1-403. Violations.
- 1-404. Interpretation and enforcement.

1-401. Use of information. (1) An official or employee of the city may not disclose any information obtained in his official capacity with the City of Elkton or position of employment that is made confidential under state or federal law except as authorized by law.

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

1-402. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the City of Elkton.

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

1-403. Violations. An elected official who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #07-07, Feb. 2007)

1-404. Interpretation and enforcement. The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics. (as added by Ord. #07-07, Feb. 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

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

3-101. City judge. The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge.

3-102. Jurisdiction. The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed \$500.

¹Charter reference
City Judge - City Court: § 6-4-301.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

3-203. Disposition and report of fines, penalties, and costs.

3-204. Disturbance of proceedings.

3-205. Court costs.

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

3-202. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court. (as amended by Ord. #I-97, Feb. 13, 1997)

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

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever.

3-205. Court costs. The amount of court costs for each count, or infraction which is heard in the Municipal Court of Elkton, Tennessee shall be and is hereby set at one hundred twenty-five dollars (\$125.00). (as added by Ord. #I-97, Feb. 13, 1997, and amended by Ord. #IV-00, Nov. 2000, Ord. #4, Nov. 2005, and Ord. #7, July 2006)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal.

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

¹State law reference

For authority to issue warrants see Tennessee Code Annotated, title 40, chapter 6.

CHAPTER 4

BONDS

SECTION

3-401. Driver's license in lieu of bail bonds.

3-401. Driver's license in lieu of bail bonds. Any person arrested for violation of any municipal ordinance or state statute except those for which revocation of operator's license is mandatory may have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in any court of the municipality or county in answer to such charge before the court. In the event a person charged hereunder elects to deposit his driver's license with the officer or court demanding bail, as hereinabove described, said officer or court shall issue said person a receipt for said license upon a form approved or provided by the Department of Safety, and thereafter said person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited.

The clerk or judge of a court accepting the license shall thereafter forward to the Department of Safety the license of a driver deposited in lieu of bail if the driver fails to appear in answer to the charge filed against him, and which license shall not be released by the Department of Safety until the charge for which such license was deposited has been disposed of by the court in which pending. (See Tennessee Code Annotated, §§ 55-50-801 through 55-50-805.) (Ord. #1, 1977, Jan. 1977)

CHAPTER 5

FINES

SECTION

3-501. Fine for violations.

3-502. Cash bonds for violations.

3-501. Fine for violations. The fines assessed for these violations shall not exceed the following amounts:

Public Drunkness	\$100.00
Possession of Open Whiskey	\$ 50.00
Open Beer in Public	\$ 50.00
Disorderly conduct	\$100.00
Assault	\$100.00
Carrying Deadly Weapons	\$100.00
Resisting Arrest	\$100.00
Failure to Appear in Court	\$100.00
Violation of Beer Ordinance	\$ 50.00
Violation of Registration Law	\$100.00
Leaving the Scene of an Accident	\$100.00
All Moving Traffic Violations	\$ 50.00
Shoplifting	\$100.00
Destruction of Property	\$100.00
Violation of Safety Equipment Law	\$100.00
Improper Parking	\$100.00
Speeding	\$ 50.00
All Other Violations Not specifically mentioned	\$100.00

(as added by Ord. #III-00, Nov. 2000)

3-502. Cash bonds for violations. The cash bonds to be made and posted by persons arrested by officers of the City of Elkton shall be as follows:

Public Drunkness	\$ 125.00
Possession of Open Whiskey	\$ 65.00
Open Beer In Public	\$ 65.00
Disorderly Conduct	\$ 125.00
Assault	\$ 125.00
Carrying Deadly Weapons	\$ 125.00
Resisting Arrest	\$ 125.00
Failure to Appear in Court	\$ 125.00
Violation of Beer Ordinance	\$ 65.00
Violation of Registration Law	\$ 125.00
Leaving the Scene of an Accident	\$ 125.00

All Moving Traffic Violations	\$ 65.00
Shoplifting	\$ 125.00
Destruction of Property	\$ 125.00
Violation of Safety Equipment Law	\$ 125.00
Improper Parking	\$ 125.00
Speeding	\$ 65.00
All Other Violations Not Specifically Mentioned	\$ 125.00

(Ord. #II-83, May 1983, as amended by Ord. #III-87, July 1987, and renumbered and amended by Ord. #III-00, Nov. 2000)

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY.
2. PERSONNEL POLICY.
3. TRAVEL REIMBURSEMENT REGULATIONS.
4. INFECTIOUS DISEASE CONTROL POLICY.

CHAPTER 1

SOCIAL SECURITY

SECTION

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Elkton, Tennessee, to extend to the employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old Age and Survivors Insurance, as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734-81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (Ord. #VII-1976, Dec. 1976)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the Director of Old Age and Survivors Insurance Agency, State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (Ord. #VII-1976, Dec. 1976)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable federal or state laws or regulations and shall be paid over to the state or federal agency designated by said laws or regulations. (Ord. #VII-1976, Dec. 1976)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions; which shall be paid over to the state or federal agency designated by said laws or regulations. (Ord. #VII-1976, Dec. 1976)

4-105. Records and reports. The City of Elkton shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (Ord. #VII-1976, Dec. 1976)

4-106. Exclusions. Notwithstanding any provision(s) heretofore contained in the Social Security Agreement between said parties, it is now the intent and purpose of the Board of Mayor and Aldermen of the City of Elkton, Tennessee, to amend the Social Security Agreement by and between the City of Elkton, Tennessee, and the state Old Age and Survivors Insurance Agency, to exclude from its coverage group under the federal system of Old Age, Survivors, Disability, Health Insurance, the services of election officials/workers if the enumeration paid for such services in a calendar year is less than \$1,000 on or after January 1, 1995, ending on or before December 31, 1999, and the adjusted amount thereafter determined under Section 218(c)(8)(B) of the Social Security Act, for any calendar year commencing on or after January 1, 2000. (Ord. #III-96, March 1996)

CHAPTER 2

PERSONNEL POLICY

SECTION

4-201. Classes of employees.

4-202. Hiring procedures.

4-203. Compensation.

4-204. Benefits.

4-205. Disciplinary and grievance procedures.

4-201. Classes of employees. (1) Full-time employees are individuals employed by the city who work 24 hours per week, or more, and have completed a 3 month probationary period.

(2) Temporary Part-time employees are individuals who do not work on a daily basis and whose hours cannot exceed 20 hours per week unless approved by Mayor.

(3) Salaried Employees: The Police Chief for the City of Elkton is hired by the board of mayor and alderman. As such, the police chief is a salaried employee. The chief's salary is set by the board of mayor and alderman. The police chief for the city is on call 24 hours per day, 7 days per week. Although the normal work week for the chief is 5 days per week, additional hours, without overtime pay, as may be required is a necessity for this position (court appearances, answering calls while off duty, etc.). In lieu of the above, additional benefits may be voted on by the board of mayor and alderman to be granted to the police chief from time to time.

4-202. Hiring procedures. (1) Policy statement. As per art. XVI, § 1 of the Charter of the City of Elkton, the primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the city. Appointments to positions are based on merit, technical knowledge and work experience without regard to race, sex, age, color, religion or national origin.

(2) Recruitment. The city will employ only capable and responsible personnel who are of good character and reputation. When a vacancy occurs the city recorder will prepare and post the appropriate position description at various locations in city and in the local media, if necessary, in an effort to bring notice of the vacancy to as many qualified persons as possible.

(3) Application process. Applications for employment shall be accepted in the city recorder's office during regular office hours only.

(4) Interviews. All appointments are subject to an interview with the mayor or appropriate department head.

(5) Appointments. Appointments shall be made by the mayor or he may delegate such authority as deems advisable. In an emergency, the mayor

may also authorize the appointment of any person to a position to prevent stoppage of public business or loss or serious inconvenience to the public. Emergency appointments shall be limited to a period not to exceed (30) thirty days in any (12) twelve month period.

(6) Probation. Applicants appointed to positions with the City of Elkton are required to serve a 3 month probationary period. An employee may be terminated during this period for any reason without respect or reference to the procedures set forth in the charter. If the probationary period is determined satisfactory, the employee is recommended for a full-time appointment.

(7) Transfers. As per art. XVI, § 2 of the Charter of the City of Elkton, the mayor shall have authority to make transfers of employees or delegate such authority as he deems advisable.

(8) Promotions/demotions. As per art. XVI, § 2, of the Charter of the City of Elkton, the mayor shall have the authority to make promotions/demotions of employees or delegate such authority as he deems advisable.

4-203. Compensation. (1) Salaries. As per the city charter, the board of mayor and aldermen shall determine all salaries paid by the City of Elkton. Due consideration shall be given to duties performed, responsibilities, technical knowledge and skills required to satisfactorily perform the work, and availability of persons having the desired qualifications.

(2) Hours of work. The board of mayor and aldermen shall establish the hours of work per week for each position in the service of the city.

(3) Pay day. All employees of the City of Elkton shall be paid on a weekly basis.

(4) Payroll deductions. (a) Federal Income Tax: Federal taxes are withheld from employees paychecks based on the number of dependents claimed by the individual. Employees are required to keep on file with the city a copy of the W-4 form. In the event of changes in the employee exemption status, a revised W-4 must be filed before payroll deduction adjustments will be made.

(b) Social Security: Social security payments and deductions will be made in accordance with the Social Security Act.

4-204. Benefits. (1) Eligibility. All full-time employees except police department employees¹ are eligible for any or all benefits provided by the City of Elkton.

¹Charter reference
Police department: art. IX.

(2) Holidays. Full-time employees are allowed the following holidays:

New Years Day	January 1st
Martin Luther King	February 15th
Good Friday	Friday before Easter
Independence Day	July 4th
Labor Day	First Monday in Sept.
Thanksgiving	Fourth Thursday in Nov.
Christmas Eve	December 24th
Christmas Day	December 25th
Floating Holiday	Any day during the year

(3) Vacation leave. All full-time employees are provided with one week of vacation during their first year and two weeks vacation per year after their first year of employment. Years of employment are counted from the date the employee is hired. Upon separation, employees are entitled to be reimbursed for any unused vacation. Vacation leave shall be taken in the year it is earned or the employee shall receive compensation for the unused days.

(4) Sick leave. All full-time employees are granted five (5) days sick leave per year after completion of the three (3) month probationary period. Sick leave may be granted for any of the following reasons:

(a) Personal illness or physical incapacity resulting from causes beyond the employees control.

(b) Exposure to contagious disease so that their presence at work might jeopardize the health of other employees.

(c) Medical, dental, optical or other professional treatments or examinations.

(d) Acute illness of a member of the employees immediate family (i.e., spouse, parents, children).

Sick leave shall be taken in the year it is earned.

(5) Funeral leave. Full-time employees shall be allowed three (3) days of leave with pay for the death in an employee's immediate family (i.e., spouse, parents, children). One (1) day of leave with pay will be allowed for the death of sisters, brothers, in-laws, grandparents and other relatives.

(6) Civil leave. Civil leave with pay may be granted to employees for the following reasons:

(a) Jury duty. The employee shall be entitled to such employee's usual compensation received from such employment, less the amount of the fee or compensation the employee received for serving as a juror.

(b) Answer a subpoena.

(c) Perform emergency duty for National Defense.

(7) Voting. When elections are held in the state, leave for the purpose of voting shall be in accordance with Tennessee Code Annotated, § 2-1-106 herein reprinted:

"Absenteeism for voting. (a) Any person entitled to vote in an election held in this state may be absent from any service or employment on the day of the election for a reasonable period of time, not to exceed (3) three hours, necessary to vote during the time the polls are open in the county where he is a resident.

