

**THE
JACKSON
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service
In cooperation with the Tennessee Municipal League

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CITY OF JACKSON, TENNESSEE

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PREFACE

This code is the result of a comprehensive codification of the ordinances of the City of Jackson, Tennessee. By referring to the historical citation appearing at the end of each section, the user will be able to ascertain the old code section or ordinance from which the particular section has been derived. The absence of a historical citation means that the section was added at the time the code was prepared. The word "modified" in the historical citation indicates substantial modification of the original ordinance or ordinances.

The attention of the user is directed to the arrangement of the code 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 number is the title number followed by a hyphen, then the chapter number with the last two numbers showing the section number within the chapter, so that, for example, title 2, chapter 1, section 6, is designated as § 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 readily find all provisions in the code relating to any question that might arise.

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 for the code).

(2) That one copy of every ordinance adopted by the city is furnished to MTAS immediately after its adoption (see section 8 of the adopting ordinance).

(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).

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

The able assistance of the codes team: Emily Keyser, Program Resource Specialist; and Linda Winstead, Nancy Gibson, and Doug Brown, Administrative Specialists, is gratefully acknowledged.

Melissa Ashburn
Codification Consultant

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

The ordinance adoption procedures for the City of Jackson are set out as follows precisely as they appear in the charter:

ORDINANCES

SECTION 26

BE IT FURTHER ENACTED, That the style or introductory clause of all ordinances shall be as follows:

"Be it ordained by the Council of the City of Jackson."

Every ordinance and resolution shall be introduced in open meeting of the Council and filed with the City Recorder, whose duty it shall be to record the same in a book kept for that purpose, together with the signatures of the Mayor, and the original shall be filed in the archives of the office of the City Recorder. No ordinance may be adopted at the same meeting at which introduced before the Council and a synopsis of such ordinance sufficient to reasonably inform the public as to the content thereof must be published in a newspaper of general circulation within the City of Jackson at least one time before adoption; that no ordinances granting any kind of a franchise shall be valid unless published at least five days before final passage in some daily newspaper of the City of Jackson. A resolution may be acted upon at the same meeting at which introduced and need not be published. [Pvt. Acts 1981, Ch. 101, Sec. 1, as amended by Pvt. Acts 1988, Ch. 190, Sec. 1 (X)]

**ADOPTION OF TECHNICAL CODES,
AUTHORITY, PROCEDURE**

SECTION 27

BE IT FURTHER ENACTED, That the Council is granted the authority to adopt by reference the provisions of any code or portions of any code, which shall include specifically, but shall not be limited, to compilation of rules and regulations which have been prepared by various technical or professional associations, for example building codes; plumbing codes; electrical wiring codes; codes for the slaughtering, processing, selling of meats and meat products for human consumption; codes for the production, pasteurizing and sale of milk and

milk products; traffic codes, codification of existing ordinances of the City, together with any other code or any municipal, state, or federal statute, rule, ordinance, or regulation which embraces rules and regulations pertinent to a subject which is a proper municipal legislative matter, without setting forth the provisions of same in full, provided that at least three (3) copies¹ of same that is to be incorporated or adopted by reference are filed in the office of the Recorder of the City and are kept available for public use, inspection and examination. Said copies must be filed with the Recorder for a period of fifteen (15) days prior to adoption of the ordinance which incorporates such code or municipal, state or federal statute, rule, ordinance, or regulation by reference. [As amended by Pvt. Acts 1988, Ch. 190, Sec. 1 (Y)]

SAME-PUBLICATION

SECTION 28

BE IT FURTHER ENACTED. That the ordinance which adopts such code, municipal, state, or federal statute, rule, ordinance or regulation by reference shall be published in full one (1) time in a daily newspaper published in the City before final adoption.

SAME-AMENDMENT

SECTION 29

BE IT FURTHER ENACTED, That any amendment which may be made to any code of municipal, state, or federal statute, rules, ordinance or regulation incorporated by reference shall be adopted by the City in the same manner as the original was adopted and such ordinances adopting amendments by reference shall meet the same requirements as for the original ordinance.

INITIATIVE

SECTION 30

BE IT FURTHER ENACTED, That any proposed ordinance may be submitted to the Council by petition signed by the qualified voters of said City, equal in number to 10 per cent of the votes cast for candidates for Council at the

¹Tennessee Code Annotated, section 6-54-502 now requires only one copy.

last preceding general municipal election, with the request that said ordinance be submitted to a vote of the people, if not passed by the Council. The signatures, inspection, amendment, and certification of each petition shall be filed with the City Recorder, which petition shall contain a general statement of the ordinance to be passed. The signatures to the petition need not all be appended to the paper, but each signer shall add to his signature the street and number of his residence.

One of the signers on each such paper shall make oath that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within fifteen days from the date of the filing of such petition said Recorder shall examine the same and ascertain whether it be signed by the required number of persons, and whether such persons are qualified voters as shown by the registration books, and he shall attach to said petition his certificate over the result of such examination. If by said certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate, and the Recorder shall, within fifteen days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall then be returned to the person filing it, the same without prejudice, however, to the filing of a new petition to the same effect one year later.

If, by his certificate, the petition is shown to be sufficient, the proposed ordinance and petition shall be filed and thereupon either:

First: The Council shall pass such ordinance without alteration within fifteen days after it is so filed, or if they fail or refuse to do so;

Second: The Recorder shall transmit said ordinance and petition, together with his certificate, that the Council failed or refused to pass the ordinance to the Commissioners of Election, whose duty it shall be to call a special election to be held, as soon as it may be done in conformity to law, unless a general municipal election is fixed to be held within ninety days, and at said special election, if none is so fixed, said ordinance shall be submitted without alteration to the qualified voters of the said City. The ballots used and voted upon said ordinance shall contain these words "for the ordinance" stating the substance of the proposed ordinance, and "against the ordinance," stating the substance of the proposed ordinance.

If a majority of the qualified voters voting for the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become as valid and binding an ordinance of the City as if duly passed by the Council, and any ordinance proposed by petition or which shall be adopted by a vote of the people,

cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section, but there shall not be more than one special election in any period of twelve months for such purpose.

The Council may submit a proposition for the repeal of any ordinance or for amendments thereto to be voted on at any succeeding general city election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this Act to be submitted to the voters of the City at any election, the Election Commission shall cause such ordinance or proposition to be published in one of the daily newspapers published in said City, such publication to be in not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on. [As amended by Pvt. Acts 1988, Ch. 190, Sec. 1 (Z)]

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TITLE 1

GENERAL ADMINISTRATION

CHAPTER

1. GENERAL PROVISIONS.
2. CITY COUNCIL.
3. MAYOR.
4. CODE OF ETHICS.

CHAPTER 1

GENERAL PROVISIONS

SECTION

- 1-101. Definitions and rules of construction.
- 1-102. Altering code.
- 1-103. Seal of the city.

1-101. Definitions and rules of construction. In the construction of this code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the city council, or the definitions contained in this code that apply specifically to the title, chapter or section in question, or unless the context clearly requires otherwise:¹

(1) "Bond." When a bond is required, an undertaking in writing shall be sufficient.

(2) "Charter." Whenever the word "charter" is used it shall mean and refer to the Charter of Incorporation for the City of Jackson, as amended.

(3) "City." The words "the city" or "this city" shall mean the City of Jackson, in the County of Madison and State of Tennessee, except as otherwise provided.

(4) "Computation of time." Whenever a notice is required to be given or an act to be done, the time within which said notice shall be given or said act done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that shall be excluded.

(5) "City council." Whenever the words "the city council," or "council" are used, they shall mean the city council of the City of Jackson.

¹Municipal code references

A substantial number of titles, chapters and sections in this code contain definitions that apply specifically to those titles, chapters and sections.

(6) "County." Whenever the words "the county" or "this county" are used they shall refer to Madison County, Tennessee.

(7) "Delegation of authority." Whenever a provision appears requiring the head of a department of the city to do some act or make certain inspections, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection, unless the terms of the provision or section designate otherwise.

(8) "Gender." A word importing the masculine gender shall extend and be applied to females and to firms, partnerships, and corporations as well as to males, unless the context clearly requires a literal construction.

(9) "Head of department." When reference is made to "head of a department," it shall mean the appointed city officer who is chief of that department.

(10) "Interpretation." In the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the code imposes greater restrictions upon the subject matter than the general provisions imposed by the code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

(11) "Joint authority." All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers sitting as a body, unless otherwise specifically provided.

(12) "Mayor." Whenever the word "the mayor" or "mayor" is used, it shall mean the mayor of the City of Jackson.

(13) "Month." The word "month" shall mean a calendar month.

(14) "Name or title of officer, board, commission or agency." The name or title of any officer, board, commission or agency, when appearing alone herein, shall be construed as if the words "of Jackson, Tennessee," followed it.

(15) "Number." A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing, unless the context requires a literal construction.

(16) "Oath." The word "oath" shall be construed to include an affirmation in all cases in which by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

(17) "Or," "and." "Or" may be read "and," and "and" may be read "or" if the sense requires it.

(18) "Owner." The word "owner," applied to buildings or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

(19) "Person." The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies political and corporate as well as to individuals.

(20) "Personal property" includes every species of property except real property, as herein defined.

(21) "Preceding," "following." The words "preceding" and "following" shall mean next before and next after, respectively.

(22) "Property." The word "property" shall include real and personal property.

(23) "Public place." The term "public place" shall mean any public way, park, cemetery, school yard or open space adjacent thereto; any public lake or stream; and any place or business open to the use of the public in general.

(24) "Real property" shall include lands, tenements and hereditament.

(25) "Shall" and "will." "Shall" always denotes a mandatory requirement. "Will" denotes a permissive course of action.

(26) "Sidewalk." The word "sidewalk" shall mean any portion of a street between the curb line, or the lateral lines of a roadway, and the adjacent property line, intended for the use of pedestrians.

(27) "Signature or subscription" includes a mark when the person cannot write.

(28) "State." Whenever the words "the state" or "this state" are used, they shall be construed as meaning and referring to the "State of Tennessee."

(29) "Street." The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the city.

(30) "Tenant." The word "tenant" and "occupant," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

(31) "Tense." Words used in the past tense include the future as well as the past and present.

(32) "Writing." The words "writing" and "written" shall include printing and any other mode of representing words and letters.

(33) "Year." The word "year" shall mean a calendar year.

The several definitions set out in this section shall be applicable to any ordinance passed by the city council subsequent to the adoption of this code. (1995 Code, § 1-101)

1-102. Altering code. It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any manner whatsoever, except by ordinance or resolution or other official act of the city council, which will cause the law of the City of Jackson to be misrepresented thereby. Any person violating this section shall be punished according to the general penalty provision of this code of ordinances.

All copies of this code shall remain the property of the City of Jackson and shall not be sold nor given to individual users. This code shall be made available to the various city departments and to individuals on a loan basis according to a system established by the city attorney. (1995 Code, § 1-102)

1-103. Seal of the city. A corporate seal of the City of Jackson is hereby adopted. The design of the seal shall be as follows:



(1995 Code, § 1-103)

CHAPTER 2

CITY COUNCIL¹

SECTION

- 1-201. City council--time of meetings.
- 1-202. Order of business.
- 1-203. General rules of order.
- 1-204. Council districts.

1-201. City council--time of meetings. (1) Regular meetings. All regular meetings of the city council shall be held on the first Tuesday of each month at 9:00 A.M. in the council room at city hall unless otherwise announced. Whenever the regular meeting date falls on a legal holiday, the meeting shall be held at the same time and place on the weekday next following.

(2) Special meetings. The mayor shall have the power to call a special meeting whenever he deems it necessary, provided he gives each of the council members sufficient notice of such meeting so that they can attend without undue inconvenience. (1995 Code, § 1-201)

1-202. Order of business. At all meetings of the city council, the following order of business shall be observed unless by a motion duly passed by a majority of the council:

- (1) Call to order.
- (2) Minutes of previous meeting.

¹Selected charter provisions

Appointment authority

Officials: § 11.

Board of utility commissioners: § 68.

Civil service commissioners: § 79.

Recorder, etc.: § 11.

Vice-mayor: § 8.

Conflicts of interest: § 21.

Elections: §§ 3-9.

General scope of powers: §§ 12, 13, 15, 16.

Meetings and proceedings

Ordinance procedure: §§ 26-30.

Rules of order, discipline: § 19.

Times and places: §§ 14, 17, 18.

Recall: § 24.

Salary: § 14.

Taxation: §§ 54-65.

- (3) General business.
- (4) Adjournment. (1995 Code, § 1-202)

1-203. General rules of order. Upon all points or questions, the parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the city council at all its meetings, except insofar as such rules may be inconsistent with this code or the city charter. (1995 Code, § 1-203)

1-204. Council districts. In accordance with section 3 of the official charter of the City of Jackson, Tennessee, the boundaries of the council districts in the City of Jackson are altered. The new boundaries are set forth as follows:

DISTRICT 1

Beginning at a point, said point being the point of intersection of the western corporate limits and the centerline of U. S. Highway 70 (Airways); thence easterly along the centerline of Airways Blvd to the point of intersection with the South Fork of the Forked Deer River; thence northwesterly along said river a distance of 6880 +/- feet to a point; thence in a northeasterly direction, running between Carolane Drive and Millmaster Drive to a point in the centerline of Hollywood Drive; thence southeast along the centerline of Hollywood Drive to a creek just north of Arlington Avenue; thence southwest along said creek to the N & S railroad track; thence south along said railroad to Airways Blvd; thence east along Airways Blvd to the Lafayette Street intersection; thence east along Lafayette St. to Highland Ave.; thence south along Highland Ave. to a point in the South Fork of the Forked Deer River; thence southeast along said river to a point of intersection with the eastern corporate limits; thence South with the eastern corporate limits to its point of intersection with the south corporate limits, thence west with the southern corporate limits to its point of intersection with the western corporate limits; thence north and west with the western corporate limits to the point of beginning.

DISTRICT 2

Beginning at a point, said point being the intersection of the South Fork of the Forked Deer River and South Highland Ave; thence north along South Highland Ave. to the intersection of North Highland Ave. and East Orleans; thence east along East Orleans to Hurt St.; thence south along Hurt St. to College St.; thence east on College St. to North Royal St.; thence south along N. Royal St. to Main St.; thence east on Main St. to the N & S Railroad track; thence south along said railroad tracks to Chester St.; thence east along Chester St. to U. S. Highway 70 Bypass; thence northeast along said Bypass to Main St.; thence west along Main St. to Hamilton St.; thence north, west and north along

Hamilton St. to Lexington St.; thence southwest along Lexington St. to Whitehall St.; thence northeast along Whitehall St. to a point in the intersection of the eastern corporate limits; thence south along said eastern corporate limits to its point of intersection with the south fork of the Forked Deer River; thence northwest along said river to the point of beginning.

DISTRICT 3

Beginning at a point, said point being the intersection of North Highland Avenue and East Orleans St.; thence east on East Orleans St. to the intersection of Hurt St; thence south on Hurt St. to College St.; thence east on College to Royal St.; thence south on Royal St. to Main St.; thence east on Main St. to the N & S Railroad; thence south along said railroad to the intersection of Chester St.; thence east along Chester St. to U. S. Highway 70 Bypass; thence north along U. S. Highway 70 Bypass to the intersection of Main St.; thence west on Main St. to Hamilton St.; thence north, west and north along Hamilton St. to Lexington St.; thence southwest along Lexington St. to the intersection of Whitehall St.; thence northeast along Whitehall to the intersection of E. Deaderick St.; thence west on E. Deaderick to Stoddert St.; thence north on Stoddert St. to the intersection of Lee St.; thence west on Lee St. to Extention St.; thence north on Extention St. to Jackson St.; thence west on Jackson St. to the intersection of the N & S railroad; thence north along said railroad to Lane Ave.; thence west on Lane Ave. to Royal St.; thence north on Royal St. to Martha St.; thence west along Martha St. to the intersection of Briggs St.; thence north along Briggs St. to Forest Ave.; thence west along Forest Ave. to Melrose St.; thence north along Melrose St., past the dead end to the centerline of a large drainage ditch; thence northeast along said ditch, crossing Muse St. to the centerline of Royal St.; thence north on Royal St. to North Parkway; thence west along North Parkway to Old Hickory Blvd. East.; thence north and west with Old Hickory Blvd. East to the intersection of North Highland Ave.; thence continuing west along Old Hickory Blvd. East to the intersection of Rosenblum Dr.; thence South along Rosenblum, crossing North Parkway, and continuing south along Lisa Lane to the intersection of Radio Rd.; thence east along Radio Rd. to the intersection of North Highland Ave.; thence south along the centerline of North Highland Ave. to the intersection of Larnbuth St.; thence south along Lambuth St. to the intersection of Forest Ave.; thence east along Forest Ave. to the intersection of North Highland Ave.; thence south along North Highland Ave. to the intersection of West King St.; thence west, north and west along West King St. to the intersection of Lambuth St.; thence south along Lambuth St. to the intersection of Williams St.; thence west on Williams St., crossing Hollywood Dr. to the intersection of the N & S railroad; thence southeast along said railroad tracks to the intersection of Airways Blvd.; thence east on Airways Blvd. to the intersection of Lafayette St.; thence east on Lafayette St. to the

intersection of North Highland Ave.; thence north along North Highland Ave. to the point of beginning.

DISTRICT 4

Beginning at a point, said point being the intersection of Whitehall St. and E. Deaderick St.; thence northeast along Whitehall St. to its intersection with the eastern boundary of the corporate limits; thence northwest along said corporate limits to a point just west of Lawrence Switch Road; thence south to a point in the centerline of North Parkway; thence west along North Parkway to the intersection of N. Royal St.; thence south on Royal to the intersection of a large ditch just south of Kingsfield Dr.; thence northwest & southwest along said ditch to the centerline of Melrose St.; thence south along Melrose Street to Forest Ave; thence east along Forest Ave. to Briggs St.; thence south along Briggs St. to Martha St.; thence east along Martha St. to North Royal St.; thence south along North Royal St. to Lane Ave.; thence east along Lane Ave. to the intersection of the N & S railroad; thence south along said railroad to Jackson Ave.; thence east on Jackson Ave. to Extention St.; thence south along Extention St. to Lee St.; thence east on Lee St. to Stoddert; thence south on Stoddert St. to E. Deaderick St.; thence east on E. Deaderick St. to the point of beginning.

DISTRICT 5

Beginning at a point, said point being the intersection of I-40 and Hollywood Dr.; thence southeast along Hollywood Dr. to the intersection of North Parkway; thence east along North Parkway to the intersection of Russell Rd.; thence south along Russell Rd. to the intersection of Skyline Dr.; thence east along Skyline Drive to North Highland Ave.; thence south along N. Highland Ave. to Lambuth St.; thence south along Lambuth St. to Forest Ave.; thence east on Forest Ave to N. Highland Ave.; thence south along N. Highland Ave to the intersection of West King St.; thence west along West King St. to the intersection of Lambuth St.; thence south along Lambuth St. to the intersection of Williams St.; thence west on Williams St. to Hollywood Dr.; thence southeast on Hollywood Drive to Airways Blvd.; thence west on Airways Blvd. to the N & S Railroad; thence northwest along said railroad 3520 +/- feet to the centerline of a creek; thence northeast along said creek to the intersection of Hollywood Dr.; thence northwest along Hollywood Dr. to a point between Millmaster Dr. and Carolane Dr.; thence in a southwesterly direction a distance of 5280 +/- feet to a point in the South Fork of the Forked Deer River; thence southeasterly along said river to the intersection of U. S. Highway 70; thence west along U. S. Highway 70 to the intersection of the western Corporate Limits; thence meandering along said corporate limits to a point in the south right-of-way of I-40; thence northeast along said Corporate Limits to the intersection of the N & S Railroad; thence

northwest along said railroad to the centerline of 1-40; thence northeast along I-40 to the point of beginning.

DISTRICT 6

Beginning at a point said point being the intersection of North Highland Avenue and Skyline Drive; thence north along North Highland to the intersection of Radio Road; thence west on Radio Road to the intersection of Lisa Lane; thence north on Lisa Lane crossing North Parkway and continuing north on Rosenblum to the intersection of Old Hickory Blvd.; thence east along Old Hickory Boulevard to the intersection of North Highland; thence north along North Highland to the intersection of Tinkerhill Road; thence west and north along Tinkerhill to Wiley Parker Road; thence west along Wiley Parker to the intersection of Wallace Road; thence northeast along Wallace Road to the intersection of Carriage House Drive; thence due north just east of Federal Drive to a point in the centerline of I-40 said point also being a tributary of Moize Creek; thence northwest along said creek to a point in the intersection of Oil Well Road; thence west along Oil Well Road to a point in the centerline of U.S. 45 Bypass; thence due north along U.S. 45 Bypass to the intersection of Old Humboldt Road; thence northwest along Old Humboldt Road to the centerline of a creek just south of Forrest Pointe Drive; thence southwest along said creek to the centerline intersection of Greenhill Dr.; thence west along Greenhill Dr. to Willow Branch Dr.; thence south along Willow Branch Dr. to the intersection of Weatheridge Dr.; thence south along Weatheridge Dr. to Clearfield Dr.; thence east along Clearfield to the intersection of Foxworth Dr.; thence south along Foxworth Dr. to the intersection of Oil Well Rd.; thence east along Oil Well to the intersection of Walker Rd.; thence south along Walker Rd. to its projected intersection of Country Club Ln.; thence east along Country Club Ln. to the intersection of U. S. 45 Bypass; thence south along U. S. 45 Bypass to the intersection of Max Lane Drive; thence east along Max Lane Dr. to the intersection of Wallace Rd.; thence south along Wallace Rd. to the intersection of North Parkway; thence northeast along North Parkway to the intersection of Russell Rd.; thence south along Russell Rd. to the intersection of Skyline Drive; thence east along Skyline Dr. to the point of beginning.

DISTRICT 7

Beginning at a point, said point being the intersection of North Parkway and Wallace Rd.; thence west along North Parkway to the intersection of Hollywood Dr.; thence northwest along Hollywood Dr. to the centerline of I-40; thence west along I-40 to the intersection of the N & S railroad; thence meandering along the existing western Corporate Limits to a point in the northern Corporate Limits, said point being a point in the eastern R.O.W. of Old Humboldt Rd. just north of the Northpointe Subdivision; thence southeast along the Corporate Limits to

a point in the north margin of Ashport Rd.; thence west to a point at the centerline intersection of Ashport Rd. and Old Humboldt Rd.; thence southeast along Humboldt Rd. to a point in the centerline of a creek just South of Forrest Pointe Dr.; thence southwest along said creek to the centerline the intersection of Greenhill Dr.; thence west along Greenhill Dr. to Willow Branch Dr.; thence south along Willow Branch Dr. to the intersection of Weatheridge Dr.; thence south along Weatheridge Dr. to Clearfield Dr.; thence east along Clearfield to the intersection of Foxworth Dr.; thence south along Foxworth Dr. to the intersection of Oil Well Rd.; thence east along Oil Well Road to the intersection of Walker Rd.; thence south along Walker Rd. to its projected intersection of Country Club Lane.; thence east along Country Club Lane to the intersection of U. S. 45 Bypass; thence south along U. S. 45 Bypass to the intersection of Max Lane Drive; thence east along Max Lane Dr. to the intersection of Wallace Rd.; thence south along Wallace Rd. to the point of beginning.

DISTRICT 8

Beginning at a point said point being the intersection of North Highland Avenue and Hughes Drive; thence east along Hughes Drive to Northside Road; thence north on Northside Road to East University Parkway; thence east along East University Parkway a distance of 960 feet to the centerline of a ditch; thence due south along said ditch to the end of Silvercrest Cove; thence east along Silvercrest Cove to McIntosh Place; thence south on McIntosh Place to the intersection of Hopper Barker Road; thence east along Hopper Barker Road to a point in the existing corporate limits, said point being with the centerline of the ditch just east of Stratford Lane; thence meandering along the corporate limits to a point in the south right of way of I-40 and the west margin of Watson Road; thence southwesterly along the existing eastern corporate limits to its point of intersection with North Parkway; thence west along North Parkway to the intersection of Old Hickory Blvd. East; thence north on Old Hickory Blvd. East to the intersection of North Highland Avenue; thence north on Highland Avenue to the intersection of Tinkerhill Road; thence west and north on Tinkerhill Road to the intersection of Wiley Parker Road; thence west on Wiley Parker Road to the intersection of Wallace Road; thence northeast along Wallace Road to the intersection of Carriage House Drive; thence due north just east of Federal Drive to the centerline of I-40; thence east along I-40 to North Highland; thence north on North Highland Avenue to the point of beginning.

DISTRICT 9

Beginning at a point said point being the intersection of a creek at Hopper Barker Road, located just east of Stratford Lane, said point also being a point in the existing corporate limits; thence west along Hopper Barker Road to the intersection of McIntosh Place; thence due north on McIntosh Place to

Silvercrest Cove; thence west along the centerline of Silvercrest Cove to a ditch; thence north along said ditch to a point in the centerline of East University Parkway; thence west along East University Parkway to Northside Road; thence south along Northside Road to the intersection of Hughes Drive; thence west along Hughes Drive to North Highland Avenue; thence south along North Highland Avenue to intersection of I-40; thence west along I-40 a distance of 1120 feet, said point being also being a tributary of Moize Creek; thence northwest along said tributary to a point in the centerline of Oil Well Road; thence west along Oil Well Road to the intersection of US. 45 Bypass; thence north along U.S. 45 Bypass to the intersection of Old Humboldt Road; thence northwest along Old Humboldt Road a distance of 4,080 feet to a point even with the north right of way of Ashport Road; thence due east to a point in the east margin of Old Humboldt Road and north margin of Ashport Road, said point also being the existing corporate limits; thence east along the north right of way of Ashport following the existing corporate limits to a point at the west margin of U.S. 45 Bypass; thence north and westerly along said existing northwest corporate limits to its intersection of the extreme northern corporate limits; thence meandering along said existing northern corporate limits to its point of beginning. (Ord. #2001-053, Nov. 2001)

CHAPTER 3

MAYOR¹

SECTION

1-301. Access to municipal records; may require reports.

1-301. Access to municipal records; may require reports. The mayor shall have access to all books, papers and records of the city at any and all times, and may require such routine or special reports from city officers and employees as he deems necessary to enable him to properly carry out his functions as chief executive officer of the city, as prescribed by the charter. (1995 Code, § 1-301)

¹Charter references

Appointment authority

Administrative assistant: § 11.

Administrative officials: § 11.

City attorney: § 11.

Fire and police chiefs: § 11.

Other officers: § 11.

Board of utility commissioners - ex officio member of: § 66.

Chief executive officer of city: § 10.

Conflicts of interest: § 21.

Department heads agents for mayor: § 20.

Election: §§ 3-7.

Office: § 14.

Ordinances

Approves: § 15.

Veto power: § 15.

Powers and duties enumerated: § 10.

Presiding officer: § 10.

Recall: § 24.

Salary: § 14.

Special meetings - power to call: § 18.

CHAPTER 4

CODE OF ETHICS¹

SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in nonvoting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

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

Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

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

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

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

A brief synopsis of each of these laws appears in Appendix A of this municipal code.

- 1-410. Ethics complaints.
 1-411. Violations.

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (Ord. #2006038, Oct. 2006)

1-402. Definition of "personal interest." (1) For purposes of §§ 1-403 and 1-404, "personal interest" means:

- (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
- (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
- (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #2006038, Oct. 2006)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (Ord. #2006038, Oct. 2006)

1-404. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects

¹Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #2006038, Oct. 2006)

1-405. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (Ord. #2006038, Oct. 2006)

1-406. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #2006038, Oct. 2006)

1-407. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (Ord. #2006038, Oct. 2006)

1-408. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (Ord. #2006038, Oct. 2006)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the

performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (Ord. #2006038, Oct. 2006)

1-410. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #2006038, Oct. 2006)

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #2006038, Oct. 2006)

TITLE 2

BOARDS AND COMMISSIONS, ETC.¹

CHAPTER

1. RECREATION AND PARKS BOARD.
2. KEEP JACKSON BEAUTIFUL COMMISSION.
3. CITY TREE BOARD.
4. TRANSIT AUTHORITY.
5. VACANT PROPERTY REVIEW COMMISSION AND ACQUISITION OF VACANT PROPERTIES.
6. COMMUNITY REDEVELOPMENT AGENCY.
7. REDEVELOPMENT TRUST FUND FOR DISTRICT 2.

CHAPTER 1

RECREATION AND PARKS BOARD

SECTION

- 2-101. Creation; membership; vacancies.
- 2-102. Organization.
- 2-103. Duties and powers.
- 2-104. Executive director of parks and recreation; other employees.
- 2-105. Other duties; annual report.
- 2-106. Costs defrayed by tax levy.

2-101. Creation; membership; vacancies. Under the provisions of Tennessee Code Annotated, § 11-24-103, there is hereby established a recreation and parks board. This board shall consist of five (5) persons serving without pay who shall be elected by the city council. The term of office shall be for five (5)

¹Charter references

Board of utility commissioners: §§ 66-73

Library board of trustees. § 39.

(Also see Tennessee Code Annotated, title 10, ch. 4).

School board: § 20.

Municipal code references

Building and other utilities, etc., codes advisory/appeals board: title 12, chapter 1, particularly § 12-103.

Board of utility commissioners: title 18, chapter 1.

Municipal planning commission: title 14, chapter 1.

Sign board of appeals: title 14, chapter 4, particularly § 14-413.

years or until their successors are elected and qualified, except that the members of such board first elected shall be elected for such terms that the term of one (1) member shall expire annually thereafter. Vacancies on such board occurring otherwise than by expiration of term shall be filled by the city council for the unexpired term. Members shall not be eligible to succeed themselves until the expiration of five (5) years. (1995 Code, § 2-101)

2-102. Organization. Immediately after their election, members of the recreation and parks board shall meet and organize by electing one of their members president and such other officers as may be necessary. The board shall have the power to adopt bylaws, rules and regulations for the proper conduct of public recreation for the city. (1995 Code, § 2-102)

2-103. Duties and powers. The recreation and parks board shall provide, conduct, and supervise public playgrounds, athletic fields, recreation centers, and other recreation facilities and activities on any of the properties owned or controlled by the city, except Rothrock Field Municipal Stadium, or on other properties with the consent of the owners and authorities thereof. It shall have the power to conduct any form of recreation or cultural activity that will employ the leisure of the people in a constructive and wholesome manner. (1995 Code, § 2-103)

2-104. Executive director of parks and recreation; other employees. The recreation and parks board shall make recommendations to the city council of an individual to act as executive director of recreation and parks and such other personnel as the board deems necessary, together with what compensation each employee of the board shall receive. (1995 Code, § 2-104)

2-105. Other duties; annual report. Annually the recreation and parks board shall submit a budget to the city council for its approval. The recreation and parks board may also solicit or receive any gift or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational purposes. (1995 Code, § 2-105)

2-106. Costs defrayed by tax levy. To defray the cost of the maintenance and conduct of the recreation system presently owned or to be acquired in the future by the city, there shall be levied upon all of the real and personal property within the corporate limits, a tax in an amount to be determined annually by the city council of the city, and the proceeds therefrom

shall be designated as a "special playground and recreation tax."¹ (1995 Code, § 2-106)

¹State law reference
Tennessee Code Annotated, § 11-24-108.

CHAPTER 2**KEEP JACKSON BEAUTIFUL COMMISSION****SECTION**

- 2-201. Created; duties.
- 2-202. Directors.
- 2-203. Fiscal year.
- 2-204. Organization.
- 2-205. Meetings.
- 2-206. Finances.

2-201. Created; duties. There is hereby created the Keep Jackson Beautiful Commission (KJB), whose duties shall be to study, investigate, develop, and recommend plans for improving the health, sanitation, safety and cleanliness of the city by beautifying the streets, highways, alleys, lots, yards and other similar places in the city; to aid in the prevention of fires, disease and other casualties by the removal and elimination of trash and other debris from the streets, highways, alleys, lots, yards, plots and other similar places; to encourage the placing, planting and preservation of trees, flowers, plants, shrubbery, and other objects of ornamentation in the city; to advise with and recommend plans with other agencies of the city for the beautification of the city; and to otherwise promote public interest in the general improvement of the city. Nothing herein, however, shall be construed to abridge or change the powers and duties of other commissions, departments, boards and like agencies of the city. The Keep Jackson Beautiful Commission shall implement to the extent feasible the "city beautiful system" developed by "Keep America Beautiful, Inc.," such system being here adopted as a general statement of the policy of the city. (1995 Code, § 2-201, as amended by Ord. #2000-49, Dec. 2000, and replaced by Ord. #2019-029, Nov. 2019)

2-202. Directors. The affairs of the Keep Jackson Beautiful Commission shall be governed by a board of directors consisting of eleven (11) directors. Directors shall serve three-year terms; of the original directors, three (3) shall be elected for one year, four (4) shall be elected for two (2) years, and four (4) shall be elected for a three-year term. Directors can be reelected for subsequent terms. All directors shall be elected by the city council upon the recommendation of the mayor of the city. Directors shall serve without compensation. The board of directors shall annually elect one director to serve as chairperson for the ensuing year. In the event a vacancy occurs in such office, the mayor shall fill such vacancy in the same manner. The mayor shall be an ex officio member of the board of directors. (1995 Code, § 2-202, as amended by Ord. #2000-49, Dec. 2000, and replaced by Ord. #2019-029, Nov. 2019)

2-203. Fiscal year. The fiscal year of the commission shall be July 1st to June 30th. (1995 Code, § 2-203, as replaced by Ord. #2019-029, Nov. 2019)

2-204. Organization. The Keep Jackson Beautiful Commission shall be organized as follows:

(1) **Board of directors.** The board shall elect a vice-chairperson. The KJB Coordinator shall serve as secretary. Nomination of officers to be so elected shall be made from the floor at the last regular meeting of the year with the election to follow immediately. A candidate receiving the majority of votes shall be elected and serve for one (1) year or until a successor is elected. Vacancy in office, except the chairperson, shall be filled immediately by regular election procedures. The chairperson shall preside at all meetings.

The vice-chairperson shall act in the absence and with the same powers of the chairperson.

The secretary shall keep the minutes of the meeting, call the roll and keep attendance records.

(2) **KJB coordinator.** The KJB coordinator shall be a person selected and employed by the mayor.

(3) **Standing subcommittees.** The board may from time to time create subcommittees as needed. The chairperson of each subcommittee shall be appointed by the KJB coordinator.

(4) **Bylaws.** The board of directors may establish such bylaws as it deems necessary, such bylaws not to be inconsistent with the provisions of this section. (1995 Code, § 2-204, as amended by Ord. #2000-49, Dec. 2000, and replaced by Ord. #2019-029, Nov. 2019)

2-205. Meetings. The commission shall hold regular public meetings on such dates and at such time as the board of directors may determine. Special meetings may be called at the request of the chair or the request of three (3) or more members of the board of directors. Notice of all special meetings shall be given at least three (3) days prior to such meeting, which notice shall state the time, place and purpose of such meeting. (1995 Code, § 2-205, as amended by Ord. #2000-49, Dec. 2000, and replaced by Ord. #2019-029, Nov. 2019)

2-206. Finances. The finances of the commission shall be under the supervision of the Planning Director, whose duty it shall be to establish an account for the Keep Jackson Beautiful Commission and to control and supervise same as other city funds. The Planning Director must approve all expense vouchers submitted in connection with the Keep Jackson Beautiful Commission. (1995 Code, § 2-206, as amended by Ord. #2000-49, Dec. 2000, and replaced by Ord. #2019-029, Nov. 2019)

CHAPTER 3

CITY TREE BOARD

SECTION

- 2-301. Creation and establishment.
- 2-302. Duties and responsibilities.
- 2-303. Definitions.
- 2-304. Species of trees to be planted.
- 2-305. Regulations.
- 2-306. Protection of utilities.
- 2-307. Maintenance.
- 2-308. Topping prohibited.
- 2-309. Nuisances prohibited.
- 2-310. Tree trimmer requirements.

2-301. Creation and establishment. There is hereby created and established for the City of Jackson a board to be known as the City Tree Board. This board shall consist of the mayor of the City of Jackson (ex-officio), the director of the parks and recreation department (ex-officio), a member of the Keep Jackson Beautiful Commission, and four (4) other members at-large to be appointed by the City Council upon the recommendation of the mayor of the City of Jackson. The term of office of such at large board members shall be three (3) years. The terms of the original directors, one (1) shall be elected for one year, two (2) shall be elected for two (2) years, and two (2) shall be elected for a three-year term. Directors can be reelected for subsequent terms. Any at-large vacancy on the board shall be filled by appointment of the mayor for the unexpired term. Members of this board shall serve without compensation. (1995 Code, § 2-301, as replaced by Ord. #2019-028, Nov. 2019)

2-302. Duties and responsibilities. It shall be the duty and responsibility of the city tree board to study, investigate, counsel, and develop a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs located within public rights-of-way in the City of Jackson or in city parks or on any other publicly owned property within the City of Jackson. The board shall make recommendations to the superintendent of grounds and landscaping of the City of Jackson in connection with any of the above mentioned areas of responsibility. The board shall designate the superintendent of grounds and landscaping of the Parks and Recreation Department of the City of Jackson as its enforcement officer under the terms of this chapter. The board shall choose its own officers, make its own rules and regulations and keep a record of its proceedings. A majority of the members shall constitute a quorum for the transaction of business. The board shall not obligate the City of Jackson financially except as specifically authorized by the

city council and within such monetary limits as the city council may from time to time establish for this board. (1995 Code, § 2-302, as replaced by Ord. #2019-028, Nov. 2019)

2-303. Definitions. (1) "Park trees." Park trees are defined as trees, shrubs, bushes and all other woody vegetation located in public parks or on other areas of land owned by the City of Jackson.