(b) A voter who is absent from work to vote in compliance with this section may not be subjected to any penalty or reduction in pay for his absence.

(c) If the tour of duty of an employee begins (3) three or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls of the county where he is a resident, he may not take time off under this section.

(d) The employer may specify the hours during which the employee may be absent. Application for such absence shall be made to the employer before twelve (12:00) noon of the day before the election."

(8) Insurance coverage. The City of Elkton provides Intensive Care and Cancer Coverage.

(9) Workmen's compensation. All full-time employees of the City of Elkton are covered under Worker's Compensation Insurance.

(10) Other benefits. The City of Elkton provides a uniform allowance for police.

4-205. Disciplinary and grievance procedures. (1) General policy statement. It is the responsibility of each employee of the City of Elkton to conduct himself/herself in a manner that will reflect credit upon the city. Any misconduct while acting on behalf of the city and in the judgement of the board of mayor and aldermen that brings adverse publicity or discredit upon the city may be regarded as grounds for dismissal. It is expected that grievances will arise. If and when they do they are not to be considered as reflecting unfavorably on the employee or the city.

(2) Grievance procedures. (a) Purpose. The purpose of this policy is to set forth the principles of the City of Elkton and to prescribe uniform disposition procedures of grievances presented by individual employees.

(b) Policy. Employees will be treated fairly in all respects. Those who feel that they have been subjected to unfair treatment have the right to present their grievance to the proper person for prompt consideration and fair decisions. The employee may present the case for himself or have a representative obtained at his or her choosing to present it for him/her.

(c) Procedure. Employees must remember that there is no grievance until the department head or other appropriate person has

been made aware of the dissatisfaction. Once this is done, the following steps are to be taken:

Step 1. Discuss the problem with the immediate supervisor. If there is no satisfaction obtained then the grievance is advanced to step 2.

Step 2. Discuss the problem with the appropriate department head. If the grievance is not resolved it is advanced to the 3rd step.

Step 3. Discuss the problem with the mayor of the city. The mayor's decision is the last and final step in the process. The decision of the mayor, however, may be appealed to the board of mayor and aldermen.

(d) Responsibilities. (i) Grievance procedure. It is the responsibility of the department head to hear all grievances in a timely and proper fashion and make fair and reasonable decisions within (5) five days of being made aware of the grievance.

(ii) Appeal procedure. It is the responsibility of the department head to act on appeals promptly and assist the employee in expediting them through the process.

(iii) Decisions. Only the board of mayor and aldermen may make the final decision to deny an appeal.

(e) Policies governing the grievance procedures. An employee with a grievance shall be notified in writing these rights.

(i) The right to a grievance hearing as specified in this policy.

(ii) The right to receive written notification of the reason for the action that led to the grievance.

(iii) The right to be represented at all stages of the grievance proceedings by legal counsel retained at the employees expense.

(iv) The right to represent witnesses in his/her own behalf and the right to cross examine witnesses in support of the city's action.

(v) The right to examine in copy all documents which will be used by the city as justification for its actions.

(vi) No employee shall threaten, coerce, intimidate, or discriminate against another individual because he has made complaints, testified or assisted in any manner in the above stated grievance procedures.

(vii) Records shall be made of all proceedings pertaining to the grievance actions and said records shall be kept in the city's permanent file.

CHAPTER 3

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-301. Purpose.

4-302. Enforcement.

4-303. Travel policy.

4-304. Travel reimbursement rate schedule.

4-305. Administrative procedures.

4-301. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with Tennessee Code Annotated, § 6-54-901-907. This law requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #III-93, Aug. 1993, as replaced by Ord. #08-07, March 2007)

4-302. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #III-93, Aug. 1993, as replaced by Ord. #08-07, March 2007)

4-303. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fee's for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the

CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

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

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

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

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

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

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

(b) Actual, reasonable, and necessary under the circumstances.

The CAO may make exceptions for unusual circumstances. Expenses considered excessive will not be allowed.

(7) Claims of five dollars (\$5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

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

(9) Mileage and motel expenses incurred within the city are not ordinarily considered eligible expenses for reimbursement. (Ord. #III-93, Aug. 1993, as replaced by Ord. #08-07, March 2007)

4-304. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #III-93, Aug. 1993, as replaced by Ord. #08-07, March 2007)

4-305. Administrative procedures. The city adopts and incorporates by reference as if fully set out herein the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee. A copy of the administrative procedures is on file in the office of the city recorder. (Ord. #III-93, Aug. 1993, as replaced by Ord. #08-07, March 2007)

CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-401. Purpose.
- 4-402. Coverage.
- 4-403. Administration.
- 4-404. Definitions.
- 4-405. Policy statement.
- 4-406. General guidelines.
- 4-407. Hepatitis B vaccinations.
- 4-408. Reporting potential exposure.
- 4-409. Hepatitis B virus post-exposure management.
- 4-410. Human immunodeficiency virus post-exposure management.
- 4-411. Disability benefits.
- 4-412. Training regular employees.
- 4-413. Training high risk employees.
- 4-414. Training new employees.
- 4-415. Records and reports.
- 4-416. Legal rights of victims of communicable diseases.

4-401. Purpose. It is the responsibility of the City of Elkton 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 Elkton, 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).

4-402. 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 body fluids 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.

4-403. 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 mayor and aldermen 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 mayor and aldermen.

4-404. 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.

4-405. 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.

4-406. 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.

4-407. Hepatitis B vaccinations. The City of Elkton shall offer the appropriate Hepatitis B vaccination to employees, including volunteers, 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.

4-408. 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.

4-409. 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.

4-410. 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.

4-411. 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.

4-412. 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.

4-413. 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.

4-414. 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.

4-415. 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.

4-416. 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 the 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.

TITLE 5**MUNICIPAL FINANCE AND TAXATION¹****CHAPTER**

1. MISCELLANEOUS.
2. PRIVILEGE TAXES.

CHAPTER 1**MISCELLANEOUS²****SECTION**

5-101. Signing of checks drawn on city bank accounts.

5-101. Signing of checks drawn on city bank accounts. Both the mayor and city recorder shall execute all checks which are drawn on bank accounts of the City of Elkton. In the event that the mayor is unable or unavailable to sign a check, then the vice-mayor shall sign in his/her stead. In the event that the city recorder is unable or unavailable to sign a check, the city clerk shall sign in his/her stead. (Ord. #V-90, Nov. 1990)

¹Charter references

Delinquent tax collection: art. XIV, § 6.

Due date: art. XIV, § 4.

Levy: art. XIV, § 3.

²Municipal code reference

Wholesale beer tax: § 8-118.

CHAPTER 2**PRIVILEGE TAXES****SECTION**

5-201. Tax levied.

5-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act.

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE.

CHAPTER 1

POLICE

SECTION

6-101. Certain individuals excluded from serving as a police officer.

6-101. Certain individuals excluded from serving as a police officer. No person serving as alderman, mayor, city recorder, city clerk or fire chief of the City of Elkton shall be allowed to act or serve as, or perform the duties of, a policeman for said municipality, except as provided in art. IX, § 9 of the charter of the City of Elkton. (Ord. #V-91, July 1991)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.
6. ESTABLISHMENT AND COLLECTION OF FIRE AND SERVICE RESCUE FEES.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire district described.

7-101. Fire district described. The corporate fire district shall be as follows:

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

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Open burning.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations and penalties.

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

7-202. Open burning. It is hereby declared to be unlawful for any resident citizen of the City of Elkton to burn trash, debris, building materials or maintain any open fire within the corporation limits of the City of Elkton unless such person shall make application to the fire chief whose duty it shall be to go to the scene of the proposed open burning and see that precautionary measures are taken during the time of the burning and, if necessary, and the amount to be burned is large enough, to have appropriate fire equipment and personnel on the scene. If an accidental fire results from the owner or the person applying for the open burn permit, they shall pay to the fire department the cost for personnel, labor and equipment a fee of two hundred fifty dollars (\$250.00). Any violation hereof shall be punishable by a fine not exceeding fifty dollars (\$50.00) for each occurrence. (as replaced by Ord. #13-07, Sept. 2007)

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

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

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

7-204. Storage of explosives, flammable liquids, etc. (1) The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(2) The district referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

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

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

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

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

7-207. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. 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. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training and maintenance.
- 7-307. Chief to be assistant to state officer.
- 7-308. Clothing furnished by city.
- 7-309. Police powers.
- 7-310. Prohibitions of fire department members.

7-301. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations of the board of mayor and aldermen. Any funds raised by the volunteer fire department as a whole, or by any individual or group of volunteer firemen in the name of the volunteer fire department, shall be turned over to and become the property of, the city and the city shall use such funds in the equipping of the fire department. Any and all gifts to the volunteer fire department shall be turned over to, and become the property of, the city. All other apparatus, equipment, and supplies of the volunteer fire department shall be purchased by or through the city and shall be and remain the property of the city. The volunteer fire department shall be composed of a chief appointed by the board of mayor and aldermen, and such number of physically-fit subordinate officers and firemen as the fire chief shall appoint.

7-302. Objectives. The volunteer fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.

¹Municipal code reference

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

7-303. Organization, rules, and regulations. The chief of the volunteer fire department shall set up the organization of the department, make definite assignments to individuals, and formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the volunteer fire department.

7-304. Records and reports. The chief of the volunteer fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the mayor as the mayor requires. The mayor shall submit reports on those matters to the board of mayor and aldermen, as the board of mayor and aldermen requires.

7-305. Tenure and compensation of members. The fire chief shall have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The fire chief may be suspended for up to thirty (30) days by the mayor, but may be dismissed only by the board of mayor and aldermen.

Every member of the fire department who attends and assists a fire shall receive for said service, the sum of ten dollars (\$10.00) for each fire call. They also shall receive a sum of two dollars (\$2.00) for each and every drill attended. In addition, the fire chief shall be paid seventy-five dollars (\$75.00) per month. (as replaced by Ord. #III-01, Aug. 2001)

7-306. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the board of mayor and aldermen.

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

7-308. Clothing furnished by city. The City of Elkton will furnish to the members of the said fire department suitable clothing and fire helmets to be worn at fires, drills and on duty only. Said clothing to be and remain the property of the City of Elkton. (Ord. #3-80, Oct. 1980, modified)

7-309. Police powers. The chief shall be authorized to exercise police powers at times of fire and to summon to his assistants such additional help as

he may deem necessary to control the fire. The chief of said fire department shall be and is hereby authorized to enforce all fire prevention ordinances contained in the City of Elkton Code of Laws. (Ord. #3-80, Oct. 1980)

7-310. Prohibitions of fire department members. Any member of the fire department may be dropped from the roll for any of the following reasons:

- (1) Intoxication.
 - (2) Any act of insubordination.
 - (3) Neglect or disobedience of orders.
 - (4) Immoral conduct.
 - (5) Any violation of the rules and regulations governing the department.
 - (6) Acting in an official capacity without being authorized to do so.
- (Ord. #3-80, Oct. 1980, modified)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

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

7-402. Fire protection outside corporate limits.

7-401. Equipment and personnel to be used only within corporate limits. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on city property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property, or is authorized by mutual aid agreement.

7-402. Fire protection outside corporate limits. As compensation for responding to calls under mutual aid or by contract for fire protection outside the corporate limits, the City of Elkton shall charge the owner(s) of the property for which the protection is rendered or the party requesting the services, the sum of \$250.00. (Ord. #II-87, July 1987, modified)

CHAPTER 5**FIREWORKS****SECTION**

7-501. Shooting unlawful except on private property.