(2) "Street trees." Street trees are defined as trees, shrubs, bushes and all other woody vegetation located on land which is a public right-of-way of any street, avenue or alley within the City of Jackson. (1995 Code, § 2-303, as replaced by Ord. #2019-028, Nov. 2019)

2-304. Species of trees to be planted. The board shall recommend as to the selection of trees to be planted on public property. (1995 Code, § 2-304, as replaced by Ord. #2019-028, Nov. 2019)

2-305. Regulations. The city tree board may make such regulations concerning the spacing, distance from curb and sidewalk, distance from street corners and fireplugs as the board may determine to be proper, subject to the approval of the City Council of the City of Jackson. (1995 Code, § 2-305, as replaced by Ord. #2019-028, Nov. 2019)

2-306. Protection of utilities. No street tree may be planted on public right-of-way or publicly owned property in such a manner as to interfere with overhead utility wires or with underground waterline, sewerline, transmission line or other utility, and before any such street trees shall be so planted approval of the Jackson Energy Authority must be acquired. (1995 Code, § 2-306, as replaced by Ord. #2019-028, Nov. 2019)

2-307. Maintenance. The city tree board shall have the right to prune, maintain, and remove trees, plants and shrubs from the rights-of-way, streets, alleys, avenues, lanes, squares and other public grounds as may be necessary to preserve or enhance the symmetry and beauty of such public areas or to protect utilities from damage. (1995 Code, § 2-307, as replaced by Ord. #2019-028, Nov. 2019)

2-308. Topping prohibited. It shall be unlawful for any person, firm, or corporation to top any street tree or park tree located on public property without prior written approval of the city tree board, except in emergency situations for the protection of life or property or the preservation of utility lines and improvements from damage. Topping is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. (1995 Code, § 2-308, as replaced by Ord. #2019-028, Nov. 2019)

2-309. Nuisances prohibited. It shall be unlawful for the owner of any tree:

(1) To allow the branches of such tree to overhang a public right-of-way within the City of Jackson in such a way as to obstruct the light from any street lamp or interfere with powerlines or to obstruct the view at any street intersection;

(2) To allow overhanging branches of a tree to be nearer the surface of the street or sidewalk than ten feet (10');

(3) To permit any limb of a tree which is dead, diseased, or otherwise dangerous, because of being broken or decayed, to remain in such tree, thereby endangering the public below.

Such conditions are hereby declared a public nuisance which may be abated by the city tree board for the protection of the public. (1995 Code, § 2-309, as replaced by Ord. #2019-028, Nov. 2019)¹

2-310. Tree trimmer requirements. Any person or firm that receives payment for providing tree trimming or removal services within the City of Jackson must have a valid City of Jackson business license, liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for property damage and personal injury. Copies of the license and insurance must be provided to the city forester requesting a letter of approval to provide trimming and removal services within the City of Jackson.

(1) Any person or firm that removes limbs or trees that require the use of ladders, climbing hooks, bucket trucks, mechanical lifts, ropes, any type of equipment extensions, or similar items will be required to have in their possession at all times copies of their approval letter, business license, and proof of insurance.

(2) All approved tree trimmers will be required to remove all waste from all work sites and transport it to the landfill for disposal.

(3) Property owners are excluded from these requirements when trimming trees at their primary residence. (Ord. #2004-016, April 2004, as replaced by Ord. #2019-028, Nov. 2019)

¹Municipal code reference

Other projections over city streets, etc: title 16, chapter 2.

Signs, etc., projecting over city streets: title 14, chapter 4, particularly § 14-406.

CHAPTER 4

TRANSIT AUTHORITY¹

SECTION

- 2-401. Jackson Transit Authority--created.
- 2-402. Board of directors; composition; appointment; terms; meetings.
- 2-403. Employment of personnel; power to enter into contracts.
- 2-404. Establishment of rates.
- 2-405. Accounting; reports, audits, etc.
- 2-406. Insurance.
- 2-407. Eligibility of employees for retirement benefits.

2-401. Jackson Transit Authority--created. There should be and is hereby created the Jackson Transit Authority which authority is hereby charged with the duty and responsibility of operating within the City of Jackson and its environs an "urban transit facility" for the providing of mass public transportation for passengers, under the conditions and limitations hereinafter set out. (1995 Code, § 2-401)

2-402. Board of directors; composition; appointment; terms; meetings. The management of the Jackson Transit Authority is hereby vested in a board of directors consisting of seven (7) members all of whom shall be citizens of the City of Jackson and shall serve without compensation. The initial appointment of such directors shall be for terms of one (1), two (2), three (3), four (4) and five (5) years, and annually thereafter directors shall be elected for five (5) year terms. Directors shall be selected by a majority vote of the city council upon the recommendation of the mayor. In the event of vacancy caused by death, resignation or other reason the remainder of the unexpired term shall be filled in like manner. The City Council of the City of Jackson shall have the authority, for cause and after public hearing, to remove a director from office.

Immediately upon appointment the board of directors shall meet and elect a president, vice-president and secretary of the authority. The board of directors shall cause complete and accurate minutes to be kept in a permanent bound minute book of all proceedings had by such board. The board shall establish regular meeting dates at least monthly and more often if required for the proper transaction of its affairs. (1995 Code, § 2-402, as amended by Ord. #1999-040, July 1999)

¹Municipal code reference

Passenger vehicles for hire: title 9, chapter 3.

2-403. Employment of personnel; power to enter into contracts.

The board of directors shall be and is hereby empowered to employ such personnel as may be necessary from time to time for the proper operation of an "urban transit facility," to discharge employees from time to time as may be required, and to make such rules and regulations as are necessary and proper for the efficient and proper operation of the system. The authority shall have no power to borrow money or to pledge the credit of the City of Jackson, nor shall such authority make any purchase or enter into any contract involving obligations in excess of five thousand dollars (\$5,000.00), without the prior approval of the City Council of the City of Jackson expressed upon the minutes of such city council. (1995 § 2-403)

2-404. Establishment of rates. The Jackson Transit Authority shall from time to time recommend to the City Council of the City of Jackson a schedule of rates to be established for the carrying of passengers, and the city council shall approve or modify such rates as may be in its discretion justified, it being the purpose of this public service to provide mass transportation in the most efficient manner, at the lowest possible cost to the public and on a self-sustaining basis if possible. The City Council of the City of Jackson may review such rates from time to time on its own initiative. The Jackson transit authority shall only charge such rates as have been approved by the City Council of the City of Jackson. (1995 Code, § 2-404)

2-405. Accounting; reports, audits, etc. The board of directors of the Jackson Transit Authority shall immediately after organization formulate and submit to the city council a system of accounting for the handling of the finances of the Jackson Transit Authority, such accounting method to reflect complete and accurate details of the handling of the authority's funds, to provide a monthly check of such account by a certified public accountant to be selected by the city council, to provide quarterly reports of the financial condition of the Jackson Transit Authority to the city council, to provide an indemnity bond for all persons handling funds of such system and to provide an annual audit by the certified public accountant referred to herein. (1995 Code, § 2-405)

2-406. Insurance. The board of directors of the Jackson Transit Authority shall at once formulate and recommend to the City Council of the City of Jackson a program of necessary insurance, and such insurance shall forthwith be placed by the city council. (1995 Code, § 2-406)

2-407. Eligibility of employees for retirement benefits. Employees of the Jackson Transit Authority, to the extent eligible under the provisions of the City of Jackson Retirement Plan, shall have benefits provided therein and shall make the contributions required under the provisions of such plan. (1995 Code, § 2-407)

CHAPTER 5

**VACANT PROPERTY REVIEW COMMISSION
AND ACQUISITION OF VACANT PROPERTIES**

SECTION

- 2-501. Findings, purpose and policy.
- 2-502. Definitions.
- 2-503. Establishment of vacant property review commission.
- 2-504. Acquisition by eminent domain authorized.
- 2-505. Certification of property as blighted or deteriorated--notification of owner.
- 2-506. Eminent domain proceedings--findings required.
- 2-507. Conflicts of interest.

2-501. Findings, purpose and policy. (1) Findings. It is hereby found by the City Council for the City of Jackson that:

(a) There exist blighted and deteriorated properties in the neighborhoods of the city which cause the deterioration of those and contiguous neighborhoods and constitute a serious and growing menace which is injurious to the public health, safety, morals and general welfare of the residents of the city, and are beyond remedy and control solely by regulatory process in exercise of the police power:

(b) The existence of blighted and deteriorated properties, both residential and commercial, within neighborhoods of the city, and the growth and spread of blight and deterioration or the threatened deterioration of other neighborhoods and properties in the city:

(i) Contributes substantially and increasingly to the spread of disease and crime, and to losses by fire and accident;

(ii) Necessitate expensive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution and punishment, for the treatment of juvenile delinquency, for the maintenance of adequate police, fire and accident protection, and for other public services and facilities;

(iii) Constitute an economic and social liability;

(iv) Substantially impair or arrest the sound growth of the community;

(v) Retard the provision of decent, safe and sanitary housing and public accommodations;

(vi) Depreciate assessable values;

(vii) Cause an abnormal exodus of families and businesses from these neighborhoods; and

(viii) Are detrimental to the health, the well-being and the dignity of many residents of these neighborhoods of the city;

(c) This menace cannot be effectively dealt with by private enterprise without the aids provided herein; and

(d) The benefits which would result from eliminating the blighted properties that cause the blight and deterioration of neighborhoods will accrue to the inhabitants of the neighborhoods in which these conditions exist and to the inhabitants of the city generally.

(2) Policy and purpose. It is hereby declared that the policy of the City of Jackson consistent with the laws of the State of Tennessee is:

(a) To protect and promote the health, safety, and welfare of the people of the city by eliminating the blight and deterioration of neighborhoods through the elimination of blighted and deteriorated properties within these neighborhoods; and

(b) To eliminate blight and deterioration and to prepare such properties for sale or lease, for development or redevelopment, such actions constituting a public use and purpose for which public money may be expended and private property acquired, and such actions are governmental functions in the interest of the health, safety, and welfare of the people of Tennessee. (Ord. #2001-044, Oct. 2001)

2-502. Definitions. As used in this part, unless the context otherwise requires:

(1) "Blighted" or "deteriorated" property means any vacant structure or vacant or unimproved lot or parcel, whether residential, commercial or industrial, in a predominantly built-up neighborhood:

(a) Which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with local housing, building, plumbing, fire or related codes;

(b) Which because of physical condition, use or occupancy is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures;

(c) Which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code of the municipality, has been designated by the appropriate agency or department responsible for enforcement of the code as unfit for human habitation;

(d) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;

(e) From which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;

(f) Which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin;

(g) Which has been tax delinquent for a period of at least three (3) years; or

(h) Which has not been rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency;

(2) "Blighted" or "deteriorated" does not apply to any property used for agricultural purposes;

(3) "City" means the City of Jackson.

(4) "Redevelopment" means the planning or re-planning, design or redesign, acquisition, clearance, development and disposal, or any combination of these, of a property in the preparation of such property for residential, commercial, industrial, and related uses, as may be appropriate or necessary;

(5) "Residential, commercial, industrial, and related use" means residential or commercial or industrial property for sale, lease or rental uses; such related uses include, but are not limited to, park and recreation areas, neighborhood community service, parking lots or structures, and any use which is consistent with and/or complementary to the existing properties in the area; and

(6) "Vacant property review commission" means a commission established by this chapter to review vacant properties to make a written determination of blight and deterioration. (Ord. #2001-044, Oct. 2001)

2-503. Establishment of vacant property review commission.

(1) Establishment. Pursuant to Tennessee Code Annotated, § 13-21-203, et seq., there is established a vacant property review commission ("commission") which shall certify properties as blighted or deteriorated to the city council and shall be appointed by the mayor and approved by the city council and shall possess all powers and shall exercise all of the duties set forth under this chapter and the applicable provisions of the Tennessee Code Annotated.

(2) Number and appointment of commission members. The commission shall consist of five (5) members and all members of the commission appointed by the mayor and approved by the city council shall be residents of the City of Jackson and shall be initially appointed as follows and thereafter to serve four (4) year terms:

(a) One (1) member for two (2) year term.

(b) Two (2) members for three (3) year terms.

(c) Two (2) members for four (4) year terms.

Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the commission shall, at the discretion of the

mayor, render any such member liable to immediate removal from office. No officer or employee of the city whose duties include enforcement of local housing, building, plumbing, fire or related codes shall be appointed to the commission.

(3) Quorum. Three (3) members of the commission shall constitute a quorum. A commission member shall not act in a case which he/she has a personal interest.

(4) Chairman and secretary. The commission shall elect from its members a chairman to preside over meetings and shall present or designate a commission member to present reports to the city council on blighted or vacant property as required by these provisions of the code. The commission shall also elect a secretary to record and retain the minutes and records relating to the meetings and actions taken by the commission. (Ord. #2001-044, Oct. 2001)

2-504. Acquisition by eminent domain authorized. (1) The city may acquire by eminent domain pursuant to Tennessee Code Annotated, title 29, chapters 16 and 17, any property determined to be blighted or deteriorated pursuant to this chapter, and shall have the power to hold, clear, manage or dispose of property so acquired for residential, commercial, industrial and related use, pursuant to the provisions of this plan. (Ord. #2001-044, Oct. 2001)

2-505. Certification of property as blighted or deteriorated—notification of owner. (1) The city council shall not institute eminent domain proceedings pursuant to this part unless the commission has certified that the property is blighted or deteriorated. A property which has been referred to the commission by an agency of the city as blighted or deteriorated may only be certified to the city council as blighted or deteriorated after the commission has determined that:

(a) The owner of the property or designated agent has been sent an order by the appropriate agency of the municipality to eliminate the conditions which are in violation of local codes or law;

(b) The property is vacant;

(c) The property is blighted and deteriorated;

(d) The commission has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with this notice; and

(e) The planning commission of the city has determined that the reuse of the property for residential, commercial, industrial and related use is in keeping with the comprehensive plan of redevelopment within the city.

(2) The findings required by subsection (a) shall be in writing and included in the report prepared by the commission to the city council.

(3) The commission shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the city under this chapter. Notice shall be mailed to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or designated agent is unknown and cannot be ascertained by the commission in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to the owner or the owner's agent shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within ninety (90) days of the receipt of such notice.

(4) An extension of the ninety (90) day time period may be granted by the commission if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice. (Ord. #2001-044, Oct. 2001)

2-506. Eminent domain proceedings--findings required. (1) The city council may authorize the city to institute eminent domain proceedings pursuant to Tennessee Code Annotated, title 29, chapters 16 and 17 against any property which has been certified as blighted or deteriorated by the commission if it finds that:

(a) Such property has deteriorated to such an extent as to constitute a serious growing menace to the public health, safety and welfare;

(b) Such property is likely to continue to deteriorate unless corrected;

(c) The continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and

(d) The owner of such property has failed to correct the deterioration of the property. (Ord. #2001-044, Oct. 2001)

2-507. Conflicts of interest. (1) No officer or employee of the city, or of the vacant property review commission, who in the course of such officer's or employee's duties is required to participate in the determination of property blight or deterioration, shall acquire any interest in any property declared to be blighted or deteriorated.

(2) If any such officer or employee owns or has a financial interest, direct or indirect, in any property certified to be blighted or deteriorated, the officer or employee shall immediately disclose, in writing, such interest to the commission and to the city council, and such disclosure shall be entered in the minutes of the commission and of the city council.

(3) Failure to so disclose such interest shall constitute misconduct in office.

(4) No payment shall be made to any officer or employee for any property or interest therein acquired by the city from such officer or employee unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless payment is unanimously approved by the city council. (Ord. #2001-044, Oct. 2001)

CHAPTER 6

COMMUNITY REDEVELOPMENT AGENCY

SECTION

- 2-601. Created.
- 2-602. Composition; terms; vacancies; compensation; removal.
- 2-603. Purpose.
- 2-604. Meetings and officers.
- 2-605. Powers and duties.
- 2-606. Rules and regulations.
- 2-607. Report to planning department.

2-601. Created. There is hereby created and established a board for the Community Redevelopment Agency. The board is hereby established shall exercise all of the powers of the Community Redevelopment Agency as provided in the Community Redevelopment Act of 1998. (Ord. #2009 005, April 2009)

2-602. Composition; terms; vacancies; compensation; removal. The board of directors (board) shall consist of seven (7) members in which all powers of the CRA are vested. All directors shall be residents of Madison County, Tennessee. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties.

The board shall consist of seven (7) members. Five (5) of those members, one (1) of which must be a serving city council member, shall be nominated by the city mayor, subject to approval of the city council, and two (2) members, one (1) of which must be a serving county commissioner, shall be nominated by the county mayor, subject to the approval of the Madison County Commission.

The terms of office of the board shall be three members for three (3) years-- two (2) city selected and one (1) county selected; three (3) members for two (2) years -- two (2) city selected and one (1) county selected; and one (1) member for one (1) year -- city selected. Thereafter, each member shall be nominated by the respective mayor for a three (3) year term, subject to approval by the appropriate legislative body, or until their successor is appointed and qualified. In the event of a vacancy, whether by reason of resignation, death, or other cause, the respective mayor, with approval of the appropriate legislative body, may appoint a successor for such member only for the vacating member's unexpired term.

The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties.

The governing body may remove a director for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been

given a copy of the charges at least ten (10) days prior to such hearing and has had an opportunity to be heard in person or by counsel. In addition, if any committee member is absent for three (3) consecutive meetings, the chairman shall notify the governing body that appointed the member of the absences. The governing body shall hold a hearing to determine if there is sufficient cause for removal. The member shall be given a copy of the charges for at least ten (10) days prior to such hearing. The member shall be given an opportunity to be heard in person or by counsel before being officially removed. Upon a member being removed, the governing body that removed the member shall appoint a new member to fill the vacant seat at its next, eligible, regularly scheduled meeting. Nothing in this section however, shall preclude the reappointment of the removed member. (Ord. #2009 005, April 2009, as replaced by Ord. #2009 011, July 2009)

2-603. Purpose. The purpose for which the CRA is created is to plan, finance and implement development and redevelopment plans and projects which will eliminate or prevent the effects of slum and blight within the corporate limits of the City of Jackson by using some or all of the powers identified and allowed under the State of Tennessee Community Redevelopment Act of 1998.

It has been found and declared that there exist slum and blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the City of Jackson; that the existence of such areas contributes to the spread of crime, constitutes an economic and social liability imposing burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems and that the prevention and elimination of slums and blight is a matter of concern in order that the City of Jackson shall not continue to be endangered by such area.

It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in the State of Tennessee Community Redevelopment Act of 1998, since the prevailing conditions of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided through the State of Tennessee Community Redevelopment Act of 1998 may be susceptible to conservation or rehabilitation; therefore slum or blighting conditions may be eliminated, remedied or prevented.

It is further found that the powers conferred by the State of Tennessee Community Redevelopment Act of 1998 to the Redevelopment Agency are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised.

It is further found that the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence

and financial health; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when completed, will enhance such tax base and provide increased tax revenues to all affected taxing authorities.

It is further found that there exists in Jackson a shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety and welfare of the residents of the City of Jackson and retards their growth and economic and social development; and that the elimination or improvement of such condition is a matter of public purpose. (Ord. #2009 005, April 2009)

2-604. Meetings and officers. The place, date, and time of the holding of regular meetings of the board if directors shall be set by the board and may be changed from time to time, by resolution, without a requirement of an amendment to these bylaws and without any requirement of further notice to the directors. The regular meeting in April of each year shall constitute the annual meeting of the board of directors.

Special meetings of the board of directors may be called by the chairman or any two (2) directors, by giving at least five (5) days written notice to each director. Notice shall be deemed given when delivered to a director by hand or by facsimile or similar means of transmission or then deposited in the United States mail, postage prepaid, addressed to a director at his or her address of record as maintained by the secretary of the CRA.