7-502. Violation.

7-501. Shooting unlawful except on private property. It shall be unlawful for any person to shoot fireworks in the City of Elkton or on public streets, except it be on his own premises. (Ord. #X, 1972, Dec. 1972)

7-502. Violation. Any person violating this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$50.00. (Ord. #X, 1972, Dec. 1972)

CHAPTER 6

**ESTABLISHMENT AND COLLECTION OF FIRE AND
RESCUE SERVICE FEES**

SECTION

7-601. Service fees and charges.

7-602. Collection of fees.

7-601. Service fees and charges. The following fees and charges are hereby authorized and approved for services rendered by the Elkton Fire Department:

MOTOR VEHICLE RESPONSE

Level I response: \$435.00

May include some or all of the following: MVA driver/passenger/pedestrian injury assessment, patient evaluation, patient stabilization, and/or basic or advanced life support until victim is transported, if required. Also, may include scene safety, traffic control, and fire suppression standby.

Level II response: \$1835.00

Extrication in addition to the above services.

Level III response: \$2126.00

Landing zone command and control in addition to level I and/or level II services.

STRUCTURAL FIRE SUPPRESSION

Heavy apparatus: \$150.00 per hour

Includes engines, aerials, rescues, air/light units, etc.

Light apparatus: \$100.00 per hour

Includes brush units, support vehicles, etc.

Command staff vehicles: \$50.00 per hour

Includes battalion buggies, EMS supervisors, etc.

HAZARDOUS MATERIALS AND OTHER INCIDENTS

May be billed at the same rates for the apparatus a structural fire suppression with an additional itemized bill for materials used. (as added by Ord. #5, May 2006)

7-602. Collection of fees. The mayor be and is hereby authorized and directed to enter into a written agreement with Covenant Billing Corporation to collect such fees on behalf of the City of Elkton. The city clerk shall deposit such fees in the Elkton Fire Department fund to be used to purchase equipment, supplies, training, and other services used in the operation of the Elkton Fire Department. (as added by Ord. #5, May 2006)

TITLE 8**ALCOHOLIC BEVERAGES****CHAPTER****1. BEER.****CHAPTER 1****BEER¹****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. Limitation on number of permits.
- 8-111. Interference with public health, safety, and morals prohibited.
- 8-112. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-113. Prohibited conduct or activities by beer permit holders.
- 8-114. Revocation of beer permits.
- 8-115. Civil penalty in lieu of suspension.
- 8-116. Display of permit.
- 8-117. Beer tax levied.
- 8-118. Sanitation for premises covered by on premises permit.
- 8-119. Investigation of applicant, agent, and/or employees.
- 8-120. List of employees.
- 8-121. Open containers.
- 8-122. Parking space.
- 8-123. Beer permit holder to remain in business.

¹Municipal code references

Minors in beer places, etc.: title 11, chapter 1.

Tax provisions: title 5.

State law reference

For a leading case on a municipality's authority to regulate beer, see Watkins v. Naifeh, 635 S.W.2d 104 (Tenn. 1982).

- 8-124. Violation and penalty.
- 8-125. Employees liable for violation of chapter.
- 8-126. Restrictions on granting permits.
- 8-127. [Repealed.]

8-101. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen. The mayor shall be the chairman of the beer board.

8-102. Meetings of the beer board. All meetings of the beer board shall be open to the public. Meetings of the beer board shall be held in the city hall immediately following the regular monthly meetings of the board of mayor and alderman. In no event shall special meetings of the beer board be called. The beer board may adjourn a meeting at any time to another time and place. (Replaced by Ord. #II-99, Jan. 1999)

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 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.

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.

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 this municipality in accordance with the provisions of this chapter.

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.

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 Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Elkton. 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. Applications must be submitted no later than five working days before the beer board meets.

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 Elkton, 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.

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 retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. A single permit may be issued for on premise and off premise 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.

8-110. Limitation on number of permits. The number of permittees engaged in the retail sale of beer for off premises consumption only, shall be limited to no more than three (3). The number of permittees engaged in the on premises sale of beer, even though the permit may allow sale for off premises consumption also, shall be limited to no more than five (5). (as replaced by Ord. #VIII-98, Oct. 1998; amended by Ord. #III-99, March 1999, and replaced by Ord. #I-02, Jan. 2002)

8-111. 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 five hundred (500) feet of any hospital, school, church or other place of public gathering. The distances shall be measured in a straight line¹ 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.

8-112. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. 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 (10) years.

8-113. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

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

(2) Employ any minor under 18 years of age in the sale, storage, distribution or manufacture of beer.

(3) Sell, lend or give away beer between 2:00 A.M. and 12:00 noon on Sundays and between 2:00 A.M. and 6:00 A.M. Monday through Saturday of each week. However, the sale of beer by establishments permitted only for off premises consumption sales shall be allowed between 6:00 A.M. on Sunday and 2:00 A.M. on Monday of each week.

(4) Sell, lend, or give away beer an hour later on the morning that the time changes back to central standard time in the fall of each year, i.e. no beer shall be sold after 2:00 A.M. daylight savings time on that morning.

¹State law reference

See Watkins v. Naifeh, 625 S. W. 2d 104 (Tenn. 1982) and other cases cited therein which establish the straight line method of measurement.

- (5) Make or allow any sale of beer to a person under twenty-one (21) years of age.
- (6) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.
- (7) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (8) Allow drunk persons to loiter about his premises.
- (9) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.
- (10) Fail to provide and maintain separate sanitary toilet facilities for men and women for establishments with on premises consumption.
- (11) During the hours that the sale, lending or giving away of beer is prohibited, no premises where beer is sold for consumption on the premises, shall be used for any private parties or public meetings where alcoholic beverages of any nature are consumed. (as amended by Ord. #VI-98, Sept. 1998, Ord. #I-01, Jan. 2001, and Ord. #02-09, June 2009)

8-114. 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.

Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board, and the board is vested with full power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked.

Complaints filed against any permit holder for the purpose of suspending or revoking the permit shall be made in writing and filed with the board. When the board has reason to believe that any permit holder has violated the provisions of this chapter or of the state beer act, the board may notify the permittee of the violation and cite the permittee by written notice to appear and show cause why his permit should not be suspended or revoked for the violations. The notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered mail or by a member of the police department of the City of Elkton. The notice shall be served upon the permittee at least five (5) days before the date of the hearing. At the hearing the board shall publicly hear the evidence both in

support of the charges and on behalf of the permittee. After the hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke the permit. The action of the board in all such hearings shall be final, subject to review by the court as provided in the state beer act. When a permit is revoked, no permit shall be issued for the sale of beer at the same location until the expiration of one (1) year from the date the revocation becomes final. (Ord. #IV-87, Aug. 1987, modified)

8-115. 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.

8-116. Display of permit. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together with all other permits, licenses, and stamps as required by law. (Ord. #IV-87, Aug. 1987)

8-117. Beer tax levied. There is hereby levied and imposed on the sale of beer at wholesale a tax of seventeen percent (17%) of the wholesale price of same. Said tax is imposed pursuant to the provisions of Tennessee Code Annotated, title 57, chapter 6 and the appropriate sections of said chapter 6 are hereby adopted by reference.

All permittees selling beer within the corporate limits must purchase said beer directly from a Tennessee wholesaler for sale at the permittees place of business in Elkton, Tennessee, so as not to deny the City of Elkton the tax to be collected thereon.

Any permittee purchasing beer for retail sale from a source whereby the City of Elkton is denied the 17% wholesale tax thereon, shall have his or her license suspended for a minimum period of sixty (60) days or permanently revoked. (Ord. #IV-87, Aug. 1987)

8-118. Sanitation for premises covered by on premises permit. Any person holding a permit under this chapter for sale for consumption on the premises shall keep and maintain the premises in a clean and sanitary condition. Any city police officer or any properly authorized person may enter the premises at all reasonable times for the making of any necessary inspection. The determination of the sanitary conditions is solely a question for the City of Elkton. (Ord. #IV-87, Aug. 1987)

8-119. Investigation of applicant, agent, and/or employees.

Applications for a retail permit under this section are subject to be investigated by municipal, county, and state authorities, and any agent of the applicant must register with the police department of the City of Elkton prior to beginning work, submit such information and records as the beer board may require, and secure a permit from the police department. (Ord. #IV-87, Aug. 1987)

8-120. List of employees. All permittees shall furnish a complete list of their employees to the beer board and they shall likewise furnish an up-to-date list of the names of new and terminated employees, as the case may be. All persons in whose name a beer permit has been issued shall devote a minimum of twenty (20) hours per month to the operation of the business at which the permit is held. The permittee shall keep and maintain an accurate log which will show the exact days and hours that the permittee worked in the business. The chief of police and any police officer of the City of Elkton shall have the right to examine the logs at any time during normal business hours. (Ord. #IV-87, Aug. 1987)

8-121. Open containers. 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.

Permittees having a license for on premises consumption shall not allow any person to drink or consume, or have an open container of beer, in open or unenclosed areas adjacent to or outside the main premises. Prohibited areas shall include but not be limited to unenclosed porches and picnic areas. (Ord. #IV-87, Aug. 1987)

8-122. Parking space. All permittees having a permit for the sale of beer for on premises consumption shall make and have available one (1) automobile parking space for each fifty (50) square feet of floor space, or portion thereof, contained in the building where the permit has been issued. The floor space shall be calculated by measuring the outside walls of the building, and the required parking spaces shall be located within the perimeter of one hundred and twenty-five (125) feet of the outside walls of the building.

During the first week in January of each consecutive year, all permittees having a license for on premises consumption of beer shall give evidence in writing to the city recorder of the location and number of the automobile parking spaces which they have available to customers.

This provision shall apply only to permittees receiving licenses on and after October 1, 1984. (Ord. #IV-87, Aug. 1987)

8-123. Beer permit holder to remain in business. Any person who has been issued a beer permit from the beer board shall remain in business in order to maintain a valid beer permit. If for any reason, the licensed premises are closed for at least thirty (30) days, or if the permittee fails to open his business upon being granted a permit, the beer board shall automatically revoke the beer permit. Upon revocation, the location shall be eligible for the issuance of a new beer permit provided all requirements of the beer board are met.

To insure the return and surrender of beer permits by permittees who cease to do business, all permittees prior to being issued a beer permit shall post with the city recorder a cash bond in the sum of two hundred fifty dollars (\$250.00). Upon the surrender of the beer permit to the city recorder the bond shall be returned to the permittee. In the event that permittee fails to surrender his beer permit within thirty (30) days of the date that he ceases to do business, the bond shall be forfeited in its entirety to the City of Elkton. (Ord. #IV-87, Aug. 1987)

8-124. Violation and penalty. Each day's violation of each provision of this chapter by any permit holder, or each sale made in violation of any provisions of this chapter shall constitute a separate misdemeanor which shall be punishable by a fine of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) or by suspension or revocation of the permit issued hereunder or by both fine or suspension or revocation. (Ord. #IV-87, Aug. 1987)

8-125. Employees liable for violation of chapter. Any employee of any permittee who violates any provision of this chapter or any provision of the state beer act while employed by the permittee shall be guilty of a misdemeanor which shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (Ord. #IV-87, Aug. 1987)

8-126. Restrictions on granting permits. (1) No permit shall be issued to sell any beverage coming within the provisions of this section:

- (a) In violation of any provisions of the state law.
- (b) In violation of any ordinance of the City of Elkton.
- (c) Within five hundred (500) feet of the Elkton city hall or fire hall.
- (d) Within five hundred (500) feet from any church or other structure used for religious assemblies and any public or private cemetery.
- (e) Within the perimeter of the following section of the City of Elkton: Beginning in the centerline of Market Street at the intersection of that street with Beaty Brook; thence with the centerline of Market Street to its convergence with Persimmon Island Road; thence with the centerline of Persimmon Island Road to its intersection with the corporate limits of the City of Elkton; thence generally northwest with

the perimeter of the corporate limits to the intersection of the limits with Beaty Brook; thence with the meanders of the brook to the point of beginning.

(2) The number of permits issued within the corporate limits of the City of Elkton shall be limited to fourteen (14).

(3) Subsections (c), (d), and (e), of subsection (1) of this section shall not apply to any building or premises now used for the retail sale of beer. If any such building or premises ceases to be used for the retail sale of beer for a period in excess of 365 days, then no permit shall be issued for the building or premises.

8-127. [Repealed.] (as added by Ord. #IV-97, June 12, 1997, and repealed by Ord. #04-08, Dec. 2008, and Ord. #01-09, Jan. 2009)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. GAME ROOMS.
2. CABLE TELEVISION.
3. ADULT-ORIENTED ESTABLISHMENTS.
4. [REPEALED.]

CHAPTER 1

GAME ROOMS

SECTION

- 9-101. Game room defined.
9-102. Hours of operation regulated.

9-101. Game room defined. A game room is defined as any business establishment or premises where the principal business activity is operating, maintaining or providing billiard tables and/or video machines for public use. (Ord. #V, Sept. 1982)

9-102. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct or operate a game room between the hours of 12:00 o'clock midnight and 6:00 a.m. on any day of the week. (Ord. #V, Sept. 1982)

¹Municipal code references

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

CHAPTER 2**CABLE TELEVISION****SECTION**

9-201. To be furnished under franchise.

9-201. To be furnished under franchise. Cable television service shall be furnished to the City of Elkton and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Elkton and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #II-1981 dated March 2, 1981, and any amendments thereto, in the office of the city recorder.

CHAPTER 3

ADULT-ORIENTED ESTABLISHMENTS

SECTION

- 9-301. Definitions.
- 9-302. Adult-oriented establishment board.
- 9-303. Operating licenses; issuance; nontransferability; work in unlicensed establishments.
- 9-304. Operating licenses; application procedure; required information.
- 9-305. Operating licenses; age requirement; other qualifications.
- 9-306. Investigations and inspections; penalty for refusal to permit; notice of decision.
- 9-307. Injunctions; contempt violations.
- 9-308. Licenses; permits; grounds for revocation, suspension or annulment; consequences.
- 9-309. Hearings on board actions; judicial review; effect of board decisions.
- 9-310. Licenses; termination; renewal applications and fees.
- 9-311. Hours of operation; times for inspection.
- 9-312. Employee register; entertainment list; minors prohibited; physical arrangement; display of license.
- 9-313. Prohibited conduct.
- 9-314. Location restrictions.

9-301. Definitions. As used in this part, unless the context otherwise requires:

(1) "Adult bookstore" means a business that offers, as its principal or predominate stock or trade, sexually oriented material, devices, or paraphernalia, whether determined by the total number of sexually oriented materials, devices or paraphernalia offered for sale or by the retail value of such materials, devices or paraphernalia, specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live, and that restricts or purports to restrict admission to adults or to any class of adults. The definition specifically includes items sexually oriented in nature, regardless of how labeled or sold, such as adult novelties, risque gifts or marital aids.

(2) "Adult cabaret" means an establishment that features as a principal use of its business, entertainers, waiters, or bartenders who expose to public view of the patrons within such opaque material or completely covered by translucent material, including swim suits, lingerie, or latex covering. "Adult cabaret" includes a commercial establishment that features entertainment of an erotic nature, including exotic dancers, strippers, male or female impersonators, or similar entertainers.

(3) "Adult entertainment" means any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, that has as a

principal or predominant theme, emphasis, or portion of such performance, any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

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

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

(6) "Adult-oriented establishment" includes, but is not limited to, an adult bookstore, adult motion picture theater, adult mini-motion picture establishment, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna; further, "adult-oriented establishment" means any premises to which the public patrons or members are invited or admitted and that are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. "Adult-oriented establishment" further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, or any other term of like import.

(7) "Board" means the adult-oriented establishment board.

(8) (a) "Employee" means a person who performs any service on the premises of an adult-oriented establishment on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise, and whether or not such person is paid a salary, wage, or other compensation by the operator of such business;

(b) "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does it include an independent accountant, attorney, or other similar professional incidentally visiting the premises solely to perform accounting, legal or other similar professional services; provided, that the accountant,

attorney or other similar professional is not a manager, owner, operator, entertainer connected with the adult-oriented establishment or the providing of adult entertainment.

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

(10) "Legal holidays" shall consist of: January 1; the third Monday in January, known as "Martin Luther King, Jr. Day"; the third Monday in February, known as "Washington Day"; the last Monday in May, known as "Memorial" or "Decoration Day"; July 4; the first Monday in September, known as "Labor Day"; the second Monday in October, known as "Columbus Day"; November 11, known as "Veterans' Day"; the fourth Thursday in November, known as "Thanksgiving Day"; December 25; and Good Friday; and when any one (1) of these days falls on Sunday, then the following Monday shall be substituted; and when any of these days falls on Saturday, then the preceding Friday shall be substituted; also, all days appointed by the governor or by the president of the United States as days of fasting or thanksgiving, and all days set apart by law for holding county, state, or national elections, throughout this state, are made legal holidays.

(11) "Massage parlor" means an establishment or place primarily in the business of providing massage or tanning services where one (1) or more of the employees exposes to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material.

(12) "Minor" means any person under the age of eighteen (18) years old.

(13) "Notice" means, when required by this part, placing the document in the United States mail with sufficient first-class postage to carry it to its destination to the address of the person being notified as contained in their application, unless such person has notified the board in writing of such person's new address. "Receipt of notification" is presumed three (3) days after the mailing of a notice as provided in § 9-314.

(14) "Operator" means any person, partnership, or corporation operating, conducting or maintaining an adult-oriented establishment.

(15) "Person" means an individual, partnership, limited partnership, firm, corporation or association.

(16) "Rap parlor" means an establishment or place primarily in the business of providing nonprofessional conversation or similar service for adults.

(17) "Sauna" means an establishment or place primarily in the business of providing:

- (a) A steam bath; or
- (b) Massage services; or
- (c) No escort services.

(18) "Sexual conduct" means the engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttocks or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

(19) "Sexual encounter center" means a business or commercial enterprise that, as one (1) of its primary business purposes, offers for any form of consideration:

(a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(b) Physical contact between male and female persons or persons of the same sex when one (1) or more of the persons exposes to view of the persons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material.

(20) "Sexual gratification" means sexual conduct as defined in this section.

(21) "Sexual stimulation" means to excite or arouse, the prurient interest or to offer or solicit acts of sexual conduct as defined in this section.

(22) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

- (i) Human genitals;
- (ii) Pubic region;
- (iii) Buttocks; and

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

(23) "Specified criminal acts" means the following criminal offenses as defined by the Tennessee Code Annotated or the corresponding violation of another state or country:

- (a) Aggravated rape;
- (b) Rape;
- (c) Rape of a child;
- (d) Aggravated sexual battery;
- (e) Sexual battery by an authority figure;
- (f) Sexual battery;
- (g) Statutory rape;
- (h) Public indecency;
- (i) Prostitution;
- (l) Promoting prostitution;
- (k) Distribution of obscene materials;
- (l) Sale, loan or exhibition to a minor of material harmful to minors;
- (m) The display for sale or rental of material harmful to minors;
- (n) Sexual exploitation of a minor;

- (o) Aggravated sexual exploitation of a minor; and
 - (p) Especially aggravated sexual exploitation of a minor.
- (24) "Specified services" means massage services, private dances, private modeling, and acting as an escort as defined in this part, and any other live adult entertainment as defined in this section.
- (25) "Specified sexual activities" means:
- (a) Human genitals in a state of sexual stimulation or arousal;
 - (b) Acts of human masturbation, sexual intercourse or sodomy;
- or
- (c) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts. (Ord. #I-98, March 1998, as replaced by Ord. #04-08, Dec. 2008, and Ord. #01-09, Jan. 2009)

9-302. Adult-oriented establishment board. (1) There is hereby created an adult-oriented establishment board.

(2) The board shall consist of the five (5) members of the Elkton Board of Mayor and Aldermen.

(3) Three (3) members shall constitute a quorum.

(4) The board shall serve without compensation.

(5) The Mayor of the City of Elkton shall serve as chair and the city recorder shall notify interested persons and members of board meetings and keep minutes of the meetings.

(6) The mayor shall not have a vote except in the event of a tie.

(7) The board shall meet as often as required to carry out the provisions of this chapter.

(8) Decisions of the board shall be appealed to the Circuit Court of Giles County, Tennessee. (Ord. #I-98, March 1998, as replaced by Ord. #04-08, Dec. 2008, and Ord. #01-09, Jan. 2009)

9-303. Operating licenses; issuance; nontransferability; work in unlicensed establishments. (1) Except as provided in § 9-303(5), from and after January 1, 2009, no adult-oriented establishment shall be operated or maintained in the city limits of Elkton without first obtaining a license to operate issued by the City of Elkton Adult-Oriented Establishment Board.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership or corporation that desires to operate more than one (1) adult-oriented establishment must have a license for each. No building, premises, structure or other facility that contains any adult-oriented establishment shall contain any other kind of adult-oriented establishment. License must be displayed, in full view, at the establishment.

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

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

(5) All existing adult-oriented establishments, entertainers, employees, escorts, or operators, at the time the ordinance comprising the chapter is given local effect, must submit an application for an appropriate license or permit within one hundred twenty (120) days of the ordinance becoming effective in the City of Elkton. All existing adult-oriented establishments, entertainers, employees, escorts, or operators, at the time the ordinance comprising this chapter, who timely submit an application for an appropriate license or permit, as set forth in this chapter, shall be granted a conditional license or permit maintaining the status quo. If no timely application is filed within the one hundred twenty day (120) period, or no license or permit is issued by the board or granted through judicial review by the trial court, then the adult-oriented establishment, entertainer, employee, escort, or operator shall cease to operate or to perform such services or entertainment.

(6) No license shall be issued by the board unless the applicant certifies, by proof satisfactory to the board, that the applicant has satisfied the rules, regulations and provisions of the applicable zoning requirements in the City of Elkton. Any zoning requirement shall be in addition to and not an alternative to any requirement of this part.

(7) No more than two (2) licenses will be issued at any time. (as added by Ord. #04-08, Dec. 2008, and replaced by Ord. #01-09, Jan. 2009)

9-304. Operating licenses; application procedure; required information. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the adult-oriented establishment board. A copy of the application shall be distributed promptly to the City of Elkton Police Department.