It shall be the policy of the CRA to comply with all laws relating to meetings of public bodies, to the extent applicable, including requirements of public notice. Regular or special meetings, (other than special meetings called by board members other than the chairman), may be canceled by the chairman, without the necessity for public notice of such cancellation, if the chairman shall determine that there is no business to come before such meeting.

All resolutions shall be in writing and shall be copied in a journal of the proceedings of the board of directors of the redevelopment agency.

The chairman shall have the power to appoint such committees as the chairman, in his or her discretion, may deem advisable; said committees shall have the power to recommend a course of conduct to the board but shall have no extraordinary powers to act.

The board shall meet, at least, quarterly at such time and place as the board may fix by board resolution. Such meetings shall be open to the public. Notices of such meetings shall be placed on the City of Jackson website at least forty-eight hours (48) prior to such meetings. Special meetings upon notice may be called from time to time by the chairman, or at the request of the majority of the members of the board. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall cause a proper record to be kept of the proceedings. For this purpose the board shall

appoint a secretary who shall be a member of the board. The board shall also appoint a treasurer who shall be a member of the board. The chairman and vice chairman of the board shall be appointed by the governing body from among the board membership to serve for a term of one (1) year or to the end of the term of said chairman if less than one (1) year is remaining, with the right of succession for one (1) additional term only at the option of the governing body. (Ord. #2009 005, April 2009)

2-605. Powers and duties. The board shall have all powers necessary and requisite to effectuate the purpose of the board as set out above in § 2-603. (Ord. #2009 005, April 2009)

2-606. Rules and regulations. The board, by majority vote of the total membership of the board, is empowered to establish written rules and regulations as they may deem advisable. (Ord. #2009 005, April 2009)

2-607. Report to planning department. It shall be the duty of the board to file written reports, both periodically and final, on all individual projects with the director of planning in a timely manner. (Ord. #2009 005, April 2009)

CHAPTER 7

REDEVELOPMENT TRUST FUND FOR DISTRICT 2

SECTION

- 2-701. Definitions.
- 2-702. Short title.
- 2-703. Creation of redevelopment trust fund.
- 2-704. Depository account.
- 2-705. Annual funding of the redevelopment trust fund.
- 2-706. Discretion to grant exemptions.
- 2-707. Term of redevelopment trust fund.
- 2-708. Bonds and notes--limited obligations.
- 2-709. Expenditures from redevelopment trust fund.
- 2-710. Use of surplus funds.
- 2-711. Reports.
- 2-712. Incorporation of powers and authority under the act.

2-701. Definitions. The following capitalized terms or phrases shall have the meanings hereafter set forth:

- (1) "City" means the City of Jackson, Tennessee.
- (2) "County" means Madison County, Tennessee.
- (3) "Agency" means the Community Redevelopment Agency, as created under Code of Ordinances for City of Jackson, title 2, chapter 6.
- (4) "Redevelopment plan" or "plan" means that certain "Redevelopment Plan-Center City Revitalization Project-District 2" together with all attachments and appendices thereto, adopted by the city pursuant to resolutions of the Council of the City of Jackson dated September 7, 2010.
- (5) "Plan area" means the geographical area designated as such in the redevelopment plan and specifically includes all tax parcels described therein.
- (6) "Redevelopment trust fund" or "trust fund" means the redevelopment trust fund hereby created pursuant to the requirements of the Act and this chapter. (as added by Ord. #2010-016, Nov. 2010)

2-702. Short title. The ordinance comprising this chapter shall be known as the "Redevelopment Trust Fund Ordinance--District 2." (as added by Ord. #2010-016, Nov. 2010)

2-703. Creation of redevelopment trust fund. There is hereby created, for the use and benefit of the agency, a redevelopment trust fund. Any funds allocated and deposited to the redevelopment trust fund shall be used by the agency for the financing or refinancing of any community development it undertakes pursuant to the redevelopment plan. (as added by Ord. #2010-016, Nov. 2010)

2-704. Depository account. The redevelopment trust fund may be maintained at any bank or other financial institution having offices located within the county as determined by the agency. No other agency moneys or funds shall be placed into the redevelopment trust fund except as permitted by the Act. (as added by Ord. #2010-016, Nov. 2010)

2-705. Annual funding of the redevelopment trust fund. The annual funding of the redevelopment trust fund shall be in an amount not less than the increment in the income, proceeds, revenues, and funds of the city and/or county, or other taxing authority, derived from or held in connection with the undertaking and carrying out of community development under the Act. Such increment (the "Increment") shall be determined annually and shall be that amount equal to ninety-five percent (95%) of the difference between:

(1) The amount of ad valorem taxes levied each year by each taxing authority exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries the plan area or any future community development plan area duly approved and adopted as such pursuant to the requirements of the Act; and

(2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of debt service millage, upon the total of the assessed value of the taxable real property in the plan area as shown by the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance comprising this chapter.

Pursuant to the requirements of the Act, each taxing authority shall, by January 1 of each year, commencing January 1, 2011, appropriate to the trust fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed thirty (30) years) a sum that is no less than the increment accruing to such taxing authority. If the redevelopment plan is amended or modified pursuant to the Act, each such taxing authority shall make the annual appropriation for a period not to exceed thirty (30) years after the effective date of the amendment of the redevelopment plan. (as added by Ord. #2010-016, Nov. 2010)

2-706. Discretion to grant exemptions. Subject to the requirements of the Act, the city and/or county shall have the power to exempt from the requirements of § 2-705 any special district, other than the city and/or county, that levies ad valorem taxes within the plan area, provided such grant of exemption is otherwise lawful. (as added by Ord. #2010-016, Nov. 2010)

2-707. Term of redevelopment trust fund. The redevelopment trust fund shall remain in existence for thirty (30) years after the date of the adoption of the redevelopment trust fund; provided that if the redevelopment plan is

amended in accordance with the provisions of the Act, the redevelopment trust fund shall remain in existence for at least thirty (30) years after the effective date of such modification or amendment. Notwithstanding the foregoing, the obligation of the taxing authorities to fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of the agency incurred as a result of redevelopment in the plan area or other approved community redevelopment area have been paid. Upon termination of the redevelopment trust fund, any remaining moneys in the redevelopment trust fund shall be returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the redevelopment trust fund by all taxing authorities. (as added by Ord. #2010-016, Nov. 2010)

2-708. Bonds and notes--limited obligations. The revenue bonds and notes of every issue under this chapter and the Act are payable solely out of revenues pledged to and received by the agency and deposited to the redevelopment trust fund. The lien created by such bonds or notes shall not attach until the revenues referred to herein are deposited in the redevelopment trust fund at the times, and to the extent that, such revenues accrue. The holders of such bonds or notes have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes. Revenue bonds issued under the provisions of this chapter and the Act shall not be deemed to constitute a debt, liability, or obligation of either the city or county, other local taxing authority, or the State of Tennessee or any political subdivision thereof, nor shall same constitute a pledge of the faith and credit of the city, county, other local taxing authority, or the State of Tennessee or any political subdivision thereof, but shall be payable solely from the revenues provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the agency shall not be obligated to pay the same or the interest thereon except from revenues of the agency held for that purpose and that neither the faith and credit nor the taxing power of the city, county, other local taxing authority, or the State of Tennessee or any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bonds. (as added by Ord. #2010-016, Nov. 2010)

2-709. Expenditures from redevelopment trust fund. Moneys in the trust fund may be expended from time to time for the following purposes, when directly related to financing or refinancing or redevelopment in the plan area or other community redevelopment area pursuant to the redevelopment plan or lawful amendments thereto:

(1) Administrative and overhead expenses necessary or incidental to the implementation of the redevelopment plan adopted by the agency or other governing body.

(2) Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement to a governing body or the agency for such expenses incurred before the plan was approved and adopted.

(3) The acquisition of real property in the plan area.

(4) The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants as provided in section 17 of the Act.

(5) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.

(6) All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of any agency bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.

(7) The development of affordable housing with the plan area. (as added by Ord. #2010-016, Nov. 2010)

2-710. Use of surplus funds. On the last day of the fiscal year of the agency, any money which remains in the trust fund after the payment of expenses pursuant to the preceding section for such year shall be:

(1) Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities within the plan area for that year;

(2) Used to reduce the amount of any indebtedness to which increment revenues are pledged;

(3) Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(4) Appropriated to a specific redevelopment project pursuant to the redevelopment plan which project will be completed within three (3) years from the date of such appropriation. (as added by Ord. #2010-016, Nov. 2010)

2-711. Reports. The agency shall provide for an independent financial audit of the trust fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the trust fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The agency shall provide a copy of the report to each taxing authority which shall have contributed to the trust fund. (as added by Ord. #2010-016, Nov. 2010)

2-712. Incorporation of powers and authority under the Act. The city, the county and agency are each hereby authorized to exercise such other powers and authority as set forth in the Act subject, however, to the requirements of and obligations imposed under the Act. (as added by Ord. #2010-016, Nov. 2010)

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

- 3-101. Municipal court and office of city judge established.
- 3-102. Jurisdiction.
- 3-103. Number of judges.
- 3-104. Qualifications and term.
- 3-105. Election of judge.
- 3-106. City judge; salary.
- 3-107. Oath of office.
- 3-108. Office of city court clerk established.
- 3-109. Qualifications.
- 3-110. Term.
- 3-111. Election of clerk.
- 3-112. City court clerk; salary.

¹Charter references

Appeals from: § 53.

Arraignment: § 52.

City judge

Election: § 44.

Oath: § 46.

Qualifications: § 43.

Salary: § 47.

Vacancies: § 45.

Clerk of court: §§ 48, 49, 51.

Fines, forfeitures and penalties: § 12(28) and (29).

Jurisdiction: §§ 42, 49.

Process and warrants: § 51.

Sessions: § 50.

- 3-113. Deputy clerks.
- 3-114. Duties of city court clerk.
- 3-115. Vacancy.

3-101. Municipal court and office of city judge established. There is hereby created for the City of Jackson a city court and the office of city judge to preside over the city court. (1995 Code, § 3-101)

3-102. Jurisdiction. (1) Municipal jurisdiction. The city court 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 five hundred dollars (\$500.00), or the maximum civil penalty allowed under state law, and costs prescribed by ordinance.

(2) Concurrent jurisdiction. The city judge shall also have authority to exercise concurrent jurisdiction with courts of general sessions in all cases involving the violation of the criminal laws of the state within the corporate limits of the City of Jackson, but shall exercise such jurisdiction if, and only if, he or she is elected in accordance with this chapter. (1995 Code, § 3-102)

3-103. Number of judges. The City Council of the City of Jackson (the "council") shall establish from time to time by ordinance the number of persons who shall serve as city judge(s) pursuant to this chapter. By this chapter, such number is presently established as one (1). (1995 Code, § 3-103)

3-104. Qualifications and term. All persons serving as city judge pursuant to this chapter shall meet the qualifications established by Article VI, Section 4 of the Tennessee Constitution, to-wit: They shall be thirty (30) years of age, shall before their election have been a resident of the State of Tennessee for five (5) years and the City of Jackson for two (2) years, and shall be elected by the qualified voters of the City of Jackson for a term of service of eight (8) years, except for an initial term which may be shorter. In addition, any city judge appointed or elected pursuant to this chapter shall be a lawyer by practice and profession, engaged in the active practice of law and licensed for at least five (5) years, and shall be a person of good moral character. (1995 Code, § 3-104)

3-105. Election of judge. Beginning with the regular judicial election held in August 1998, all elections for city judge pursuant to this chapter shall be held in accordance with Article VII, Section 5 of the Tennessee Constitution. (1995 Code, § 3-105, modified)

3-106. City judge; salary. The salary of the city judge shall be set by the council no less than one (1) year prior to his election. The Jackson city judge is to be compensated at a rate of ninety-seven thousand five hundred dollars (\$97,500.00) per year, and an annual cost of living adjustment shall be applied,

the percentage of which shall be equal to that established for city employees in general. (Ord. #2005-025, Aug. 2005)

3-107. Oath of office. The city judge, before entering upon the performance of his duties shall take the same oath as the mayor and council, said oath to be administered by the mayor or recorder. (1995 Code, § 3-108)

3-108. Office of city court clerk established. There is hereby established the office of city court clerk to be elected as hereinafter provided. (1995 Code, § 3-109)

3-109. Qualifications. The person serving as clerk of the city court shall be a person of good moral character, shall be a resident of the City of Jackson, and shall meet such other qualifications as the council may hereafter determine by ordinance. (1995 Code, § 3-110)

3-110. Term. All persons serving as clerk of the city court pursuant to this chapter shall be elected by the qualified voters of the City of Jackson for a term of four (4) years except for an initial term which may be shorter. (1995 Code, § 3-111)

3-111. Election of clerk. At the August general election in 1998, and each and every four (4) years thereafter, the city court clerk shall be elected by the qualified voters of the city for a term of four (4) years. (1995 Code, § 3-112, modified)

3-112. City court clerk; salary. The salary of the city court clerk shall be three thousand dollars (\$3,000.00) per month, or such other amount as may hereafter be established by ordinance, provided, however, that the salary shall not be adjusted during the clerk's term of office. (Ord. #2002-030, Aug. 2002)

3-113. Deputy clerks. The clerk of the city court may, with the approval of the council, engage such deputies and fix their compensation as may from time to time be approved by the council by resolution. (1995 Code, § 3-114)

3-114. Duties of city court clerk. The city court clerk shall have all of the powers and duties prescribed for clerks of courts of general sessions by state law and is hereby empowered to administer oaths and affirmations, collect and receive all fines, fees, penalties, and costs, which shall be paid into the city treasurer, to issue process, to take bail in any case of which the court has jurisdiction, and to approve all appeal bonds, and to keep dockets and other court records. (1995 Code, § 3-115)

3-115. Vacancy. A vacancy in the office of the elected city court clerk may be filled temporarily by appointment of the city judge until the next regular general election. At such election, a person shall be elected to serve any unexpired term if the full term is not to be filled at such election. (1995 Code, § 3-117)

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. Schedule of court costs.
- 3-205. Garnishment, execution, fees, and costs.
- 3-206. Disturbance of proceedings.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected, and if not, why not; whether committed to workhouse; and all other information which may be relevant. (1995 Code, § 3-201)

3-202. Imposition of fines, penalties, and costs.¹ All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court. (1995 Code, § 3-202)

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 into the general fund of the city. The docket shall be audited annually, or more often if directed by the city council. (1995 Code, § 3-203)

3-204. Schedule of court costs.² In all matters involving violation of city ordinances, which are civil rather than criminal cases, the costs imposed for each citation shall be:

- Moving vehicle violations. \$20.00
- All other violations, including misdemeanors . \$25.00

For cases involving violation of state criminal laws, in which the court is exercising criminal court jurisdiction, the costs imposed shall be in accordance

¹Charter reference
 Authority for fines, forfeitures and penalties: § 12(28) and (29).

²State law reference
 Costs under state law: Tennessee Code Annotated, § 8-21-401.

with the schedule of court costs set out in state law at Tennessee Code Annotated, § 8-21-401.

3-205. Garnishment, execution, fees, and costs. (1) Upon failure of a defendant to comply with an order of the court where the judge has entered a judgment for fines and costs and same remains unpaid for thirty (30) days thereafter, the court is authorized through its court clerk to issue execution thereon from the court in the same manner and method as prescribed in Tennessee Code Annotated, title 26, chapters 1, 2, and 3, and court clerk shall assess the same fees and costs as allowable to clerks of general sessions court.

(2) For the purposes of service of a levy of execution or execution by garnishment the police officers of the city are empowered to serve same anywhere in the county.

(3) Authority for this section is granted pursuant to Tennessee Code Annotated, § 6-54-303. (as added by Ord. #2014-002, Jan. 2014)

3-206. 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. (1995 Code, § 3-205, as renumbered by Ord. #2014-002, Jan. 2014)

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, court clerk and deputy court clerk shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1995 Code, § 3-301)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city court, the judge, court clerk and deputy court clerk may in their 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. (1995 Code, § 3-302)

3-303. Issuance of subpoenas.² The city judge, court clerk and deputy court clerk may subpoena as witnesses all persons whose testimony they believe will be relevant and material to matters coming before the court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1995 Code, § 3-303)

¹Charter reference: § 51.

State law reference

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

²Charter reference: § 51.

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the city court clerk, deputy court clerk, or in their absence, with the ranking police officer on duty at the time, provided such alleged offender is not under the influence of alcohol or drugs. (1995 Code, § 3-401)

3-402. Appeals.¹ Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1995 Code, § 3-402)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in such sum as the city judge shall prescribe, not to exceed the sum of two hundred and fifty dollars (\$250.00), and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable. (1995 Code, § 3-403)

¹Charter reference: § 53.

State law reference

Tennessee Code Annotated, § 16-18-307.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. CITY RETIREMENT SYSTEM.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR CITY EMPLOYEES.

CHAPTER 1

CITY RETIREMENT SYSTEM¹

SECTION

- 4-101. Definitions.
- 4-102. System established.
- 4-103. Composition and organization of pension board.
- 4-104. Duties and powers of the pension board.
- 4-105. Personal interest of members of pension board prohibited.
- 4-106. Members' contribution account.
- 4-107. Coverage by Social Security Act.
- 4-108. Retirement allowance account.
- 4-109. Correction of errors.
- 4-110. Retirement benefits exempt from taxation, execution or assignment.
- 4-111. False statements.
- 4-112. Legally incompetent.
- 4-113. Amendment or repeal.
- 4-114. Repeal of entire system.
- 4-115. Internal Revenue Service requirements; State of Tennessee requirements.
- 4-116. Termination of system by default.
- 4-117. Right of employment.
- 4-118. Certain employees to become members of Tennessee Consolidated Retirement System; transfers into state plan.
- 4-119. Eligibility and participation of a member of a former plan who transfers his membership to this system.

¹Charter references

Firefighter retirement: § 100

Pension plan in general: § 109-111.

Police retirement: § 93

Miscellaneous provisions: See footnote 1 on pages 1 and 2 of the charter.

- 4-120. Eligibility and participation of employees on the effective date who are not members of a former plan.
- 4-121. Termination of membership in the system.
- 4-122. Designation of beneficiary; contingent annuitant.
- 4-123. Prior service certificates.
- 4-124. Members entitled to benefits from the State of Tennessee Teachers' Retirement System.
- 4-125. Employee contributions.
- 4-126. Employer contributions.
- 4-127. Medium of financing the system.
- 4-128. Benefits, conditions.
- 4-129. Normal retirement conditions.
- 4-130. Normal retirement benefit.
- 4-131. Delayed retirement, conditions.
- 4-132. Delayed retirement benefit.
- 4-133. Early retirement, conditions.
- 4-134. Early retirement benefit.
- 4-135. Definition of disability, requirements.
- 4-136. Disability not in line of duty, conditions.
- 4-137. Disability in line of duty, conditions.
- 4-138. Disability benefit.
- 4-139. Death benefits before retirement.
- 4-140. Death benefits after retirement.
- 4-141. Termination of employment before completing twenty (20) years of credited service.
- 4-142. Termination of employment after completing twenty (20) years of credited service.
- 4-143. Optional retirement benefits.
- 4-144. Description of options.