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

- (a) Name and address, including all aliases;
- (b) Written proof that the individual is at least eighteen (18) years of age;
- (c) The business, occupation or employment of the applicant in an adult-oriented establishment for five (5) years immediately preceding the date of the application;
- (d) The adult-oriented establishment or similar business license history of the applicant; whether such applicant, in previously operating in this or any other county, city or state under license, has had such license revoked or suspended, the reason therefore, and the business activity or occupation subject to such action of suspension or revocation;

(e) Any conviction for or plea of nolo contendere to a specified criminal act as defined in § 9-301(23) of this chapter;

(f) The address of the adult-oriented establishment to be operated by the applicant;

(g) (i) If the applicant is a corporation, the application shall specify the name, address, and telephone number of the corporation, the date and the state of incorporation, the name and address of the registered agent for service of process of the corporation, and the names and addresses of the officers and directors of the corporation, and the names and addresses of any persons holding fifty percent (50%) or more of the stock of the corporation;

(ii) If the applicant is a partnership, the application shall specify the name and address of the partnership, and the name and address of all general partners of the partnership;

(iii) If the partnership is a limited partnership, the application shall specify the name and address of all general partners who have a controlling interest in the partnership; and

(h) A statement by the applicant that the applicant is familiar with the provisions of this part and is in compliance with this part.

(3) Within ten (10) days of receiving the results of the investigation conducted by the board or the police department, pursuant to § 9-305(4) of this chapter, the board shall notify the applicant that the application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the board shall advise the applicant in writing whether the application is granted or denied.

(4) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or the applicant's refusal to submit to or cooperate with any investigation required by this part constitutes an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial of the license by the board. (as added by Ord. #04-08, Dec. 2008, and replaced by Ord. #01-09, Jan. 2009)

9-305. Operating licenses; age requirement; other qualifications.

To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(1) (a) If the applicant is an individual:

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

(ii) The applicant shall not have had a license revoked within five (5) years immediately preceding the date of the application;

(iii) The applicant shall not have been convicted of or pleaded nolo contendere to any violation of this part within five (5) years immediately preceding the date of the application; and

(iv) The applicant shall not have been convicted of a "specified criminal act," as defined in § 9-301(23) of this chapter, for which:

(A) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;

(B) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;

(C) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve (12) month period.

(b) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.

(2) (a) If the applicant is a corporation:

(i) All officers, directors and stockholders required to be named under § 9-304(2) of this chapter shall be at least eighteen (18) years of age;

(ii) No officer, director and stockholder required to be named under § 9-304(2) of this chapter shall have had an adult-oriented establishment license revoked within five (5) years immediately preceding the date of the application;

(iii) No officer, director or stockholder required to be named under § 9-304(2) of this chapter shall have been convicted of or pleaded novo contendere to any violation of this part within five (5) years immediately preceding the date of the application; and

(iv) The applicant or officer, director or stockholder required to be named under § 9-304(2) of this chapter shall not have been convicted of a "specified criminal act," as defined in § 9-301(23) of this chapter, for which:

(A) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;

(B) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense; and

(C) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve (12) month period.

(b) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.

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

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

(ii) All persons having a financial interest in the partnership, joint venture or other type of organization shall not have had a license revoked within five (5) years immediately preceding the date of the application;

(iii) No applicant or person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to any violation of this part within five (5) years immediately preceding the date of the application; and

(iv) The applicant or any person having a financial interest required to be disclosed shall not have been convicted of a "specified criminal act," as defined in § 9-301(23) of this chapter, for which:

(A) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;

(B) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;

(C) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve (12) month period.

(b) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.

(4) No license shall be issued unless the board or police department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the board no later than twenty (20) days after the date of the application. The board shall only deny an application for a license for reasons set forth in this section.

(5) An applicant who has been convicted of any "specified criminal activities" may not be denied a permit based on those convictions once the time period required in this section has elapsed. (as added by Ord. #04-08, Dec. 2008, and replaced by Ord. #01-09, Jan. 2009)

9-306. Investigations and inspections; penalty for refusal to permit; notice of decision. (1) In order to effectuate the provisions of this section, the board, its authorized representative or city police department is empowered to conduct investigations of persons engaged in the operation of any adult-oriented establishment and inspect the license of the operators and establishment for compliance. Refusal of an operation or establishment to permit inspections shall be grounds for revocation, suspension or refusal to issue licenses provided by this part.

(2) Within ten (10) days of receiving the results of the investigation conducted pursuant to § 9-305(4) of this chapter, the board shall notify the applicant that the application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days, unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the board shall advise the applicant in writing whether the application is granted or denied.

(3) If an additional investigation is held and is not a result of actions by the applicant, upon the expiration of the thirtieth day from the filing of the application, the applicant shall be permitted to operate the business for which the license is sought, unless or until the board or its authorized representative notifies the applicant of a denial of the application and states the reasons for that denial. (as added by Ord. #04-08, Dec. 2008, and replaced by Ord. #01-09, Jan. 2009)

9-307. Injunctions; contempt violations. (1) The board has the power and authority to enter into any court of the State of Tennessee having proper jurisdiction to seek an injunction against any person or adult-oriented establishment not in compliance with the provisions of this part, and is further empowered to enter into any such court to enforce the provisions of this part in order to ensure compliance with such provisions.

(2) Any violation of an injunction obtained under this section is contempt with a fine of fifty dollars (\$50.00).

(3) Each day in contempt of such injunction is considered a separate offense.

(4) The circuit, chancery, or criminal courts of this state and the chancellors and judges of the courts shall have full power, authority, and jurisdiction, upon application by sworn detailed petition filed by the board within their respective jurisdictions, to issue any and all proper restraining orders, temporary and permanent injunctions, and any other writs and processes appropriate to carry out and enforce this part. (as added by Ord. #04-08, Dec. 2008, and replaced by Ord. #01-09, Jan. 2009)

9-308. Licenses; permits; grounds for revocation, suspension or annulment; consequences. (1) The board shall revoke, suspend or annul a license or permit for any of the following reasons:

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

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

(c) The operator becomes ineligible to obtain a license;

(d) Any cost or fee required to be paid by this part is not paid;

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

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

(g) Any operator who fails to maintain the licensed premises in a clean, sanitary and safe condition; and

(h) Any operator, employee or entertainer is convicted of a specified criminal act, as defined in § 9-301(27) of this chapter, provided that such violation occurred on the licensed premises.

(2) (a) Notwithstanding anything in this part to the contrary, before revoking or suspending any license or permit, the chair shall give the license holder or permit holder not less than ten (10) nor more than twenty (20) days' written notice of the charges against such license holder or permit holder and of the revocation of such license or permit, or of the period of time such license or permit is to be suspended; such notice shall also advise the license holder or permit holder of the license holder's or permit holder's right to request a hearing before the board. In the event the license holder or permit holder does not request in writing a hearing before the board within the time set forth in such notice, the suspension or revocation shall be effective beginning the date set forth in such notice.

(b) If the license holder or permit holder desires to request a hearing before the board to contest the suspension or revocation, such request shall be made in writing to the city recorder within ten (10) days of the license holder's or permit holder's receipt of the notification from the board. If the license holder or permit holder timely requests such a hearing, the effective date of a suspension or hearing shall be stayed pending the final outcome of judicial proceedings to determine whether such license or permit has been properly revoked or suspended under the law.

(c) If the license holder or permit holder timely requests such a hearing, a public hearing shall be held within fifteen (15) days of the city recorder's receipt of such request before the board, at which time the license holder or permit holder may present evidence. The board shall hear evidence concerning the basis for such suspension or revocation and shall affirm or reverse the suspension or revocation at the conclusion of such hearing; any such hearing shall be concluded no later than twenty-two (22) days after the license holder's or permit holder's receipt of the notification of the suspension or revocation, unless an extension beyond such time period is requested by the license holder or permit holder and granted by the board.

(3) Any operator whose license is revoked shall not be eligible to receive a license for five (5) years from the date of revocation. (as added by Ord. #04-08, Dec. 2008, and replaced by Ord. #01-09, Jan. 2009)

9-309. Hearings on board actions; judicial review; effect of board decisions.

(1) As used in this section, "application" means:

- (a) An application for a license;
- (b) An application for a license renewal.

(2) Whenever an application is denied, the chair shall notify the applicant in writing of the reasons for such action; such notice shall also advise the applicant of the applicant's right to request a hearing before the board. All adult-oriented establishments, entertainers, employees, or operators who timely submit an application for renewal of an appropriate license or permit shall be granted a conditional license or permit maintaining the status quo pending review by the board and final judicial review by the trial court. If the applicant desires to request a hearing before the board to contest the denial of an application, such request shall be made in writing to the city recorder within ten (10) days of the applicant's receipt of the notification of the denial of the application. If the applicant timely requests such a hearing, a public hearing shall be held within fifteen (15) days of the city recorder's receipt of such request before the board, at which time the applicant may present evidence as to why the application should not be denied. The board shall hear evidence concerning the basis for denial of the application and shall affirm or reverse the denial of an application at the conclusion of such hearing; any such hearing shall be concluded no later than twenty-two (22) days after the applicant's receipt of notification of denial of an application, unless an extension beyond such time period is requested by the applicant and granted by the board. (as added by Ord. #04-08, Dec. 2008, and replaced by Ord. #01-09, Jan. 2009)

9-310. Licenses; termination; renewal applications and fees.

(1) Every license issued under this section will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator

desiring to renew a license shall make application to the board. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the board. A copy of the application for renewal shall be distributed promptly by the chair of the board to the Chief of Police, Elkton. The application for renewal shall contain such information and data relevant to the renewal request, including information related to the applicant's qualifications or whether there are grounds for denial of renewal, and shall be given under oath or affirmation, as may be required by the board, but not less than the information contained in the original application.

(2) A license renewal fee of one thousand dollars (\$1,000.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than thirty (30) days before the license expires. If the application is denied, one half (1/2) of the fee shall be returned.

(3) If the police chief is aware of any information bearing on the operator's qualifications, the information shall be filed in writing with the board not later than ten (10) days after the date of the application for renewal.

(4) Notwithstanding anything herein to the contrary, any application for renewal of a license or for renewal for a permit shall be handled, investigated, and approved or denied within the same time periods as those established in this section for original license applications and permit applications. In the event a license renewal application is denied, the applicant shall have all rights of appeal to the board as set forth herein. (as added by Ord. #04-08, Dec. 2008, and replaced by Ord. #01-09, Jan. 2009)

9-311. Hours of operation; times for inspection. (1) Pursuant to Tennessee Code Annotated, § 7-51-1402, no adult-oriented establishment shall open to do business before 8:00 A.M. Monday through Saturday; and no such establishment shall remain open after 12:00 midnight, Monday through Saturday.

(2) Pursuant to Tennessee Code Annotated, § 7-51-1405, the operating hours defined in § 9-311(1) shall not apply to an establishment or the portion of an establishment that offers only live, stage adult entertainment in a theatre, adult cabaret, or dinner show type setting. Any adult-oriented establishment under this subsection shall not open to do business before 8:00 A.M. Monday through Saturday; and no such establishment shall remain open after 2:00 A.M., Monday through Sunday at 2:00 A.M.

(3) Notwithstanding § 9-311(2) from midnight to 2:00 A.M., no adult-oriented establishment shall be open for business on any Sunday or on Christmas Day for the purpose of conducting business as an adult-oriented establishment.

(4) The public portion of all adult-oriented establishments shall be open to inspection at all reasonable times by the applicable sheriff's department

or such other persons as the board may designate. (as added by Ord. #04-08, Dec. 2008, replaced by Ord. #01-09, Jan. 2009, and amended by Ord. #03-09, June 2009)

9-312. Employee register; entertainment list; minors prohibited; physical arrangement; display of license. (1) The operator shall maintain a register of all employees or entertainers, showing for each person the name, any aliases used, birth date, sex, date of employment and termination, and duties associated with the adult-oriented establishment. The operator shall maintain a file on each employee or entertainer, containing each person's name, any aliases used, home address, birth date, sex, height, weight, color of hair and eyes, telephone number, social security number, driver license number, date of employment and termination, and duties associated with the adult-oriented establishment. This information on each employee shall be maintained in the file on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of employees available immediately for inspection by the board or police department upon demand of a member of the board or police department at all reasonable times, however, such personal information shall not be made public unless necessary pursuant to a violation of the city ordinance.

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

(4) An operator shall be responsible for supervising the conduct of all entertainers and employees while on the licensed premises, and shall exercise due diligence in taking reasonable efforts to prevent acts or omissions of any entertainers or employees constituting a violation of the provisions of this part, with the operator's failure to reasonably fulfill this duty constituting a ground for determining whether the operator's license shall be revoked, suspended or renewed.

(5) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined in the ordinance comprising this chapter.

(6) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction whatsoever, doorways may be sufficient for visibility under this part if it is visible from a

common area of the premises and does not have a door, curtain, partition, drape or any other obstruction blocking the doorway.

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

(8) The license shall be conspicuously displayed in the common area of the premises at all times. (as added by Ord. #04-08, Dec. 2008, and replaced by Ord. #01-09, Jan. 2009)

9-313. Prohibited conduct. (1) No operator, entertainer or employee of an adult-oriented establishment, either on the premises or in relation to the person's role as an operator, entertainer, or employee of an adult-oriented establishment, shall permit to be performed, offer to perform, perform, or allow patrons to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer or employee of an adult-oriented establishment shall encourage or permit any customer or patron upon the premises to touch, caress or fondle the specified anatomical areas of any operator, entertainer or employee.

(3) No customer shall be permitted to touch, caress or fondle any entertainer, employee or operator in a specified anatomical area as defined herein on the premises during any performance, however, incidental contact during a performance shall not be in violation of this subsection.

(4) (a) No employee or entertainer, while on the premises of an adult-oriented establishment, may:

(i) Engage in sexual intercourse;

(ii) Engage in deviant sexual conduct;

(iii) Appear in a state of nudity; or

(iv) Fondle the genitals or any customer, patron or person

of the opposite sex or allow any customer, patron or person of the opposite sex to fondle the genitals of the employee or entertainer.

(2) For the purpose of this section, "nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the showing of the covered male genitals in a discernibly turgid state.

(3) No license holder shall advertise that such license holder offers sexual stimulation or sexual gratification as defined in this part. (as added by Ord. #04-08, Dec. 2008, and replaced by Ord. #01-09, Jan. 2009)

9-314. Location restrictions. No person shall operate an adult-oriented establishment within:

(a) Two thousand feet (2,000') of a residence, including any apartment or dwelling house, and/or any place of public gathering as

defined by the laws of the State of Tennessee, not including any hotel or motel; or

(b) Within three hundred fifty feet (350') of the centerline of a public road.

(2) Such distance shall not apply to subsequent purchasers of said existing adult-oriented establishment in existence in Elkton, Tennessee as of January 1, 2009.

(3) Said distance restrictions shall also not apply to subsequent purchasers of said existing adult-oriented establishments which do not comply with same. However, should a pre-existing establishment not be operated for a period of one (1) year the said distance restrictions shall apply to such location. (as added by Ord. #04-08, Dec. 2008, and replaced by Ord. #01-09, Jan. 2009)

CHAPTER 4

[REPEALED]

(Ord. #VII-98, Oct. 1998, as repealed by Ord. #04-08, Dec. 2008, and
Ord. #01-09, Jan. 2009)

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

1. IN GENERAL.
2. DOGS AND CATS.

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. Seizure and disposition of animals.
- 10-106. Violation and penalty.

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.

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.

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.

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.

It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. A violation of this section shall subject the offender to a penalty of up to three hundred fifty dollars (\$350) for each offense.

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.

10-105. 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 any police officer or other properly designated officer or official and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen.

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 mayor and aldermen, to cover the costs of impoundment and maintenance.

10-106. Violation and penalty. Any violation of any section of this chapter other than § 10-104 shall subject the offender to a penalty of up to one hundred fifty dollars (\$150) for each offense. Each day the violation shall continue shall constitute a separate offense.

CHAPTER 2

DOGS AND CATS

SECTION

10-201. Rabies vaccination and registration required.

10-202. Dogs to wear tags.

10-203. Vicious dogs to be securely restrained.

10-204. Confinement of dogs suspected of being rabid.

10-205. Seizure and disposition of dogs.

10-206. Destruction of vicious or infected dogs running at large.

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

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.

10-203. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. A violation of this section shall subject the offender to a penalty of up to three hundred fifty dollars (\$350) for each offense.

10-204. 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.

10-205. 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 mayor and aldermen. If the 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 mayor and aldermen, or the dog will be sold or humanely destroyed. If the 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 has a tag evidencing such vaccination placed on its collar.

10-206. Destruction of vicious or infected dogs running at large.

When, because of its viciousness 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.¹

¹State 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 OFFENSES¹

CHAPTER

1. OFFENSES AGAINST THE PEACE AND QUIET.
2. MISCELLANEOUS.

CHAPTER 1

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

- 11-101. Disturbing the peace.
- 11-102. Anti-noise regulations.
- 11-103. Violation and penalty.
- 11-104. Rules of the road adopted.

11-101. 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.

11-102. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

(a) Blowing horns. The sounding of any horn or 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.

¹Municipal code references

Fireworks and explosives: title 7.

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

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

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

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

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

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

(i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

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

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

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

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

(a) City vehicles. Any vehicle of the city while engaged upon necessary public business.

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations.

11-103. Violation and penalty. A violation of any provision of this chapter shall subject the offender to a penalty of up to one hundred dollars (\$100) for each offense.

11-104. "Rules of the road" adopted. By the authority granted under Tennessee Code Annotated, § 55-10-307, the City of Elkton adopts by reference as if fully set forth in this section, the Rules of the Road as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-180. Additionally, the City of Elkton adopts Tennessee Code Annotated, §§ 55-8-151 through 55-8-193 by reference as if fully set forth in this section. (as added by Ord. #04-07, Feb. 2007)

CHAPTER 2

MISCELLANEOUS

SECTION

11-201. Curfew for minors.

11-202. Exceptions.

11-201. Curfew for minors. Except as is hereafter provided, no person who is between the ages of six (6) years and eighteen (18) years shall be allowed on the public streets of Elkton or in places of business in Elkton during the following hours:

10:00 P.M. on Monday to 5:00 A.M. on the following Tuesday

10:00 P.M. on Tuesday to 5:00 A.M. on the following Wednesday

10:00 P.M. on Wednesday to 5:00 A.M. on the following Thursday

10:00 P.M. on Thursday to 5:00 A.M. on the following Friday

11:00 P.M. on Friday to 5:00 A.M. on the following Saturday

11:00 P.M. on Saturday to 5:00 A.M. on the following Sunday

10:00 P.M. on Sunday to 5:00 A.M. on the following Monday.

(Ord. #I-99, Jan. 1999)

11-202. Exceptions. Any minor child shall be excused from the curfew aforementioned if:

(1) They are accompanied by a parent or guardian;

(2) Going to or from their place of employment;

(3) Going to or from a school activity; or

(4) Going to or from a church activity. (Ord. #I-99, Jan. 1999)

TITLE 12**BUILDING, UTILITY, ETC. CODES****CHAPTER****1. MODEL ENERGY CODE.****CHAPTER 1****MODEL ENERGY CODE¹****SECTION**

12-101. Model energy code adopted.

12-102. Modifications.

12-103. Available in recorder's office.

12-104. Violations and penalty.

12-101. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code² 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

¹State law reference

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

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-102. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Elkton. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

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

12-104. Violations and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. HAZARDOUS STRUCTURES.
2. FLEA MARKETS AND JUNK DEALERS.
3. SLUM CLEARANCE.
4. JUNKED MOTOR VEHICLES.
5. MISCELLANEOUS.

CHAPTER 1

HAZARDOUS STRUCTURES

SECTION

- 13-101. Removal of hazardous structures.
- 13-102. Board of mayor and aldermen to determine if structures are hazardous.
- 13-103. City has authority to remove hazardous structures.

13-101. Removal of hazardous structures. Any dwelling, business, house, or other structure, which because of casualty, being unattended to, or other reason, becomes present or potential hazard to the public's health and safety, shall be removed by the owner(s) thereof within 90 days of the date that written notice of same, from the City of Elkton, is received by the owner(s). (Ord. #III-83, June 1983)

13-102. Board of mayor and aldermen to determine if structures are hazardous. The Board of Mayor and Aldermen of the City of Elkton shall determine if a structure constitutes a present or potential hazard to the public's health and safety. In the event that the board determines a structure to be a present or potential hazard to the public's health and safety, written notice of same shall be given the owner(s) of the subject property by the city recorder. (Ord. #III-83, June 1983)

13-103. City has authority to remove hazardous structures. In the event that the hazard is not removed or cured by the owner(s) of the property within the 90 day period, the City of Elkton shall have authority to remove the same and the owner(s) of the property shall be liable to the City of Elkton for the costs and expenses incident thereto. (Ord. #III-83, June 1983)

¹Municipal code references

Littering streets, etc.: title 20.

Toilet facilities in beer places: § 8-117(9).

CHAPTER 2

FLEA MARKETS AND JUNK DEALERS

SECTION

13-201. License required.

13-202. This chapter doesn't apply for businesses operated less than 48 hours.

13-203. Application for license.

13-204. License fee.

13-205. Nuisances prohibited.

13-206. Inspections to be made.

13-207. Violation and penalty.

13-208. Revocation of license.

13-201. License required. It shall be unlawful for any person, firm, corporation, merchant, church, club or charitable institution to operate a flea market or to carry on the business of a junk dealer within the corporate limits of the City of Elkton without first obtaining a license for that purpose.

13-202. This chapter doesn't apply for businesses operated less than 48 hours. This chapter shall not apply to flea markets and junk sales which are operated and carried on for a period not exceeding forty-eight (48) hours.

13-203. Application for license. An application for license to operate a flea market or junk business shall be made in writing to the city recorder and signed by the applicant(s). The application shall contain (1) the name of the applicant if an individual, the names of partners, if a partnership, or the names of the principal officers, if a corporation, church, club or charitable institution; (2) the location of the place or places where the flea market or junk business is to be conducted; and (3) the length of time during which it is proposed that said business shall be conducted.

13-204. License fee. The fee to be charged for such license shall be five dollars (\$5.00). All licenses shall expire twelve (12) months from the date of issuance.

13-205. Nuisances prohibited. No street, alley, or highway shall be blocked by any merchandise offered for sale hereunder. Merchandise placed outside of permanent structures or in open areas shall be securely and adequately placed so that it will not endanger passersby or fall, extrude or happen into streets, alleys or highways.

The licensee shall not operate said business in a manner which would cause a nuisance or create a fire hazard; nor shall said licensee allow the

premises upon which said business is conducted to appear in an unclean and untidy condition or that will be obnoxious to the eye.

13-206. Inspections to be made. The chief of police and the chief of fire department shall make or cause to be made sufficient inspections to insure the compliance with the provisions of this chapter.

13-207. Violation and penalty. Any person, firm, club, corporation or other aforesaid entity violating any provision of this chapter shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

13-208. Revocation of license. The licenses issued pursuant to this chapter may be revoked by the board of mayor and aldermen, after notice and hearing, upon a violation of any of the provisions of this chapter.

Notice of hearing before the board of mayor and aldermen for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five (5) days prior to the date set for the hearing.