4-101. Definitions. As used in this chapter and only in this chapter, the following words and phrases shall have the meaning indicated, unless otherwise defined or required by the context of this chapter:

(1) "City of Jackson, or city" shall mean the city government of Jackson, Tennessee.

(2) "Employee" shall mean any person who is regularly employed by the city and is compensated in whole or in part by the city for personal services rendered to the city and shall include:

(a) Any person who is an appointed official of the city;

(b) Any person who is an official of the city who is elected by popular vote; and

(c) Any person who is regularly employed by the city and who is appointed by an elected official of the city. In all cases of doubt, the

pension board shall determine whether or not a person is an employee as defined herein.

(3) "System" shall mean this retirement system.

(4) "Former plan" shall mean any of the following pension plans:

(a) "City of Jackson Teacher Retirement Plan" created by Chapter 357 of the Private Acts of 1943 of the General Assembly of the State of Tennessee, as amended;

(b) "Firemen and Policemen Pension Fund" of the City of Jackson, created by Chapter 150 of the Private Acts of 1943 of the General Assembly of the State of Tennessee, as amended;

(c) "Water and Administrative Pension Fund" of the City of Jackson, created by Chapter 172 of the Private Acts of 1945 of the General Assembly of the State of Tennessee, as amended;

(d) "Health and Sanitation Department Pension Fund," created by Chapter 144 of the Private Acts of 1949 of the General Assembly of the State of Tennessee, as amended;

(e) "Street Maintenance Department Pension Fund" of the City of Jackson, created by Chapter 370 of the Private Acts of 1949 of the General Assembly of the State of Tennessee, as amended.

(5) "Participant in a former plan" shall mean any employee who on the effective date was covered under a former plan or then had a right to receive a benefit from a former plan.

(6) "Board" shall mean the pension board created in accordance with § 4-103 of this chapter.

(7) "Retired employee" shall mean a member who is no longer an employee and who is eligible to receive a pension provided by this system.

(8) "Fund" shall mean the fund of the City of Jackson, Tennessee, Retirement System, set up and maintained in accordance with § 4-127.

(9) "Fiscal year" shall mean the fiscal year adopted from time to time by the city.

(10) "Termination" shall mean the termination of an employee's employment from the city.

(11) "Effective date" shall mean January 1, 1966.

(12) "Prior service" shall mean the number of years and completed calendar months of service of an employee of the city, whether continuous or not, prior to the effective date; provided, however, that any person who becomes an employee after the effective date shall not be allowed credit for prior service.

(13) "Current service" shall mean all continuous, uninterrupted service of an employee of the city, expressed in years and completed calendar months, after the effective date and prior to the date as of which current service is being determined; provided, however, current service shall not include any time after an employee has reached his seventieth (70th) birthday. Current service shall not be deemed to be interrupted by, but shall not include:

(a) Extended sick leave; or

(b) Other authorized leave of absence; or

(c) Any service voluntary or involuntary, in the Armed Forces of the United States if the employee is entitled to reemployment under the provision of the Universal Military Training and Service Act and amendments hereto, or any law applicable to such reemployment, and provided that the employee shall apply for reemployment with the city within the time specified by law and in the manner and under the conditions prescribed by law.

(14) "Credited service" shall mean the sum of prior service, if any, and current service. Credited service shall be expressed in years and a decimal fraction of a year based on completed calendar months.

(15) "Earnings" shall mean the total compensation paid to an employee for his personal services rendered to the city, excluding overtime payments, fees of office, compensation paid to members of boards or commissions of the city for personal services rendered as members of such boards or commissions, prerequisites, or other compensation not a part of the set scale for an established normal working period; provided, however, that any compensation paid by the State of Tennessee or the city upon which benefits under the Tennessee State Retirement System or Tennessee State Teacher Retirement System, or any other retirement system, other than this system, are based shall be excluded from "earnings" as defined herein.

(16) "Base earnings" shall mean that part of earnings in any calendar year which is subject to social security tax.

(17) "Excess earnings" shall mean that part of earnings in any calendar year which is not subject to social security tax.

(18) "Average" shall mean an arithmetic average determined for the five (5) full calendar years of credited service of a member during which his earnings were highest, or determined on such lesser number of full calendar years of credited service actually completed by said member.

(19) "Normal retirement date" shall mean the first day of the month next following the sixty-fifth (65th) birthday of a member.

(20) "Delivery to the board" shall mean delivery to any member of the board or delivery to the board in care of the city recorder, City of Jackson, Tennessee. (1995 Code, § 4-101)

4-102. System established. There is created and established, as of the effective date, a pension system for employees of the city to be known as the "City of Jackson Employees Retirement System." All transactions by said system shall be in the name of the system. The system shall function as hereinafter provided. All benefits payable to retired persons and their survivors from any former plan shall continue unimpaired, and such benefits shall not be an obligation or liability of this system. Any benefit payable to a retired member in accordance with the provisions of this system shall not be payable during any

period of time he becomes or is an employee, notwithstanding anything in this system to the contrary. (1995 Code, § 4-102)

4-103. Composition and organization of pension board. The pension board shall be the council of the city. A majority of the members of the board shall constitute a quorum, and all action taken by the board shall be by affirmative vote of the majority of all members of the board. The board shall meet at least once in each quarter of each calendar year, and the board may meet in special session upon call by any member of the board. Any two (2) members of the board shall execute any certificate, statement, or written direction on behalf of the board, and any person interested in the system shall be entitled to rely upon such execution as being an action of the board. (1995 Code, § 4-103)

4-104. Duties and powers of the pension board. (1) The pension board shall have complete control of the administration of the system, subject to the provisions of this chapter with all powers necessary to enable it properly to carry out its duties in that respect. Not in limitation, but in amplification of the foregoing, the board shall have the power, not inconsistent with the provisions of this system, to construe any provision of this system and to determine all questions that may arise hereunder, including questions relating to eligibility of employees to become members and the amount of benefit to which any member, beneficiary, survivor or contingent annuitant may become entitled hereunder, subject however, to requirements or limitations reserved to the insurance carrier or trustee, in the group annuity contract or trust agreement respectively, as the case may be.

(2) The board shall select the insurance carrier or bank, or both, as the case may be, to administer the fund created by this system and to administer the system in such other ways as the board may direct, and shall hereby be authorized to execute a group annuity contract or trust agreement, or both, to effect the purposes of this system.

(3) The decisions of the board upon all matters within the scope of its authority shall be final. The board shall establish rules and procedures to be followed by members, beneficiaries, survivors and contingent annuitants in filing applications for benefits, in furnishing and verifying proofs necessary to determine age, earnings, or in any other matters required to administer the system.

(4) The board shall receive all applications for benefits. Upon receipt by the board of such an application, it shall determine all facts which are necessary to establish the right of the applicant to benefits under the provisions of the system and the amount thereof as provided herein. Upon request, the board will afford any applicant the right of hearing with respect to any findings of fact or determination. The board, as it sees fit, shall prepare from time to time information concerning the system and distribute such information to employees

and members. The board shall prepare and publish an annual financial report showing all receipts, disbursements, assets and liabilities of the system. All proceedings and records of the board shall be open for inspection by the public.

(5) To enable the board to perform its functions, the city shall supply full and timely information to the board on all matters relating to the earnings of members, their length of service, their retirement or other causes of termination of employment, contributions by members, and other pertinent facts as the board may require.

(6) The board shall certify to all interested parties the signatures of all members of the board. Any person shall be entitled to rely on the last received such certification of signatures until written notice to the contrary from the board has been received.

(7) The board shall be empowered to employ the services of legal counsel, investment consultants, actuarial consultants, and the services of others which in the sole discretion of the board, may be necessary to maintain a soundly designed, administered and financed pension system. The board shall be empowered to pay from the fund all expenses incurred by or on behalf of the board in the administration of the system during each fiscal year. Members of the board shall serve without compensation as members of the board, but members of the board shall be reimbursed for the actual expenses incurred by them in the performances of their duties.

(8) As soon as practicable after the effective date, the board shall adopt such actuarial rates, values and other tables, and forms as are necessary for the administration of the system. An annual valuation shall be ordered by the board to determine the contingent assets, contingent liabilities and funding requirements of the system. At least once in each five (5) year period, the board shall cause an actuarial investigation to be made of the experience of the system relating to the actuarial assumptions. The board shall adopt from time to time, as it sees fit or as may be necessary, new actuarial rates, values and other tables and forms necessary for the administration of the system.

(9) The board shall be entitled to rely upon all tables, valuations, certificates and reports furnished by any consultant or actuary or insurance company, as the case may be; all opinions given by any legal counsel selected or approved by the board; and any advice of a qualified consultant. The board shall be fully protected with respect to any action taken or suffered by the board in good faith in reliance upon the advice or opinion of any such consultant, actuary, legal counsel, investment consultant, or insurance company, and all actions so taken or suffered shall be conclusive upon each of them and upon all members and other persons interested in the system.

(10) The board shall have no power in any way to modify, alter, add to or subtract from any provision of this system.

(11) The board shall be authorized and empowered to do all things and take all actions necessary to effect social security coverage for members of this system, including those who voluntarily elected to become covered by social

security and to transfer their coverage from a former plan to this system, as provided in § 4-119. The city shall hereby be authorized and empowered to negotiate any agreement or modification of an existing agreement with the State of Tennessee to accomplish such social security coverage. The city shall determine the date as of which such coverage shall be effective, and the city shall promptly execute any agreement or modifications of an existing agreement which may be necessary to accomplish such social security coverage. The city shall be authorized and empowered to pay from the funds of any of the former plans to the Social Security Administration the amount of any retroactive social security taxes as may be required by such agreement or agreements or modifications of any existing agreements. (1995 Code, § 4-104)

4-105. Personal interest of members of pension board prohibited.

No member of the board shall have any interest direct or indirect in commissions or fees paid to anyone for any services to the system, or in the gains or profits of any investment made in the fund, except to the extent any member of the board may be a member, survivor, or beneficiary of the system. No member of the board shall receive, directly or indirectly, any pay or emolument for his services. No member of the board shall, directly or indirectly, for himself or as an agent, use in any manner the funds or deposits of the system, except to make such payments therefrom as are authorized by the board, nor shall any member of the board become an endorser or surety or in any manner an obligor for monies loaned by or borrowed from the system. (1995 Code, § 4-105)

4-106. Members' contribution account. The members' contribution account shall be the account to which all members' contributions, as provided in this system, shall be credited. From this account shall be paid any refund of contributions to each member terminating his service other than by retirement or death; and at the time a member retires or dies, his account balance shall be transferred to the retirement allowance account as defined in § 4-108. Contributions by a member shall be deducted from his earnings for each payroll period subsequent to his becoming a member and the amount so deducted shall be credited to the member's individual account of the members' contribution account. Contributions by members provided for in this system shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every employee by his becoming a member shall consent and agree to the payroll deductions made as provided in this system; and payment of salaries or wages, less such deductions, shall be a full and complete discharge of all claims for services rendered by such members during the period covered by such payment. (1995 Code, § 4-106)

4-107. Coverage by Social Security Act. All members of this system shall be covered by the Social Security Act. Any participant of a former plan who

desires to transfer his coverage from a former plan to this system must do so by written notice of his election delivered to the board within one (1) year from the effective date. Each participant of a former plan who elects to transfer his coverage from a former plan to this system shall as a condition of transfer, contribute social security taxes from the date that social security coverage is made effective in addition to the contributions he shall make to this system as provided in § 4-125.

In the case of a member of a former plan who voluntarily elects to transfer his membership to this system in accordance with § 4-120, an amount equal to the required taxes, if any, under the Federal Insurance Contributions Act payable by such member for any period of time that such coverage under the Social Security Act is made retroactive, shall be deducted from amounts credited to his individual account, if any, of the members' contribution account. (1995 Code, § 4-107)

4-108. Retirement allowance account. The retirement allowance account shall be the account in which all employer contributions, all amounts transferred from the members' contribution account, and all incomes from any invested assets of any fund shall be accumulated. From this account shall be paid the expenses of the board in administering the system, premiums on account of any insurance or annuity benefits as may be required, death and retirement benefits, to the extent such benefits are not provided by any insurance carrier, and any other benefits payable after a member's retirement or death. (1995 Code, § 4-108)

4-109. Correction of errors. If any change in records or error results in any member, survivor, contingent annuitant, or beneficiary receiving from the system more or less than he would have been entitled to receive had the records been correct or had the error not have been made, the board, upon discovery of such error, shall correct the error by adjusting, as far as practicable, the payments in such a manner that the benefits to which the member, survivor, contingent annuitant, or beneficiary was correctly entitled shall be paid. If any change in records or error results in any member or the employer contributing to the fund more or less than should have been contributed had the records been correct or had the error not been made, the board, upon discovery of such error, shall correct the error by adjusting, as far as practicable, the contribution payable to the member or the employer so that the total contributions paid will equal the amount payable had the records been correct or had the error not been made. (1995 Code, § 4-109)

4-110. Retirement benefits exempt from taxation, execution or assignment. All retirement benefits and other benefits accrued or accruing to any person under the provisions of this chapter, and the contributions by members as well as the employer, and the other assets of the fund are hereby

exempted from any county or municipal tax and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court. (1995 Code, § 4-110)

4-111. False statements. Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the system, in any attempt to defraud the system shall forfeit all rights and benefits to which he would otherwise be entitled. (1995 Code, § 4-111)

4-112. Legally incompetent. If any member, retired member, survivor, beneficiary or contingent annuitant is a minor, or is in the judgment of the board otherwise legally incapable of personally receiving and giving a valid receipt for any payment due him hereunder, the board may, unless and until claim shall have been made by a duly appointed guardian or conservator of such person, direct that such payment or any part thereof be made to such person's spouse, child, parent, brother, or sister, deemed by the board to have incurred expenses for or assumed responsibility for the expenses of such person. Any payment so made shall be a complete discharge of any liability under the system for such payment. (1995 Code, § 4-112)

4-113. Amendment or repeal. An amendment or repeal of any provision of this system shall be made only following an actuarial determination of its effect on the soundness of the system's design as well as its effect on the cost of the system, and disclosure of such information to all interested persons, and following a determination by the board that any such amendment or repeal meets all the requirements of Tennessee statutes relating to the actuarial soundness of the program and following a determination by the board that any such amendment or repeal meets the requirements of section 401(a) of the Internal Revenue Code of 1954, as amended, or of any federal law of a similar nature relating to qualified pension plans. No amendment or repeal of a provision of this system shall affect in any way the benefits then being paid to members, survivors, contingent annuitants or beneficiaries or benefits based on service completed prior to the date of such amendment or repeal, except as provided in § 4-114; provided however, that in determining such accrued benefits payable to members, average earnings shall be determined as of the date of the amendment or repeal, as the case may be. (1995 Code, § 4-113)

4-114. Repeal of entire system. (1) In event of repeal of this system in its entirety, including amendments thereto, the board shall prepare a list of all members, retired members, survivors, contingent annuitants and beneficiaries, showing for each, as of the date of such repeal, the following:

- (a) For each retired member, survivor, beneficiary or contingent annuitant receiving benefits, the amount and terms of payment of such benefits.

(b) For each member entitled to a deferred benefit as provided in § 4-134(1), the amount and terms of payment of such benefit.

(c) The benefits shown on the above list will then be separated into "priority classes" as follows:

"Priority Class A." Benefits for members who have reached their sixty-fifth (65th) birthdays, benefits for retired members who have reached their sixty-fifth (65th) birthdays, and benefits for survivors, beneficiaries and contingent annuitants of all deceased members or retired members.

"Priority Class B." Benefits for members, retired members who are receiving benefits, terminated members entitled to a deferred benefit as provided in § 4-134(1); provided that they have reached their fifty-fifth (55th) but not their sixty-fifth (65th) birthdays and have completed twenty (20) years of credited service.

"Priority Class C." Benefits to all other members, terminated members and retired members.

(2) The board will then arrange for the liquidation of all assets held in the fund maintained in connection with the system and prepare a statement of the liquidated value of such assets. The board will then arrange for the application of the assets of the fund to purchase annuities from an insurance company or companies, to provide in full, if such assets are sufficient to do so, the benefits in Priority Class A. If such assets are not sufficient to purchase one hundred percent (100%) of benefits in Priority Class A, they shall be applied in full to purchase such uniform percentage as can be purchased. If the assets of the fund are more than sufficient to purchase one hundred percent (100%) of the benefits in Priority Class A, the remainder shall be applied in the same manner to purchase all or a uniform percentage of benefits in Priority Class B. If the remaining assets are more than sufficient to purchase one hundred percent (100%) of the benefits in Priority Class B, the remainder shall be applied in the same manner to purchase all or a uniform percentage of benefits in Priority Class C. If the remaining assets are more than sufficient to purchase one hundred percent (100%) of the benefits in Priority Class C, the remainder shall revert to the city. Upon completion of the steps specified above, this system shall be considered repealed, and no member, retired member, survivor, beneficiary or contingent annuitant shall have any further right or claim to benefits under this system. (1995 Code, § 4-114)

4-115. Internal Revenue Service requirements; State of Tennessee requirements. It is a stated intention that this plan be a qualified plan according to Section 401 of the Internal Revenue Code of 1954, as amended, or of any similar, successor law. It is also the intention that this system shall conform to all laws of the State of Tennessee which relate to actuarial requirements of public employee plans for cities in the State of Tennessee.

Accordingly, any such requirement of any federal law or law of the State of Tennessee shall be deemed to be included as a part of this system and the system shall be administered by the board in such manner that the system conforms to all legal requirements referred to in this section. (1995 Code, § 4-115)

4-116. Termination of system by default. In the event the city fails for four (4) consecutive fiscal years to contribute in accordance with the provisions of § 4-106, the system shall automatically terminate and the provisions of § 4-114 shall apply in the same manner as though the system in its entirety has been repealed. (1995 Code, § 4-116)

4-117. Right of employment. Nothing contained in this system shall be deemed to give any member or employee the right to be retained in the employment of the city or to interfere with the right of the city to discharge any member or employee, regardless of the effect which such discharge would have upon him as a member. (1995 Code, § 4-117)

4-118. Certain employees to become members of Tennessee Consolidated Retirement System; transfers into state plan. (1) Each and every person becoming a full-time regular employee of the City of Jackson on and after May 1, 1974, shall, as a condition of employment, become a member of the Tennessee Consolidated Retirement System as of his date of employment, subject to such terms and conditions, rules and regulations, deductions and assessments, as may be in effect from time to time, applicable to such retirement system. Employees who are presently a member of the "City of Jackson Employees Retirement System," adopted December 14, 1965, may remain a member of such retirement system or may elect to transfer their membership to the Tennessee Consolidated Retirement System. Such election, however, to be made on or before the 1st day of May, 1974, which such election when once made shall be final. Election to transfer membership to the Tennessee Consolidated Retirement System may be made quarterly under such terms and conditions as may conform with the provisions of the Tennessee Consolidated Retirement System.

(2) Present employees who have remained members of a "former plan" as defined in § 4-101(4), shall have the same right of transfer to the Tennessee Consolidated Retirement System, as set forth above for present members of the "City of Jackson Employees Retirement System," subject to the identical terms and conditions, more fully set forth above.