CHAPTER 3

SLUM CLEARANCE

SECTION

- 13-301. Findings of board.
- 13-302. Definitions.
- 13-303. "Public officer" designated; powers.
- 13-304. Initiation of proceedings; hearings.
- 13-305. Orders to owners of unfit structures.
- 13-306. When public officer may repair, etc.
- 13-307. When public officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of orders.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.
- 13-314. Structures unfit for human habitation or use deemed unlawful.

13-301. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation or use 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. (as added by Ord. #05-10, Nov. 2010)

13-302. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

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

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

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

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

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

(8) "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.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #05-10, Nov. 2010)

13-303. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the chief of police of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the chief of police official. (as added by Ord. #05-10, Nov. 2010)

13-304. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (as added by Ord. #05-10, Nov. 2010)

13-305. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

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

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (as added by Ord. #05-10, Nov. 2010)

13-306. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (as added by Ord. #05-10, Nov. 2010)

13-307. 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. (as added by Ord. #05-10, Nov. 2010)

13-308. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deeds of Giles 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 city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been

assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, 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 Giles County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Elkton to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #05-10, Nov. 2010)

13-309. 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 or 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 Elkton. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. (as added by Ord. #05-10, Nov. 2010)

13-310. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Giles County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #05-10, Nov. 2010)

13-311. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the

posting and service of the order of the public officer, such person shall file such bill in the court. The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as added by Ord. #05-10, Nov. 2010)

13-312. 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 and in compliance with legal requirements for gaining entry;

(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. (as added by Ord. #05-10, Nov. 2010)

13-313. 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. (as added by Ord. #05-10, Nov. 2010)

13-314. Structures unfit for human habitation or use 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 or use 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 fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #05-10, Nov. 2010)

CHAPTER 4

JUNKED MOTOR VEHICLES

SECTION

- 13-401. Definitions.
- 13-402. Violations a civil offense.
- 13-403. Exceptions.
- 13-404. Enforcement.
- 13-405. Penalty for violations.

13-401. Definitions. For the interpretation and application of following words and phrases shall meanings:

(1) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective, including but not limited to, any one (1) or combination of any of the following ways that either makes the vehicle immediately, inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(a) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;

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

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

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

(e) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator;

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

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

(h) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the

vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

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

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

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

(5) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same. (as added by Ord. #06-10, Nov. 2010)

13-402. Violations a civil offense. It shall be unlawful and a civil offense for any person:

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

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

(3) To park, store, keep, maintain on private property a junk vehicle. (as added by Ord. #06-10, Nov. 2010)

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

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

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

maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city. (as added by Ord. #06-10, Nov. 2010)

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

- (1) Request the city judge to issue a summons; or
- (2) Request a police officer to witness the violation.

The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101, et seq., or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. In addition, pursuant to Tennessee Code Annotated, § 55-5-122, the municipal court may issue an order to remove vehicles from private property. (as added by Ord. #06-10, Nov. 2010)

13-405. Penalty for violations. Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. (as added by Ord. #06-10, Nov. 2010)

CHAPTER 5

MISCELLANEOUS

SECTION

13-501. Littering generally.

13-502. Accumulation of rubbish.

13-503. Weeds and other vegetation.

13-501. Littering generally. It is unlawful for any person to throw or deposit or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway, or upon any private property, any waste, waste paper, cans or other materials, litter, garbage, trash or rubble of any kind or to allow these items to accumulate upon public property immediately adjacent to and abutting that person's private property and between the private property and the public streets or alleyways upon which the property fronts. It is the responsibility of all owners and occupants of private property to keep abutting rights of way free and clear of rubbish, trash, etc. It is further the responsibility of private property owners and occupants to keep the rights-of-way upon which the property fronts mowed and clear of weeds, tall grass, etc. (as added by Ord. #04-10, Nov. 2010)

13-502. Accumulation of rubbish. It is unlawful for any person owning, leasing, occupying, or having control of property, regardless of whether the property is a vacant lot or contains any form of structure to permit the accumulation upon the property of garbage, trash, rubbish or other refuse in any form or nature, other than as authorized for city pick-up and disposal. All such accumulations are declared to be a public nuisance. The failure to clean up and remove such rubbish is a violation of this section. (as added by Ord. #04-10, Nov. 2010)

13-503. Weeds and other vegetation. (1) It is unlawful for any person or other entity owning, leasing, occupying or having control of property in the city, regardless of whether the property is vacant or contains any form of structure, to permit the growth upon the property of weeds, grass, brush and all other rank or noxious vegetation to a height greater than twelve inches (12") when the growth is within two hundred feet (200') of other improved and/or occupied property or is within two hundred feet (200') of the right of way of any street, thoroughfare, or highway within the city.

(2) Excluded from these provisions are tracts of land of five (5) acres or larger in unplatted, undeveloped areas (i. e., not in a subdivision approved by the city planning board, and the plat of which is recorded with the register of deeds, or in a subdivision developed prior to the creation of the planning board,

a plat of which is of record with the register of deeds) or tracts that are being used for current agricultural purposes.

(3) Property not exempt due to its size or the active practice of agriculture which is contiguous to parcel(s) of land that front on public streets or roadways, or contain any improvements shall be cleared of all weeds, tall grass and other noxious vegetation to within two hundred feet (200') of the property line of the developed property adjoining the subject tract and/or front property line adjoining the right-of-way of any street or roadway.

(4) Also excluded are natural wooded areas containing trees. As to these naturally wooded areas, the clearing requirements of this section extend only to the line of woods or trees adjoining developed (improved) property or public thoroughfares.

(5) It is also unlawful for any person or other entity to permit poison vines or plants injurious because of pollination or a menace to health, to grow in the city where they may cause injury or discomfort to any person, regardless of height, which plants are hereby declared to be a public nuisance. The failure to destroy poison vines or other such plants constitutes a violation of this section.

(6) It is unlawful to plant, maintain, or allow any vegetation, shrubbery, hedge rows, etc., so near or upon public road rights of way as to obstruct the view of a person driving in the roadway or otherwise constitute a hazard to vehicular and/or pedestrian traffic. Failure of owners of property adjoining the rights-of-way or owners of property upon which the vegetation exists to trim or remove it is guilty of a violation of this section.

(7) The failure to cut and destroy, weeds, grass, brush and all other rank or noxious vegetation not subject to the exclusions above constitutes a violation of this section and violators are subject to the general penalty provisions of this code.

(8) It is unlawful to transfer title to property that has a notice of violation posted on it.

(9) Violators of this section shall be subject to a fifty dollar (\$50.00) fine plus the cost for remedial measures necessary to bring the property into compliance with city standards. The city's general penalty clause is a fifty dollar (\$50.00) fine for the violation of municipal ordinances.

(10) The provisions of this section are supplemental to other regulations and provisions adopted by the city board or allowed by state law. (as added by Ord. #04-10, Nov. 2010)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. FLOOD DAMAGE PREVENTION ORDINANCE.

CHAPTER 1

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

14-101. Flood damage control to be governed by flood damage prevention ordinance.

14-101. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the City of Elkton shall be governed by Ordinance #03-08, titled "Flood Damage Prevention Ordinance" and any amendments thereto.¹

¹Ordinance #03-08, 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. SPEED LIMITS.
2. MISCELLANEOUS.

CHAPTER 1

SPEED LIMITS

SECTION

- 15-101. In general.
15-102. In school zones.

15-101. In general. The maximum speed at which a motor vehicle can be operated or driven within the corporate limits shall be 45 miles per hour except for vehicles which are driven or operated on the following streets or public roads:

(1) On the following streets and public roads the maximum speed shall be twenty (20) miles per hour:

- (a) Main Street;
- (b) College Street;
- (c) Bledsoe Street;
- (d) Sunset Drive;
- (e) Driver Subdivision Road;
- (f) Walnut Street;
- (g) Ezell Street;
- (h) Mulberry Street;
- (i) Spring Street;
- (j) Church Street.

(2) On the following streets and public roads the maximum speed shall be thirty (30) miles per hour:

- (a) Grigsby Road;
- (b) Persimmon Island Road;
- (c) Long Avenue;
- (d) George Whitfield Industrial Park Road.

(3) On the following streets and public roads the maximum speed shall be thirty-five (35) miles per hour:

- (a) Market Street;
- (b) Long Road;
- (c) Bluff Street;
- (d) Baugh Road. (Ord. #1-96, Jan. 1996)

15-102. In school zones. Notwithstanding the provisions of § 15-101, on those days when the public schools are in session, the maximum speed on the following streets and public roads shall from 7:00 A.M. to 3:30 P.M. be fifteen (15) miles per hour:

- (1) Baugh Road from its intersection with Market Street to its intersection with Long Road;
- (2) Market Street from its intersection with Baugh Road to Beaty Branch;
- (3) College Street from its intersection with Market Street to its intersection with Long Avenue;
- (4) Long Avenue. (Ord. #1-96, Jan. 1996)

CHAPTER 2

MISCELLANEOUS

SECTION

15-201. Compliance with financial responsibility law required.

15-201. Compliance with financial responsibility law required.

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

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

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

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

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash bond or deposit in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-1 11; or

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

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state, or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is

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satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #05-07, Feb. 2007)

TITLE 16**STREETS AND SIDEWALKS, ETC****CHAPTER**

1. MISCELLANEOUS.
2. EXCAVATIONS.

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

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Violations and penalty.

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

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

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

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign.

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

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

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way.

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

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the city recorder.

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes.

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

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

16-113. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk.

16-114. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of up to one hundred dollars (\$100) for each offense.

CHAPTER 2

EXCAVATIONS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.

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

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

¹State law reference

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

laws relating to the work to be done. Such application shall be rejected or approved by the city recorder within twenty-four (24) hours of its filing.

16-203. Fee. The fee for such permits shall be twenty dollars (\$20.00).

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city recorder a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the city recorder a surety bond in such form and amount as the city recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration.

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

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the city recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the

expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$130,000 for each person and \$350,000 for each accident, and for property damages not less than \$50,000 for any one (1) accident, and a \$75,000 aggregate.

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

16-209. Supervision. The person designated by the board of mayor and aldermen shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences.

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Unlawful for non-residents to bring garbage into the city.
- 17-102. Movement of refuse from one premises to another.
- 17-103. Violations.
- 17-104. Collection of garbage.
- 17-105. Customer classification.
- 17-106. Collection fees.
- 17-107. Billing services and fees.
- 17-108. Penalty for non-payment.
- 17-109. Prohibited substances.
- 17-110. Premises to be kept clean.
- 17-111. Use of commercial garbage dumpsters regulated.

17-101. Unlawful for non-residents to bring garbage into the city.

It shall be unlawful for any person not residing within the corporate limits of the City of Elkton to bring any type of garbage or trash into the city for the purpose of having it collected or disposed of by the city or its agent. Said restriction shall apply to all non-residents including those operating businesses located within the corporate limits. (Ord. #1-91, Feb. 1991, as replaced by Ord. #I-00, Feb. 2000)

17-102. Movement of refuse from one premises to another. It shall be unlawful for any person to transfer, move or relocate refuse from one premises within the city to another premises within the city for the purposes of collection. (Ord. #1-91, Feb. 1991, as replaced by Ord. #I-00, Feb. 2000)

17-103. Violations. Any person found to be in violation of § 17-101 or § 17-102 shall be penalized not less than ten dollars (\$10.00) and no more than fifty (\$50.00). (Ord. #IV-90, Sept. 1990, modified, as replaced by Ord. #I-00, Feb. 2000)

¹Municipal code reference

Property maintenance regulations: title 13.

17-104. Collection of garbage. The City of Elkton shall provide once per week garbage pickup for each owner, occupant, tenant, sub-tenant, lessee, or others using or occupying any building, house, structure, or grounds within the corporate limits of the City of Elkton where refuse materials or substances accumulate or are likely to accumulate. All owners, occupants, tenants, sub-tenants, lessees, or others using or occupying any building, house, structure, or grounds within the corporate limits of the City of Elkton, shall be required to make use of such service. (Ord. #IV-90, Sept. 1990, modified, as replaced by Ord. #I-00, Feb. 2000, and Ord. #IV-03, Dec. 2003)

17-105. Customer classification. The following definitions shall apply to the type of service to be provided to the residents of Elkton. Such definitions of customer service shall additionally determine the fee structure applicable to each firm, individual, or corporation. The following definitions are provided:

(1) "Residential unit." A standard detached or attached single family dwelling unit located within the corporate limits of the City of Elkton. Such unit is occupied by a family or group of individuals not to exceed twelve in number. Apartments, mobile homes, or condominiums whether of single or multi story construction, consisting of twenty-four or less contiguous or separate units shall be considered for billing purposes as separate single dwelling units and billed accordingly. Residential units shall be limited to generating no more than an equivalent of three (3), thirty (30) gallon bags of garbage/refuse per week.

(2) "Small commercial." Retail, service, professional, governmental, industrial and commercial establishments located within the corporate limits of the City of Elkton generating no more than three (3), thirty (30) gallon bags of garbage/refuse per week.

(3) "Commercial." Any retail, service, professional, governmental, industrial and commercial establishment located within the corporate limits of the City of Elkton generating an equivalent of more than three (3), thirty (30) gallon bags of refuse/garbage per week shall be required to be collected through the use of containers/dumpsters. (as replaced by Ord. #I-00, Feb. 2000)

17-106. Collection fees. Refuse collection fees shall be at such rates as follows:

- (1) Residential¹ unit: \$12.00 per month for each unit.
- (2) Small commercial: \$14.03 per month.

¹The City of Elkton shall provide garbage pickup for each residence, which is located within the corporate limits. For said service each residential customer shall pay a fee of twelve dollars (\$12.00) per month. Said fee shall be collected each month by the South Giles Utility District, Prospect, Tennessee or such other party of agency as may be hereafter designated by the Board of Mayor and Aldermen of the City of Elkton. (Ord. #10-07)

- (3) Commercial: Based upon container size and number as follows:
2 cubic yard container: \$14.03 per month per container
3 cubic yard container: \$19.03 per month per container
4 cubic yard container: \$24.03 per month per container
5 cubic yard container: \$29.03 per month per container
6 cubic yard container: \$39.03 per month per container.
(Ord. #IV-90, Sept. 1990, as replaced by Ord. #I-00, Feb. 2000, and amended by Ord. #10-07, April 2007)

17-107. Billing services and fees. Refuse collection fees shall be collected each month by the Pulaski Electric System, Pulaski, Tennessee or such other party or agency as may be hereafter designated by the Board of Mayor and Aldermen of the City of Elkton. In addition to the amounts established in § 17-106, there shall be \$0.97 per month billing charge to cover the cost of billing and collection. (as added by Ord. #I-00, Feb. 2000)

17-108. Penalty for non-payment. (1) It is unlawful not to pay for garbage service by the due date indicated on the monthly garbage service bill; and

(2) Such delinquent bill shall be assessed a ten percent (10%) late fee for each month or part month that the bill is delinquent.

(3) The city shall mail or provide for the mailing of all garbage service fees.

(4) Garbage fees that are unpaid for a period of more than ninety (90) days shall have the garbage service discontinued until such service fees are paid. (as added by Ord. #I-00, Feb. 2000, and replaced by Ord. #02-07, Jan. 2007)

17-109. Prohibited substances. The following substances are hereby prohibited from being deposited with solid waste collected by the city or its contractor.

(1) Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances;

(2) Any material that could be hazardous or injurious to collection staff or which could cause damage to collection equipment and/or facilities;

(3) Hazardous and waste as defined in Tennessee Code Annotated;

(4) Construction waste consisting of materials from construction, demolition, remodeling, construction-site preparation, including but not limited to rocks, bricks, dirt, debris, fill, plaster, guttering, and all types of scrap materials;

(5) Human or animal excrement;

(6) Hot materials such as ashes, cinders, etc.;

(7) Infectious and medical wastes;

(8) Human and/or animal remains;

- (9) Automobile, truck and equipment batteries and tires;
- (10) Bulky items deemed to large for collection personnel to manually handle, including, but not limited to, appliances, furniture, auto parts and accessories, etc.
- (11) Special wastes, including sludges, bulky wastes, pesticide wastes, medical wastes, industrial wastes, hazardous wastes which are not subject to regulations under TDEC Department Rules 1200-1-11-03 through 1200-1-11-07, liquid wastes, friable asbestos wastes, combustion wastes, and other solid wastes that are either difficult or dangerous to manage and require extraordinary management. (as added by Ord. #I-00, Feb. 2000)

17-110. Premises to be kept clean. All persons within the City of Elkton are required to keep their premises in a clean and sanitary condition. All refuse stored for purposes of collection shall be contained in an enclosed bag or other appropriate container and shall further be so protected in a manner that will prevent wind from blowing and scattering refuse over adjacent public or private property and will prevent animal intrusion. (as added by Ord. #I-00, Feb. 2000)

17-111. Use of commercial garbage dumpsters regulated. (1) Commercial businesses using the city's commercial garbage service are required to keep dumpsters locked at all times while not depositing garbage into the dumpster. It shall be unlawful for businesses to allow the dumpster to remain unlocked while not being used by the business.

(2) The city's chief of police or his designee shall be responsible for citing violators to city court.

(3) Violators of the section shall be subject to a fifty dollar (\$50.00) fine.

(4) Businesses that receive more than three (3) citations for violating the provision of the ordinance, during a period of one (1) year, shall have their garbage service discontinued. (as added by Ord. #01-07, Jan. 2007)

TITLE 18

WATER AND SEWERS

[RESERVED FOR FUTURE USE]

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

CHAPTER

1. LITTERING INSIDE CITY LIMITS.
2. CIVIL RIGHTS ACT COMPLIANCE MANUAL.

CHAPTER 1

LITTERING INSIDE CITY LIMITS

SECTION

- 20-101. Definitions.
- 20-102. Littering prohibited on another persons property.
- 20-103. Littering prohibited on private property.
- 20-104. Littering from a motor vehicle.
- 20-105. Litter with a name appearing on it.
- 20-106. Violation of chapter.
- 20-107. Prosecution of violation--initiated by peace officer.
- 20-108. Anybody may report littering incidents.

20-101. Definitions. Definitions as used in this chapter, unless the context requires otherwise:

- (1) "Garbage" includes putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (2) "Refuse" includes all putrescible and nonputrescible solid waste.
- (3) "Rubbish" includes nonputrescible solid waste consisting of both combustible and noncombustible waste.
- (4) "Litter" includes garbage, refuse, rubbish and all other waste materials. (Ord. #1-1978, Feb. 1978)

20-102. Littering prohibited on another persons property. A person shall not throw, dump, deposit or cause to be thrown, dumped or deposited litter on property owned by another person or on any public highway, street or road, upon public parks or recreation areas, or upon any other public property except property designated for that use. (Ord. #1-1978, Feb. 1978)

20-103. Littering prohibited on private property. No person shall throw or deposit refuse on any open or vacant private property within the city, whether owned by such person or not. (Ord. #1-1978, Feb. 1978)

20-104. Littering from a motor vehicle. If the throwing, dumping, or depositing of litter was done from a motor vehicle, except a motor bus, it shall

be a prima facie evidence that the throwing, dumping, or depositing was done by the driver of the motor vehicle. (Ord. #1-1978, Feb. 1978)

20-105. Litter with a name appearing on it. If an object of litter is discovered on another's property without his permission, on any public highway, street, or road, upon public parks or recreation areas, or upon any other public property except property designated for that use, bearing a person's name, it shall be prima facie evidence that the person whose name appeared on the object threw, dumped, deposited, or caused to be thrown, dumped, or deposited there. (Ord. #1-1978, Feb. 1978)

20-106. Violation of chapter. A person who violates a provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 and not more than \$50.00. However, the judge in his discretion may allow an individual, convicted of a violation of this chapter, to remove the litter from a section of the city highway system in lieu of the fine or imprisonment provided for by the chapter. (Ord. #1-1978, Feb. 1978, modified)

20-107. Prosecution of violation--initiated by peace officer. Prosecution for a violation of this chapter may be initiated by a peace officer who witnessed an offense in violation of this chapter or discovered an article bearing a person's name on the property of another, or any public highway, street or road, upon a public part or recreation area, or upon any other public property except that designated for that use, or by any private citizen, who witnessed an offense or discovered incriminating evidence, who is willing to make the initial charge and testify for the City of Elkton. (Ord. #1-1978, Feb. 1978)

20-108. Anybody may report littering incidents. Any person, whether or not such person is a citizen of the State of Tennessee, who shall witness the throwing, dumping, or depositing of litter from a motor vehicle onto any public highway, street or road, onto another's property without the owner's permission, onto public park or public recreation lands or onto any other public property except just as is designated for the throwing, dumping, or depositing of litter, may report the date and time of day of the littering and the license plate, registration number, and the state of registration to any state or local law enforcement authority. The license plate registration number as recorded shall constitute prima facie evidence that the littering was done by the person to whom such motor vehicle is registered. Nothing in this section shall be construed to modify or change the burden of the City of Elkton to prove the defendant guilty beyond a reasonable doubt. Any person so reporting a violation shall be required to appear as a witness in any prosecution resulting therefrom. (Ord. #1-1978, Feb. 1978)

CHAPTER 2

CIVIL RIGHTS ACT COMPLIANCE MANUAL

SECTION

20-201. Compliance manual regarding the Civil Rights Act of 1964 adopted.

20-201. Compliance manual regarding the Civil Rights Act of 1964 adopted. (1) The Title VI Compliance Manual for the City of Elkton shall be adopted in its entirety by reference.¹

(2) The following statement shall be deemed as the City of Elkton's Title VI policy statement: "It is the policy of the City of Elkton to ensure that no citizen shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (as added by Ord. #03-10, Aug. 2010)

¹A copy of the Title VI Compliance Manual is available in the office of the city recorder.

ORDINANCE NO. ~~196~~

All Lana Oliver
VIII-96 City Clerk
12/31/96

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF ELKTON TENNESSEE.

WHEREAS some of the ordinances of the City of Elkton are obsolete, and

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

WHEREAS the Board of Mayor and Aldermen of the City of Elkton, 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 "Elkton Municipal Code," now, therefore:

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

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Elkton Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed,

direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

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

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such

¹State law reference

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

civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

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

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

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

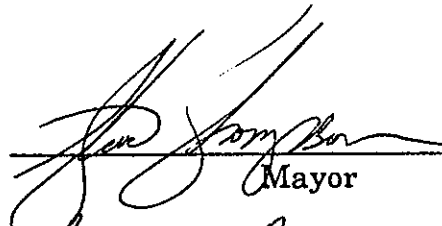
Section 10. Date of effect. This ordinance shall take effect from and after its passage, the public welfare requiring it, otherwise the same shall not take effect until twenty (20) days after its passage, unless another date is fixed thereon. The municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Section 11. Unanimous passage of ordinance. This ordinance was passed unanimously on three readings, on this the 11 day of July, 1996, the public good and welfare demanding that its passage not be postponed.

Passed 1st reading, July 11, 1996.

Passed 2nd reading, July 11, 1996.

Passed 3rd reading, July 11, 1996.



Mayor



Recorder