(3) Any present full-time regular employee of the City of Jackson not now covered by any retirement plan may elect to become a member of the Tennessee Consolidated Retirement System in the same manner and under the same conditions as set forth above for present members of the other existing city retirement plans. (1995 Code, § 4-118)

4-119. Eligibility and participation of a member of a former plan who transfers his membership to this system. Each employee who is a participant in a former plan and who voluntarily elects in writing to transfer his membership to this system, in accordance with the provisions of this system, shall upon becoming a member of this system, cease to be a member or a participant in a former plan, and shall thereafter have no rights to any benefit provided by any former plan and all contributions made by him which stand to his credit in a former plan as of the date he transfers to this system shall be transferred to this system. All such amounts transferred shall be credited to his individual account in the members' contribution account.

Any employee on the effective date who desires to transfer to this system shall deliver within one (1) year from the effective date written notice to the board of his election to become a member of this system. He shall become a member as of the effective date and his employee contributions to the system shall be due and payable from the effective date. In the case of an employee on authorized leave of absence on the effective date, such written notice must be delivered to the board within ninety (90) days of his return to active employment. If an employee does not deliver such written notice within the time limits prescribed in this section, he shall be deemed to have refused membership in this system, and he shall forfeit his right to any credit for prior service if he subsequently delivers such written notice, notwithstanding anything in this system to the contrary. He may subsequently deliver such written notice to the board, but he shall not have any right to credit for prior service and he shall pay into the fund all contributions he would have made from the effective date to the date such written notice is delivered by him to the board. (1995 Code, § 4-119)

4-120. Eligibility and participation of employees on the effective date who are not members of a former plan. Each employee on the effective date who is not then a member of any former plan shall be eligible to become a member of this system on the effective date. (1995 Code § 4-120)

4-121. Termination of membership in the system. If a member terminates his membership in this system, he shall thereafter forfeit all rights to any benefit or benefits provided by this system arising from service completed prior to the date his membership is terminated, except as otherwise provided in this system. The membership of any member shall terminate upon:

- (1) Withdrawal of his contributions at, or any time after, termination of employment, regardless of his length of credited service;
- (2) Termination of employment, unless at such termination of employment he has completed twenty (20) years of credited service and he does not withdraw his contributions;
- (3) Retirement, except disability retirement followed by reemployment as an employee subject to § 4-135, or early retirement, if a monthly deferred

early retirement benefit was elected, followed by reemployment as an employee subject to § 4-134;

(4) Death;

(5) Teachers of the Jackson School Department now members of the city retirement system, or members of a former plan as defined in § 4-101(4)(a) thereof, who are eligible for membership in the Tennessee Consolidated Retirement System may transfer from the city retirement system, or a former plan, to the Tennessee Consolidated Retirement System as a Class A member, provided such teachers indicate in writing to the superintendent of the city school system on or before the thirty-first (31st) day of December, 1973, that they desire to effect such transfer. Such decision when made shall be irrevocable. Any teacher not electing to transfer shall remain a member of the plan or system of which he or she is now a member. Transfers requested after the thirty-first (31st) day of December, 1973, will not be considered. (1995 Code, § 4-121)

4-122. Designation of beneficiary; contingent annuitant. A member may designate any person as beneficiary or contingent annuitant, as the case may be, to receive benefits provided by this system and payable upon the death of the member. A change in such designation may be made at any time by the member, subject to the provisions of § 4-143. Such designation or change in designation shall be submitted in writing to the board in such form and manner as the board may prescribe. No designation of beneficiary or contingent annuitant shall be effective unless and until it has been received by the board prior to the date of death of the member. Upon any change in designation, the rights of each previously designated beneficiary or contingent annuitant to receive any benefits payable from this system upon the death of a member shall cease. (1995 Code, § 4-122)

4-123. Prior service certificates. As soon as practicable after the effective date, the board shall determine the prior service of each member who was an employee on the effective date and shall issue to such member a certificate of his prior service. If the board discovers that the prior service recorded on a certificate is incorrect, a corrected certificate superseding any certificate previously issued shall be issued promptly. Copies of such certificates shall become a part of the permanent records maintained by the board for the purpose of determining benefits payable to members or to their beneficiaries or contingent annuitants. In establishing such records, the board may require, in its discretion, members, beneficiaries, contingent annuitants and other persons to submit affidavits as to any information and data which affect benefits payable to members or their beneficiaries or contingent annuitants. When a member terminates his membership as provided in § 4-121, his certificate of prior service shall become void. (1995 Code, § 4-123)

4-124. Members entitled to benefits from the State of Tennessee Teachers' Retirement System. Notwithstanding any provision in the plan to the contrary, any monthly retirement benefit due a member shall be increased by an amount of "supplemental benefit" which shall be determined so that it has the same actuarial value as the amounts due the City of Jackson, Tennessee Retirement System from the State of Tennessee Teachers' Retirement System on account of the time that a member is covered by said state system other than the time during which he is covered by this system. (1995 Code, § 4-124)

4-125. Employee contributions. Each member shall contribute by payroll deduction two percent (2%) of his base earnings plus six percent (6%) of his excess earnings. Contributions shall commence on the effective date, or on the first day of the month coinciding with or next following completion of six (6) months of credited service, whichever is later. For administrative convenience, the board in its sole discretion may determine the rate at which base earnings and excess earnings shall apply to each payroll period for purposes of raking deductions.

Each member's contributions shall be recorded by the city to an individual account in the name of the member. The city shall keep the board informed as to the status of each member's individual account, as the board shall request. (1995 Code, § 4-125)

4-126. Employer contributions. The cost of the system not provided for by the contributions of members will be borne by contributions made by the city. Contributions by the city shall be made irrevocably and shall be used solely for the benefits of members, retired members, beneficiaries, and contingent annuitants. Contributions made by the city to the system for the benefit of all members shall not be allocated to each member. The amount of annual contributions made by the city each year, commencing in 1966, shall be subject to a minimum percent of payroll of members based on a normal contribution plus five percent (5%) of unfunded past service liabilities; such minimum shall be based on the results of the most recent actuarial valuation made to determine the extent of unfunded liabilities and normal contribution rates.

The amount of normal contribution and unfunded past service liabilities shall be determined by an insurance company or by a qualified actuary on the basis of reasonable and conservative assumptions and on the basis of accepted actuarial methods approved by the board. (1995 Code, § 4-126)

4-127. Medium of financing the system. Investment of all contributions made toward the cost of the system and payment of benefits pursuant to this system will be accomplished by a fund held and administered pursuant to a trust agreement with a national bank or a group annuity contract with an insurance company licensed to do business in the State of New York, or

both, as executed and as may be amended from time to time. Any such executed instrument shall constitute a part of this system. (1995 Code, § 4-127)

4-128. Benefits, conditions. Before any benefit provided for in §§ 4-128 through 4-144 can be payable, all conditions applicable to the payment of the benefit must be met, application for the benefit must be presented to the board in such form and manner as the board shall prescribe, and payment of the benefit must be authorized by the board. If any monthly retirement income provided for in §§ 4-128 through 4-142 is less than twenty dollars (\$20.00) per month, the board in its discretion may authorize the payment of the actuarial equivalent value of such benefit in one lump sum or in such other manner as the board may determine. Notwithstanding any provision in this system to the contrary:

(1) Any condition applicable to the payment of any benefit in this system included in any insurance contract that is a part of this system, shall be a requirement of this system, and

(2) Any person eligible to receive any benefit from a former plan, shall not be eligible to receive any benefit from this system. (1995 Code, § 4-128)

4-129. Normal retirement conditions. Each member shall be eligible to retire on his normal retirement date and to receive a benefit as provided in § 4-130. (1995 Code, § 4-129)

4-130. Normal retirement benefit. A member shall, upon retirement on his normal retirement date, receive a monthly normal retirement benefit which shall be payable on his normal retirement date and on the first day of each month thereafter during his lifetime, computed as of his normal retirement date as one-twelfth (1/12th) of the difference, if any of (1) minus (2), as follows:

(1) Fifty percent (50%) of average earnings;

(2) Computed amount of primary social security.

Provided, however, the amount so determined shall be reduced four percent (4%) for each year, if any, that credited service is less than twenty-five (25) years.

The benefit so computed, however, shall not be less than a monthly benefit which has a commuted value actuarially equivalent to twice the total amount that the member has contributed to the system. The "computed amount of primary social security," as used in this system, shall be determined by the board in accordance with the method by which the primary insurance amount is determined in accordance with the social security law as such law existed on the date of termination, except that the primary insurance amount shall be based on the amount of his average earnings on the date of termination. Should a retired member prove to the satisfaction of the board that the actual amount of his monthly primary social security benefit, not reduced by reason of any earnings, is less than the computed amount, the board shall thereupon adjust

his retirement benefit provided under this section, or option elected, as the case may be, according to the actual rather than the computed amount of his primary social security benefit. (1995 Code, § 4-130)

4-131. Delayed retirement, conditions. A member may remain in the active employment of the city beyond his normal retirement date, if requested in writing to do so by the head of his department and with the written approval of the board and shall be eligible to retire on his delayed retirement date which shall be the first day of any month following the effective date and his normal retirement date, and to receive a benefit as provided in § 4-132. (1995 Code, § 4-131)

4-132. Delayed retirement benefit. A member shall, upon retirement on his delayed retirement date, receive a monthly delayed retirement benefit, which shall be payable on his delayed retirement date and on the first day of each month thereafter during his lifetime, computed in the same manner set forth in § 4-130, except that such computation shall be made as of his delayed retirement date. (1995 Code, § 4-132)

4-133. Early retirement, conditions. A member who has reached his fifty-fifth (55th) birthday and has completed twenty (20) years of credited service, or who has reached age sixty-two (62), shall be eligible to retire on his early retirement date which shall be the first day of any month thereafter but prior to his normal retirement date and to receive a benefit as provided in § 4-134. (1995 Code, § 4-133)

4-134. Early retirement benefit. A member shall, upon retirement on his early retirement date, receive either (1) or (2) as he may elect in writing to the board, as follows:

(1) A monthly deferred early retirement benefit, which shall be payable on his normal retirement date, provided he is then living, and on the first day of each month thereafter during his lifetime, computed in the same manner set forth in § 4-132, except that such computation shall be made as of his early retirement date and the amount to be reduced by multiplying by the ratio of his credited service at time of termination to the amount of credited service he would have if he continued as an employee until his normal retirement date; provided however, that if the date of death of such member occurs after his termination of employment and prior to his normal retirement date, his beneficiary shall receive a refund of the contributions standing to the credit of such deceased member; or

(2) An immediate monthly early retirement benefit, which shall be payable on his early retirement date and on the first day of each month thereafter during his lifetime, the amount of which shall be actuarially equivalent in value to the benefit provided in subsection (1) of this section.

If a member who has elected a monthly deferred early retirement benefit as provided in subsection (1) of this section is re-employed by the city, his credited service shall not be deemed to have been interrupted, but shall not include any time during which he was not an employee. (1995 Code, § 4-134)

4-135. Definition of disability, requirements. Disability shall mean a physical or mental condition of a member which has persisted for six (6) continuous months, which is likely to be permanent, and which has rendered him incapable of performing work which would provide income at a rate of twenty-five percent (25%) or more of his regular rate of earnings at the time such disability began. Loss by severance of both hands at or above the wrists, or both feet at or above the ankles, or one hand above the wrist and one foot at or above the ankle, or the complete irrecoverable loss of the sight of both eyes, shall conclusively determine disability, notwithstanding the extent of the income of the member after the date of such loss.

Notwithstanding any provision of this section to the contrary, disability as defined in this section shall not include a physical or mental condition which results directly or indirectly from:

- (1) Injuries intentionally self-inflicted;
- (2) Injury or disease resulting from military service; or
- (3) Injury or disease suffered or contracted prior to the date last hired

as an employee by the city.

The board shall have the exclusive authority to determine the existence of disability. The board, in its sole discretion, may secure such medical and other evidence as it deems necessary and appropriate. Once each calendar year, the board may require any retired member who is receiving a disability benefit and who has not reached his normal retirement date to undergo a medical examination by a physician or physicians designated by the board; and such examination shall be made at the place of residence of such retired member or any other place the board designates. If the board determines from such medical examination or any other evidence that the disability of the retired member has ceased, his disability benefit shall be discontinued as of the date of such determination. If a retired member refuses to submit to such medical examination, his disability benefit shall be discontinued until he shall actually undergo such medical examination; and if he fails to undergo such medical examination for one (1) year from the date the board requires such medical examination, his disability benefit shall be discontinued permanently. Prior to July 1 in each year, each retired member who receives a disability benefit in the preceding calendar year and who has not reached his normal retirement date shall submit proof satisfactory to the board of the amount of his income earned in such preceding calendar year and derived from performing work. If the board determines that such income is twenty-five percent (25%) or more of his regular rate of annual earnings at the time such disability began, his disability benefit shall be discontinued as of the date of such determination; provided however,

that if the retired member reapplies for disability benefits and the board determines that disability exists, payment of his disability benefit shall resume as of the date of such determination. If a retired member refuses or fails to submit such proof to the board prior to July 1, in each calendar year, his disability benefit shall be discontinued after such date and until he actually submits such proof; and if he fails to submit such proof within one (1) year of such date, his disability benefit shall be discontinued permanently. If the disability benefit of a retired member is discontinued prior to his normal retirement date and he is re-employed by the city within six (6) months following the date his disability ceases, his credited service shall not be deemed to have been interrupted, but shall not include any time during which he was not an employee. (1995 Code, § 4-135)

4-136. Disability not in line of duty, conditions. A member who is an employee, who has completed fifteen (15) years of credited service and who has become disabled as defined in § 4-135 shall be eligible to retire from the active employment of the city on his disability retirement date, which shall be the first day of the month following the determination by the board that he is disabled, and to receive a disability benefit as provided in § 4-138. (1995 Code, § 4-136)

4-137. Disability in line of duty, conditions. A member or an employee hired after April 6, 1965, and who becomes disabled, as defined in § 4-135, as a direct result of any act occurring or thing done which, as determined in the discretion of the board, was required of him in the performance of his duty as an employee, shall be eligible to retire from the active employment of the city on his disability retirement date, which shall be the first day of the month following the determination by the board that he is disabled, and to receive a disability benefit as provided in § 4-138. (1995 Code, § 4-137)

4-138. Disability benefit. A member who has become disabled, shall receive a monthly disability retirement benefit, which shall be payable on his disability retirement date, and on the first day of each month thereafter during the period of his disability and during his lifetime until he reaches his otherwise normal retirement date. Such disability retirement benefit shall be determined as:

A monthly benefit equal to one-twelfth (1/12th) of the difference between (1) fifty percent (50%) of average earnings determined as of his disability retirement date and (2) a computed amount of primary social security, provided however, that the amount of monthly benefit shall not be less than fifty dollars (\$50.00).

If a disabled member remains disabled, upon attaining his otherwise normal retirement date, he shall thereafter be entitled to receive a monthly

retirement benefit which shall be payable on his normal retirement date and on the first day of each month thereafter during his lifetime which shall be determined in accordance with § 4-130, except that his credited service shall include the period of time during which he received a disability retirement benefit.

A member who is eligible to receive a disability benefit shall submit proof satisfactory to the board that he has filed with the Social Security Administration an application for disability benefits in accordance with the provisions of the Social Security Act. The board may require from time to time a member who is eligible to receive a disability benefit in accordance with the provisions of subsection (2) of this section to file an application for disability benefits with the Social Security Administration. If such member fails or refuses to file such application, the board shall determine the amount of his computed primary social security. (1995 Code, § 4-138)

4-139. Death benefits before retirement. If the date of death of a member who was in the active employment of the city on such date, occurs prior to the commencement of any benefits provided by this system, but after (1) the first day of the month following his fifty-fifth (55th) birthday and his completion of twenty (20) years of service or after (2) the first day of the month following his sixty-second (62nd) birthday, his then living beneficiary shall receive a monthly survivor benefit, which shall be payable on the first day of the month following the date of death of the member and during the lifetime of such beneficiary. Such monthly survivor benefit shall be computed as though the member had retired on the day before his date of death and had elected Option A as provided in § 4-144; provided however, that if no beneficiary is living on the date of death of the member, a refund of his contributions shall be payable to his estate. In lieu of all other benefits payable to a beneficiary upon the death of a member, the beneficiary may elect to receive a lump sum payment of the member's contributions standing to the credit of the deceased member.

If the date of death of a member occurs prior to the commencement of any benefits provided by this system and prior to the first day of the month following his fifty-fifth (55th) birthday and his completion of twenty (20) years of credited service, or prior to the first day of the month following his sixty-second (62nd) birthday if he has completed less than twenty (20) years of credited service, his beneficiary shall receive a lump sum payment of the member's contributions standing to the credit of the deceased member. (1995 Code, § 4-139)

4-140. Death benefits after retirement. No death benefit shall be payable in the case of a retired member whose date of death occurs after retirement, unless an optional form of benefit pursuant to §§ 4-143 through 4-144 which specifically provides for a death benefit is in effect at the time retirement benefits commence. (1995 Code, § 4-140)

4-141. Termination of employment before completing twenty (20) years of credited service. Any member who has completed less than twenty (20) years of credited service at the time of his termination of employment shall receive, in lieu of all other benefits he is eligible to receive, a refund of the member's contributions standing to his credit. (1995 Code, § 4-141)

4-142. Termination of employment after completing twenty (20) years of credited service. A member who has completed at least twenty (20) years of credited service at the time of his termination of employment may elect to receive, in lieu of all other benefits he is entitled to receive, either (1) or (2), as follows:

- (1) A refund of the members' contributions standing to his credit; or
- (2) A monthly deferred vested retirement benefit, which shall be payable on his normal retirement date, provided, he is then living and on the first day of each month thereafter during his lifetime, computed in the same manner set forth in § 4-134(1).

If a member who has elected a monthly deferred vested retirement benefit as provided in subparagraph (2) of this section is re-employed by the city, his credited service shall not be deemed to have been interrupted, but shall not include any time during which he was not an employee. (1995 Code, § 4-142)

4-143. Optional retirement benefits. A member entitled to a retirement benefit, other than the disability benefit as provided in § 4-138, shall be deemed to have elected Option D provided in § 4-144 unless he revokes such election in writing delivered to the board, but he may elect at any time prior to his retirement date to have a retirement benefit payable under any one of the other options set forth in § 4-144 in lieu of all the benefits he may otherwise be entitled to receive. A member may revoke his election of an option and he may make a new election at any time prior to retirement; but, notwithstanding the foregoing, election of any option shall be subject to any requirements of the insurance carrier, if any, and shall be made by the member in writing and in such form and manner as the board may prescribe. The benefit shall be paid in accordance with the terms of the option elected. The beneficiary or contingent annuitant last designated by the member prior to the date he delivers written application for an option to the board shall be the beneficiary or contingent annuitant, as the case may be, to receive any benefits payable after his death. The election of Option A or Option B by a member shall be null and void if the member or his contingent annuitant, as the case may be, dies before benefits commence. (1995 Code, § 4-143)

4-144. Description of options. The amount of any optional retirement benefit set forth in this section shall be based on option rates adopted from time to time by the board or as prescribed in the contract with the insurance carrier, and shall be actuarially equivalent in value to the amount of benefit that would

otherwise be payable from this system to a retired member; provided however, that an optional retirement benefit in lieu of the delayed retirement benefit as provided in § 4-132 shall not be less than if based on the option rate that would have been applicable had retirement occurred at his normal retirement date.

Option A, Joint and Survivor Option: A decreased retirement benefit payable to the retired member for life which shall continue after his death to the surviving contingent annuitant for life in the same amount as that payable to the retired member.

Option B, Modified Joint and Survivor Option: A decreased retirement benefit payable to the retired member for life which shall continue after his death to the survivor contingent annuitant for life in the amount of fifty percent (50%) of the amount that was payable to the retired member.

Option C, Social Security Option: An increased retirement benefit payable to the retired member during his lifetime until his normal retirement date and a reduced retirement benefit payable thereafter for life in order to have a more level retirement income when such reduced retirement benefit is added to his primary insurance amount payable under the Social Security Act. The optional benefit shall be based on the retired members estimated primary insurance amount payable under the Social Security Act as such exists on his early retirement date.

Option D, 120 Payments Certain and Life Option: A decreased retirement benefit payable for life with the first one hundred twenty (120) payments guaranteed. Any guaranteed payments due after the death of the retired member shall be payable to his beneficiary. (1995 Code, § 4-144)

CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR CITY EMPLOYEES

SECTION

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4-201. Purpose and coverage. The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the City of Jackson.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Jackson in electing to update and maintain an effective occupational safety and health program for its employees,

- (1) Provide a safe and healthful place and condition of employment.
- (2) Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the director of the division of occupational safety and health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

- (4) Consult with the Commissioner of Labor and Workforce Development or his designated representative, with regard to the adequacy of the form and content of records.

(5) Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the state.

(6) Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.

(7) Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational safety and health program.

(8) Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health. (1995 Code, § 4-201, as replaced by Ord. #2015-012, Aug. 2015)

4-202. Definitions. For the purpose of this chapter the following definitions apply:

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

(2) "Employer" means the City of Jackson and includes each administrative department, board, commission, division, or other agency of the City of Jackson.

(3) "Occupational health and safety officer or officer" means the person designated by the establishing policy, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of City of Jackson.

(4) "Inspector(s)" means the individual(s) appointed or designated by the officer to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the officer.

(5) "Appointing authority" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.

(7) "Employee" means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any

kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.

(8) "Person" means one (1) or more individual, partnership, association, corporation, business trust, or legal representative of any organized group of persons.

(9) "Standard" means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one (1) or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.

(10) "Imminent danger" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

(11) "Establishment or worksite" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.

(12) "Serious injury or harm" means that type of harm that would cause permanent or prolonged impairment of the body in that:

(a) A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or

(b) A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

(13) "Act or TOSHAct" shall mean the Tennessee Occupational Safety and Health Act of 1972.

(14) "Governing body" means the County Quarterly Court, board of aldermen, board of commissioners, city or town council, board of governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.

(15) "Chief executive officer" means the chief administrative official, county judge, county chairman, mayor, city manager, general manager, etc., as may be applicable. (1995 Code, § 4-202, as replaced by Ord. #2015-012, Aug. 2015)

4-203. Employer's rights and duties. Rights and duties of the employer shall include, but are not limited to, the following provisions:

(1) Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

(2) Employer shall comply with occupational safety and health standards or regulations promulgated pursuant to section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.

(3) Employer shall refrain from any unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under section 6 of the Tennessee Occupational Safety and Health Act of 1972.

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

(6) Employer is entitled to protection of its legally privileged communication.

(7) Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.

(8) Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or materials in excess of the applicable standard and of corrective action being taken.

(9) Employer shall notify all employees of their rights and duties under this program. (1995 Code, § 4-203, as replaced by Ord. #2015-012, Aug. 2015)

4-204. Employee's rights and duties. Rights and duties of employees shall include, but are not limited to, the following provisions:

(1) Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.

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

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the act.

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to the act or this program may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.

(5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the director or inspector at the time of the physical inspection of the worksite.

(7) Any employee may bring to the attention of the officer any violation or suspected violations of the standards or any other health or safety hazards.

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

(9) Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (8) of this section may file a complaint alleging such discrimination with the officer. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

(10) Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, or when a medical examination may be reasonably required for performance of a specific job.

(11) Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the officer within twenty-four (24) hours after the occurrence. (1995 Code, § 4-204, as replaced by Ord. #2015-012, Aug. 2015)

4-205. Administration. (1) The officer is designated to perform duties or to exercise powers assigned so as to administer this occupational safety and health program.

(a) The officer may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program.

(b) The officer may delegate the power to make inspections, provided procedures employed are as effective as those employed by the director.

(c) The director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.

(d) The officer may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.

(e) The officer shall prepare the report to the Commissioner of Labor and Workforce Development required by § 4-201(7) of this plan.

(f) The officer shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.

(g) The officer shall assist any officials of the employer in the investigation of occupational accidents or illnesses.

(h) The officer shall maintain or cause to be maintained records required under § 4-208 of this plan.

(i) The officer shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.

(2) The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.

(a) The administrative or operational head shall follow the directions of the director on all issues involving occupational safety and health of employees as set forth in this plan.

(b) The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the officer within the abatement period.

(c) The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to

become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.

(d) The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the officer along with his findings and/or recommendations in accordance with Appendix V of this plan.¹ (1995 Code, § 4-205, as replaced by Ord. #2015-012, Aug. 2015)

4-206. Standards authorized. The standards adopted under this program are the applicable standards developed and promulgated under section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. (1995 Code, § 4-206, as replaced by Ord. #2015-012, Aug. 2015)

4-207. Variances procedure. The officer may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The officer should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

(1) The application for a variance shall be prepared in writing and shall contain:

(a) A specification of the standard or portion thereof from which the variance is sought.

(b) A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.

(c) A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.

(d) A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.

(e) A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at

¹All appendices to this program are located in Appendix B of this municipal code.

the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.

(2) The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.

(3) The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:

(a) The employer

(i) Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.

(ii) Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.

(iii) Has an effective program for coming into compliance with the standard as quickly as possible.

(b) The employee is engaged in an experimental program as described in subsection (b), section 13 of the act.

(4) A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

(5) Upon receipt of an application for an order granting a variance, the commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.

(6) The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (1)(e) of this section). (1995 Code, § 4-207, as replaced by Ord. #2015-012, Aug. 2015)

4-208. Recordkeeping and reporting. (1) Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, RECORDKEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (Revised 2003) or as may be prescribed by the Tennessee Department of Labor and Workforce Development.

(2) The position responsible for recordkeeping is shown on the Safety and Health Organizational Chart, Appendix V to this plan.¹

(3) Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by Accident Reporting Procedures, Appendix V to this plan.¹ (1995 Code, § 4-208, as replaced by Ord. #2015-012, Aug. 2015)

4-209. Employee complaint procedure. If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the officer.

(1) The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see § 4-201(8) of this plan).

(2) Upon receipt of the complaint letter, the officer will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the officer will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.

(3) If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the chief executive officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.

(4) The chief executive officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.

(5) After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with

¹All appendices to this program are located in Appendix B of this municipal code.

the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the officer and the chief executive officer or the representative of the governing body.

(6) Copies of all complaint and answers thereto will be filed by the officer who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request. (1995 Code, § 4-209, as replaced by Ord. #2015-012, Aug. 2015)

4-210. Education and training. (1) Officer and/or compliance inspector(s):

(a) Arrangements will be made for the officer and/or compliance inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.

(b) Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

(2) All Employees (including managers and supervisory personnel):
A suitable safety and health training program for employees will be established. This program will, as a minimum:

(a) Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury (such as falls, electrocution, crushing injuries (e.g., trench cave-ins), and being struck by material or equipment).

(b) Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances (including carbon monoxide and chlorine) in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, personal hygiene, etc., which may be required.

(c) Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.

(d) Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).

(e) Instruct employees on hazards and dangers of confined or enclosed spaces.

(i) Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.

(ii) Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.

(iii) The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment. (1995 Code, § 4-210, as replaced by Ord. #2015-012, Aug. 2015)

4-211. General inspection procedures. It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

(1) In order to carry out the purposes of this program, the director and/or compliance inspector(s), if appointed, is authorized:

(a) To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;

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

(2) If an imminent danger situation is found, alleged, or otherwise brought to the attention of the officer or inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with § 4-212 of this plan before inspecting the remaining portions of the establishment, facility, or worksite.

(3) An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the officer or inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

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

(5) The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.

(6) Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.

(7) Advance notice of inspections. (a) Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.

(b) There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.

(8) The officer need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:

(a) Inspections conducted by supervisors or other personnel are at least as effective as those made by the officer.

(b) Records are made of the inspections and of any discrepancies found and are forwarded to the officer.

(9) The officer shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative. (1995 Code, § 4-211, as replaced by Ord. #2015-012, Aug. 2015)

4-212. Imminent danger procedures. (1) Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:

(a) The officer shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.

(b) If the alleged imminent danger situation is determined to have merit by the officer, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.

(c) As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the officer or compliance inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.

(d) The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the officer or compliance inspector and to the mutual satisfaction of all parties involved.

(e) The imminent danger shall be deemed abated if:

(i) The imminence of the danger has been eliminated by removal of employees from the area of danger.

(ii) Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.

(f) A written report shall be made by or to the officer describing in detail the imminent danger and its abatement. This report will be maintained by the officer in accordance with § 4-211(9) of this plan.

(2) Refusal to abate. (a) Any refusal to abate an imminent danger situation shall be reported to the officer and/or chief executive officer immediately.

(b) The officer and/or chief executive officer shall take whatever action may be necessary to achieve abatement. (1995 Code, § 4-212, as replaced by Ord. #2015-012, Aug. 2015)

4-213. Abatement orders and hearings. (1) Whenever, as a result of an inspection or investigation, the officer or compliance inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the officer shall:

(a) Issue an abatement order to the head of the worksite.

(b) Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

(2) Abatement orders shall contain the following information:

(a) The standard, rule, or regulation which was found to be violated.

(b) A description of the nature and location of the violation.

(c) A description of what is required to abate or correct the violation.

(d) A reasonable period of time during which the violation must be abated or corrected.

(3) At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the officer in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the officer shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the officer shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final. (as added by Ord. #2015-12, Aug. 2015)

4-214. Penalties. (1) No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.

(2) Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:

- (a) Oral reprimand
- (b) Written reprimand
- (c) Suspension for three (3) or more working days
- (d) Termination of employment.

(as added by Ord. #2015-12, Aug. 2015)

4-215. Confidentiality of privileged information. All information obtained by or reported to the officer pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972. (as added by Ord. #2015-12, Aug. 2015)

4-216. Compliance with other laws not excused. Compliance with any other law, statute, ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment, shall not

excuse the employer, the employee, or any other person from compliance with the provisions of this program.

Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed. (as added by Ord. #2015-12, Aug. 2015)

TITLE 5

MUNICIPAL FINANCE & TAXATION¹

CHAPTER

1. DEPOSITORIES FOR CITY FUNDS.
2. BUSINESS TAXES.
3. PROPERTY TAXES.
4. HOTEL OCCUPANCY TAX.
5. ALCOHOLIC BEVERAGE PRIVILEGE TAX.
6. MUNICIPAL PURCHASING.

CHAPTER 1

DEPOSITORIES FOR CITY FUNDS²

SECTION

- 5-101. Depositories--specific.
- 5-102. Depositories--general.

5-101. Depositories--specific. The First American Bank, First Tennessee Bank, Union Planters Bank, BancorpSouth, First South Bank, Bank of Jackson, Bank of Madison County and the State of Tennessee Local Government Investment Pool are designated as depositories of funds for the City of Jackson. (Ord. #99-060, Nov. 1990)

5-102. Depositories--general. Any of the depositories of the State of Tennessee designated pursuant to Tennessee Code Annotated, § 9-4-107 from time to time shall be and are hereby designated as depositories of funds of the City of Jackson. (1995 Code, § 5-102)

¹Charter references

General and specific taxing authority and procedures, etc.: §§ 54-65.
Recorder's duty relative to assessment, levy, collection, etc.: § 32.

²Charter reference: § 41.

CHAPTER 2**BUSINESS TAXES****SECTION**

5-201. Business tax levied.

5-201. Business tax levied.¹ 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, title 67, chapter 4) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the maximum rates and in the manner prescribed by the act. (1995 Code, § 5-201)

¹Charter reference: § 55.

CHAPTER 3

PROPERTY TAXES¹

SECTION

- 5-301. When due and payable.
- 5-302. Current property tax rate.
- 5-303. When delinquent; penalty and interest.
- 5-304. Publication of delinquent property taxes directed.
- 5-305. Other proceedings against delinquent taxpayers.
- 5-306. Deleted.
- 5-307. Partial payment of property taxes.

5-301. When due and payable. Property taxes shall be due and payable on the dates prescribed by the Jackson City Charter.² (1995 Code § 5-301)

5-302. Current property tax rate. The ad valorem tax rate on real estate and personal property for the fiscal year 2019-2020 shall be and is hereby established at one dollar and 9619/100 (\$1.9619) per hundred dollars (\$100.00) of assessed valuation, as certified by the State of Tennessee.

¹Charter references

Assessment: § 57.

Collection delinquent taxes: §§ 63--64.

Due and delinquency dates: § 61.

Interest on delinquent taxes: § 61.

Levy: §§ 58--60.

Scope of taxing power: § 54--65.

State law reference

Tennessee Code Annotated, §§ 67-1-701, 67-1-702 and 67-1-801, read together, permit a municipality to collect its own property taxes if its charter authorizes it to do so, or to turnover the collection of its property taxes to the county trustee. Apparently, under those same provisions, if a municipality collects its own property taxes, tax due and delinquency dates are as prescribed by the charter; if the county trustee collects them, the tax due date is the first Monday in October, and the delinquency date is the following March 1.

²Charter reference: § 61.

Said levy is composed of the following individual levies:

General Fund	\$1.4400
Sinking Fund	\$0.4610
Capital Fund	\$0.0609
TOTAL	\$1.9619

(Ord. #2001-036, Aug. 2001, as replaced by Ord. #2013-005, June 2013, Ord. #2014-009, June 2014, Ord. #2014-010, Sept. 2014, Ord. #2015-010, July 2015, Ord. #2016-010, June 2016, Ord. #2017-008, July 2017, Ord. #2018-010, June 2018, and Ord. #2019-012, June 2019)

5-303. When delinquent; penalty and interest. Property taxes shall become delinquent, and shall be subject to such penalties and interest, as prescribed by the Jackson City Charter.¹ (1995 Code, § 5-303)

5-304. Publication of delinquent property taxes directed. Under the authority of Tennessee Code Annotated, § 67-5-2002, the city council may, at its discretion, direct that a list of all delinquent real property taxes be published in a newspaper of general circulation in the city on April 1 each year. When so directed by the city council, the recorder shall prepare, or cause to be prepared, a list showing the name of the taxpayer, tax plat number, and amount of all delinquent real property taxes, and shall deliver the same to the newspaper for publication. (1995 Code, § 5-304)

¹Charter reference: § 61.

State law references

A municipality has the option of collecting delinquent property taxes any one of three ways:

- (1) Under the provisions of its charter for the collection of delinquent property taxes.
- (2) Under Tennessee Code Annotated, §§ 6-55-201--6-55-206.
- (3) By the county trustee under Tennessee Code Annotated, § 67-5-2005.

5-305. Other proceedings against delinquent taxpayers.¹ Any and all other proceedings authorized under state law and the charter relative to the collection of delinquent taxes shall be instigated against delinquent taxpayers. (1995 Code, § 5-305)

5-306. [Deleted.] (1995 Code, § 5-306, as deleted by Ord. #2016-002, Feb. 2016)

5-307. Partial payment of property taxes. (1) (a) The delinquent date for property taxes and penalties and interest applicable to delinquent property taxes shall not be affected by application of a partial payment system.

(b) Penalties and interest shall apply only to the amount of delinquent property taxes remaining due as of the date property taxes become delinquent.

(2) If a partial payment of property taxes is accepted, such partial payment does not release the tax lien on the property upon which the taxes were assessed. (Ord. #2008-013, June 2008, as replaced by Ord. #2015-011, Aug. 2015)

¹Charter references

General power to collect taxes in accordance with state law: § 56.

Liens: § 62.

Proceedings authorized

Bills in chancery: § 64.

Sale of property: § 63.

State law reference

Tennessee Code Annotated, §§ 6-55-201--6-55-206 and 67-5-2005.

CHAPTER 4

HOTEL OCCUPANCY TAX¹

SECTION

- 5-401. Definitions.
- 5-402. Tax levied; amount; authority.
- 5-403. Penalties and interest for delinquency.
- 5-404. Tax added to room invoice.
- 5-405. Remittance to county trustee.
- 5-406. Rules and regulations generally; monthly tax return; annual audits.
- 5-407. Offer to absorb tax prohibited.
- 5-408. Records.
- 5-409. Administration of chapter provisions; illegal assessment and collection; adjustment and settlement.
- 5-410. Application and allocation of revenue.

5-401. Definitions. (1) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(2) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(3) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(4) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

(5) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is

¹Charter reference

The hotel-motel tax is authorized by Private Acts 1980, Chapters 324. (See footnote 1 on pages 1 and 2 of the charter.)

State law reference

Tennessee Code Annotated, § 67-4-1401, et seq.

charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

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

(7) "County" means Madison County, Tennessee.

(8) "Operator" means the person operating the hotel whether as owner, lessee or otherwise. (1995 Code, § 5-401)

5-402. Tax levied; amount; authority. (1) There is hereby levied a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of five percent (5%) of the rate charged by the operator of such hotel.

(2) The tax so levied is authorized by Chapter 324 of the Private Acts of the General Assembly of the State of Tennessee for 1980 and in conjunction with a levy by Madison County, Tennessee of a similar tax; the total of the tax here levied and the Madison County tax is not to exceed five percent (5%). (1995 Code, § 5-402)

5-403. Penalties and interest for delinquency. Taxes collected by an operator which are not remitted to the county trustee on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). (1995 Code, § 5-403)

5-404. Tax added to room invoice. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and which invoice is to be given directly or transmitted to the transient and such tax shall be collected by such operator from the transient. (1995 Code, § 5-404)

5-405. Remittance to county trustee. (1) The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels, as heretofore defined, within the city and county, to the county trustee, said tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the city entitled to such tax shall be that of the operator.

(2) For the purpose of compensating the operator in accounting for remitting the tax levied by these sections the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the trustee in the form of a deduction in submitting his report and paying the amount due by him, provided the amount due was not delinquent at the time of payment. (1995 Code, § 5-405)

5-406. Rules and regulations generally; monthly tax return; annual audits. The county trustee or other authorized collector of the tax authorized by this chapter shall be responsible for the collection of said tax. A monthly tax return under oath shall be filed with the trustee by the operator with such number of copies thereof as the trustee may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the trustee and approved by the city council and the board of county commissioners prior to use. The trustee shall audit each operator in the city and county at least once per year and shall report on the audits made on a quarterly basis to the city council. (1995 Code, § 5-406)

5-407. Offer to absorb tax prohibited. No operator of a hotel should advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded. (1995 Code, § 5-407)

5-408. Records. It shall be the duty of every operator liable for the collection and payment of any tax imposed by this chapter to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city and county, which records the county trustee shall have the right to inspect at all reasonable times. (1995 Code, § 5-408)

5-409. Administration of chapter provisions; illegal assessment and collection; adjustment and settlement. The county trustee in administering and enforcing the provisions of this chapter shall have as additional powers, those powers and duties with respect to collecting taxes as provided by law for the county clerks.

For his services in administering and enforcing the provisions of this chapter, the county trustee shall be entitled to retain as a commission one percent (1%) of the taxes so collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, title 67,¹ it being the intent of this chapter that the provisions of law which apply to the recovery of state taxes shall apply to taxes illegally assessed and collected under the authority of this chapter; provided further, the county trustee shall possess those powers and duties as provided in Tennessee Code Annotated, § 67-1-707, for the county clerks.

With respect to the adjustment and settlement with taxpayers, all errors of city and county taxes collected by the county trustee under authority of this chapter shall be refunded by him.

Notice of any tax paid under protest shall be given to the county trustee and the ordinance and resolution authorizing levy of the tax shall designate a city and county officer against whom suit may be brought to recover. (1995 Code, § 5-409)

5-410. Application and allocation of revenue. The proceeds of the tax shall be appropriated by the county trustees as follows:

- (1) Thirty-seven and one-half percent (37.5%) of the proceeds shall be allocated to and placed in the general fund of the City of Jackson;
- (2) Thirty-seven and one-half percent (37.5%) of the proceeds shall be allocated to and placed in the general fund of Madison County; and
- (3) Twenty-five percent (25%) shall be allocated to and placed in a fund to be administered by the community economic development commission in accordance with Chapter 324 of the Private Acts of the General Assembly of the State of Tennessee for 1980.

The maximum amount of money that shall be appropriated and distributed by the county trustee to this fund shall be limited to the sum of one hundred thousand dollars (\$100,000.00). After the allocations provided for herein have been made and the appropriation of funds to said commission has attained this maximum limit thereupon, all monies received from this tax by the county trustee shall be apportioned equally between the City of Jackson and Madison County and shall be placed in the general fund of the respective governmental entities. (1995 Code, § 5-410)

¹Public Acts 1980, Chapter 324, which authorizes the hotel-motel tax provides in section 8 thereof that upon any claim of illegal assessment the taxpayer shall have remedy provided in Tennessee Code Annotated, § 67-3033. That provision was repealed by Public Acts 1984, Chapter 832, section 36, but provisions governing claims of illegal assessment are still contained in Tennessee Code Annotated, title 67.

CHAPTER 5

ALCOHOLIC BEVERAGE PRIVILEGE TAX

SECTION

5-501. Levied on retail sale of alcoholic beverages for consumption on the premises.

5-501. Levied on retail sale of alcoholic beverages for consumption on the premises. (1) Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax upon each and every person, firm and corporation engaging in the business of selling at retail in the City of Jackson alcoholic beverages for consumption on the premises where sold. For the exercise of such privilege, the following taxes are levied for the City of Jackson general fund purposes to be paid annually:

Private club.....	\$ 300.00
Hotel and motel.	1,000.00
Convention center.....	500.00
Premiere-type tourist resort.	1,500.00
Restaurant, according to seating capacity, on licensed premises:	
75--125 seats.	600.00
126--175 seats.	750.00
176--225 seats.	800.00
226-275 seats.....	900.00
276 seats and over.....	1,000.00
Historic performing arts center.....	300.00
Urban park center.	500.00
Commercial passenger boat company.....	750.00
Historic mansion house site.....	300.00
Historic interpretive center.	300.00
Community theater.	300.00
Zoological institution.	300.00
Museum.	300.00

(2) Any person, firm or corporation exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Jackson shall file annually, with the license clerk in the city hall, an accounting of the retail sales of such business covered by this section, along with the payment of the appropriate tax. Such accounting shall be filed not less than thirty (30) days following the close of each calendar year, with both business and payment to be made at that time. Upon the transfer of ownership of such business or the

discontinuance of such business, an accounting shall be filed within thirty (30) days following such event; and the tax due shall be paid. Any person, firm, or corporation failing to make the payment of the appropriate tax when due or failing to make accounting, as here required, shall be subject to the penalty provided by law.

(3) No tax authorized or imposed by this section shall be levied or assessed from any charitable, nonprofit or political organization selling alcoholic beverages at retail pursuant to a special occasion license. (1995 Code, § 5-501)

CHAPTER 6

MUNICIPAL PURCHASING

SECTION

5-601. Purchase of less than \$25,000.00 but more than \$10,000.00.

5-602. Competitive sealed proposals.

5-601. Purchase of less than \$25,000.00 but more than \$10,000.00.

Pursuant to Tennessee Code Annotated, § 6-56-306, as amended by the Public Acts of 1991, Chapter 270, and pursuant to the provisions of Tennessee Code Annotated, § 12-3-201, et seq., all purchases, leases, or lease purchase arrangements by the City of Jackson with expenditures of less than twenty-five thousand dollars (\$25,000.00), but more than ten thousand dollars (\$10,000.00), in any fiscal year may be in the open market without public advertisement, but shall, whenever possible, be based upon at least three (3) quotes. Purchases, leases, or lease purchases of twenty-five thousand dollars (\$25,000.00) or less in any fiscal year shall not require any public advertisement or competitive bidding. (Ord. #2001-031, July 2001, as replaced by Ord. #2016-008, June 2016)

5-602. Competitive sealed proposals. (1) Notwithstanding anything to the contrary in the municipal ordinances and/or resolutions governing purchases, the city may use competitive sealed proposals to purchase goods and services rather than competitive sealed bids when the City Council, acting under the restrictions and requirements of Tennessee Code Annotated Title 12, Chapter 3, Part 12, as same may hereinafter be amended, and the procurement code adopted by this section, determines that the use of competitive sealed bidding is either not practicable or not advantageous to the city. The City Council must make the aforesaid determination with regard to each use of competitive sealed proposals rather than competitive sealed bids, except that in actual emergencies caused by unforeseen circumstances such as natural or human-made disasters, delays by contractors, delays in transportation, or unanticipated volume of work, purchases through competitive sealed proposals may be made without specific authorizing action of the City Council. A record of any emergency purchase shall be made by the person authorizing the emergency purchase, specifying the amount paid, the items and services purchased, from whom the purchase was made, and the nature of the emergency. A report of the emergency purchase purchased through competitive sealed proposals containing all relevant information shall be made as soon as possible by the person authorizing the purchase to the City Council.

(2) Criteria and procedure. The following shall constitute the criteria and procedures for purchasing through competitive sealed proposals:

(a) Conditions for Use.

(i) Competitive sealed proposals may be used only after the municipality has documented the reasons why competitive sealed bids are not practicable or not advantageous to the municipality, and

(ii) Competitive sealed proposals may be used only when qualifications, experience, or competence are more important than price in making the purchase and:

(1) When there is more than one solution to a purchasing issue and the competitive sealed proposals will assist in choosing the best solution; or

(2) When there is no readily identifiable solution to a purchasing issue and the competitive sealed proposals will assist in identifying one or more solutions.

(b) Public Notice. Adequate public notice of the request for competitive sealed proposals shall be given in the same manner provided by applicable law for competitive sealed bids.

(c) Request/Evaluation Factors. The request for competitive sealed proposals shall state the relative importance of price and other evaluation factors. Among other things, the request shall include the desired specifications (which may be expressed in the context of the result sought to be obtained); the qualifications of each proposer; warranties, time frame for performance, the contract; and, if applicable, the bond or other security that the successful proposer will be required to furnish.

(d) Opening of Proposals. Competitive sealed proposals shall be opened in a manner that avoids disclosure of contents to competing proposers during the negotiation. The proposals shall be open for public inspection after, but not before, the intent to award the contract to a particular proposer is announced.

(e) Discussions with Responsive Proposers and Revisions to Proposals. The request for competitive sealed proposals shall provide that after receipt by the city of a proposal discussions may be conducted for clarification to assure full understanding of, and responsiveness to, the solicitation requirements with responsible proposers who submit proposals determined by the purchasing agent to be reasonably susceptible of being selected. These proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and for revision of proposals, both as to the particular goods or services to be furnished and the price thereof. In order to permit the city to obtain the best offers of proposers, revisions may be permitted after submission and before the intent to award to a particular proposer is announced. In conducting discussions, the purchasing agent and other municipal personnel may make no disclosure to any proposer of any information derived from proposals submitted by competing proposers. Nothing contained herein shall preclude the city from conducting conferences or

otherwise communicating with all parties who may be interested in responding to a proposal prior to the time that proposals are to be received.

(f) Best and final offers. If discussions are conducted, the purchasing director shall issue a written request for best and final offers. The request shall set forth the date, time; and place for submission of best and final offers. Best and final offers shall be requested only once, unless the purchasing director makes a written determination that it is advantageous to the city to conduct further discussion or clarify the city's requirements. The request for best and final offers shall inform proposers that, if they do not submit a notice of withdrawal or a best and final offer, their immediate previous offer will be construed as their best and final offer. Nothing contained herein shall preclude the City Council from rejecting all proposals and thereafter requesting new proposals.

(g) Award. The award shall be made to the responsible proposer whose proposal the City Council determines is the most advantageous to the city, taking into consideration price and the evaluation factors set out in the request for competitive sealed proposals. No other factor may be used in the evaluation. The purchasing director shall place in the contract file a statement containing the basis on which the award was made.

(h) Protest. In the event that any proposer to a request for competitive sealed proposals is aggrieved by the decision of the city, such aggrieved proposer may protest the intended award to another proposer if the protest is filed within seven (7) days after the intended award is announced. The protest must be filed with the City in care of the City Recorder of the city and shall be promptly decided by the City Council.

(i) No Conflict with Other Laws. Nothing contained herein is intended to change the authority of the city with respect to contracting for professional services in accordance with the applicable laws of the state of Tennessee. (as added by Ord. #2021-3, April 2021)

TITLE 6

LAW ENFORCEMENT¹

CHAPTER

1. SPECIAL POLICE.

CHAPTER 1

SPECIAL POLICE

SECTION

6-101. Appointment, function, authority.

6-102. Application for permit; submission, investigation of applicant, charges.

6-103. Use of temporary employees under permit.

6-104. Certificate of insurance, indemnity bond prerequisites to engaging in business.

6-101. Appointment, function, authority. The mayor of the City of Jackson may, upon the recommendation of the chief of police, appoint special officers of the police department for the purpose of policing, watching and guarding the property and premises of individuals, firms or corporations within the police jurisdiction of the City of Jackson. Such special officers appointed for such stated purposes shall have the same power and authority as the regular police officers of the City of Jackson while such special officers are engaged in the above defined duties upon the property and premises which they are appointed to police, but not otherwise. (1995 Code, § 6-101)

6-102. Application for permit; submission, investigation of applicant, charges. Any person, firm or corporation desiring to engage in the

¹Charter references

Police Department

Appointment police chief: § 11.

Jurisdiction of: § 40.

Mayor as head of: § 10(8).

Pay, compensation, holidays, etc.: §§ 90-92, 94-97.

Retirement: § 93.

Training and equipping of: § 10(7).

Municipal code reference

Arrest and citations in lieu of arrest in traffic cases: title 15, chapter 1.

business of policing, watching and guarding the premises and/or property of others shall before engaging in such business, apply to the City Council of the City of Jackson for a permit to operate such business. The city council shall investigate or cause to be investigated the character and reputation of such applicant, the experience of the applicant in police work, shall require the applicant to furnish a list of names of the persons to be employed for the purpose of policing, watching and guarding the premises and property of others and for whom the designation of special police officer will be sought. Each such applicant shall pay to the city recorder of the City of Jackson a fee of fifty dollars (\$50.00) to cover the cost of the investigation of such application plus a fee of ten dollars (\$10.00) for each person listed for whom designation of special police officer is desired, the latter fee to cover the cost of investigation of the character, reputation and experience of the named employee. (1995 Code, § 6-102)

6-103. Use of temporary employees under permit. Any such firm, corporation or individual receiving a permit as above stated may use temporary employees in addition to its regular employees for special events without paying the ten dollar (\$10.00) fee for each such employee where the temporary employment will not exceed ten (10) days. No temporary employee shall be armed at any time; provided however, the names and addresses of such temporary employee and the identity and date of the special event for which they are to be employed shall be furnished to the chief of police at least ten (10) days prior to the commencement of such special event. (1995 Code, § 6-103)

6-104. Certificate of insurance, indemnity bond prerequisites to engaging in business. Every person, firm or corporation receiving a permit to engage in the business of policing, watching and guarding premises or property of others shall give to the City of Jackson satisfactory evidence in the form of a certificate of insurance of public liability insurance covering the said business, its agents and servants, and naming the City of Jackson as an additional insured, so as to provide protection to the public against the negligence of the business and/or its employees, whether such employees are designated special police officer or not, said insurance shall not be less than three hundred thousand dollars (\$300,000.00) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than seven hundred thousand dollars (\$700,000.00) for bodily injury or death of all persons in any one accident, occurrence or act, and one hundred thousand dollars (\$100,000.00) for injury or destruction of property of others in any one (1) accident, occurrence, or act. In addition to the above commercial policy of insurance said business shall also deliver to the city recorder an indemnity bond, in form and with guarantors satisfactory to the City of Jackson, in an amount of not less than twenty-five thousand dollars (\$25,000.00), said bond to be conditioned to hold the City of Jackson harmless against the claims of all persons whomsoever and for whatever cause which may be advanced against the

City of Jackson because of negligence, misfeasance or malfeasance of any agent or employee of the business, including but not limited to claims arising from false arrest, civil rights and similar causes. (1995 Code, § 6-104, modified)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. ADMINISTRATION AND ENFORCEMENT.
2. FIRE CODE.
3. NATIONAL FIRE CODES (NFPA).
4. FIREWORKS.
5. SMOKE DETECTION DEVICES.
6. GENERAL REGULATIONS.
7. FIRE PROTECTION OUTSIDE CITY.

CHAPTER 1

ADMINISTRATION AND ENFORCEMENT

SECTION

- 7-101. Bureau of fire prevention.
- 7-102. Fire safety and evacuation plans for high rise buildings required.

7-101. Bureau of fire prevention. (1) The fire codes as adopted by the city council shall be enforced by the bureau of fire prevention in the fire department of the city which is hereby established and which shall be operated under the supervision of the chief of the fire department.

(2) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the city council the employment of technical inspectors.

(3) A report of the bureau of fire prevention shall be made annually and transmitted to the chief executive officer of the municipality; it shall contain

¹Charter references

Fire department

Appointment fire chief: § 11.

Classified positions: § 84.

Mayor's authority over: §§ 10(8), 10(10), 10(11), 11.

Pay, compensation, holidays, etc.: §§ 96-99, 101-104.

Retirement: § 100.

Municipal code references

Building, electrical and other utility and similar codes: title 12.

Obedience to firefighter commands at scene of fire, etc.: title 15, chapter 1.

all proceedings under this code, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the code which, in his judgment, shall be desirable. (1995 Code, § 7-101)

7-102. Fire safety and evacuation plans for high rise buildings required. (1) In all buildings identified as high-rise by the International Building Code, 2006 edition,¹ the owner or other individuals in charge of the building shall be required to prepare and submit to the fire official, a fire safety and evacuation plan for review and approval.

(2) The fire safety plan shall address, but not be limited to the location of primary and secondary exits, fire extinguisher locations, occupant hose station, fire alarm stations and procedures to follow in the event of a fire. The predetermined message for the voice alarm system as specified by the code shall be included in the fire safety plan. Approved copies shall be distributed to all building employees and tenants.

(3) The fire safety and evacuation plan shall be updated by the owner or other individual in charge of the building at least once a year or whenever changes are made in the occupancy or physical arrangement of the building and submitted to the fire official for review and approval. (1995 Code, § 7-102, modified)

¹Municipal code references

Adoption of building code: title 12, chapter 2.

Adoption of fire code: title 7, chapter 2.

CHAPTER 2

FIRE CODE¹

SECTION

7-201. Adoption.

7-202. Available in recorder's office.

7-201. Adoption. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, et seq. and for the purpose of providing regulations consistent with nationally recognized practices for the reasonable protection of life and property from the hazards of fire and explosion due to storage, use or handling of hazardous materials, substances and devices, and to minimize hazards to life and property due to fire, the 2012 International Fire Code (First Printing), as prepared by the International Code Council, excluding all appendices thereto, and containing certain modifications,² is hereby adopted and incorporated by reference as a part of this code of ordinances. (Ord. #2008-034, Dec. 2008, as replaced by Ord. #2015-005, April 2015)

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

¹Municipal code reference

Building, electrical and other utility and similar codes: title 12.

²Exhibit A attached to Ord. #2015-005 represents all modifications contained in the fire code being adopted and incorporated by reference in the City of Jackson Municipal Code.

CHAPTER 3

NATIONAL FIRE CODES (NFPA)

SECTION

7-301. Adoption.

7-301. Adoption. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502 et seq. and for the purpose of providing regulations consistent with nationally recognized practices for the reasonable protection of life and property from the hazards of fire and explosion due to storage, use or handling of hazardous materials, substances and devices, and to minimize hazards to life and property due to fire and panic, exclusive of those hazards considered in building code regulations, the current edition, National Fire Codes (NFPA) is hereby adopted and incorporated by reference as a part of this code of ordinances. (as added by Ord. #2015-006, April 2015)

CHAPTER 4

FIREWORKS

SECTION

7-401. Unlawful within city limits.

7-402. Regulations pertaining to the use of special effects.

7-401. Unlawful within city limits. It shall be unlawful for any person to store, offer for sale, expose for sale, sell at retail, or use or explode any fireworks within the city limits of the City of Jackson, except as provided in this chapter. (1995 Code, § 7-301, modified, as renumbered by Ord. #2015-006, April 2015)

7-402. Regulations pertaining to the use of special effects.

(1) Definition. "Special effects" means articles containing any pyrotechnic composition manufactured and assembled, designed, or discharged in connection with television, theater, or motion picture productions, which may or may not be presented before live audiences; and any other articles containing any pyrotechnic composition used for education, recreation or entertainment purposes; which may or may not be presented before a live audience.

(2) Time for application. Application for a permit for display of special effects shall be made on forms furnished by the city fire prevention bureau, fifteen (15) days in advance of the date of display.

(3) Display of special effects. (a) The display of special effects, with the approval of the local fire marshal, may be permitted only in the following locations, within these types of buildings as defined in the International Building Code:

- (i) All buildings of fire resistive construction; or
- (ii) All buildings with a fire suppression (sprinkler) system; or
- (iii) All theaters, within the confines of the proscenium wall.

(b) Under paragraph (a) of this subsection, any denial of an application by the local fire marshal for a display under this subsection shall be for a just cause, and the applicant notified of such denial in writing within twenty-four (24) hours of such denial.

(4) Pre-display demonstration. Each device to be used in a special effects display must be ignited or exploded in the position in which it will be used, in the presence of the local fire marshal or his designee, not less than four (4) hours prior to the actual time of the opening of the approved location to occupancy by the general public. The final location of and amount of special effects must be approved by him. No permit issued by the state fire marshal will

become effective until approval of the pre-display demonstration has been given by the local fire marshal or his designee or the state fire marshal.

(5) Special effects display. The same fire marshal or his designee who witnessed the pre-display demonstration must be present at each actual special effects display, except that for a limited special effects display, the fire marshal or his designee is required to be present only for the pre-display demonstration and the initial loading of the approved special effects, unless otherwise determined by the fire marshal or designee.

(6) Pyrotechnic compositions to be used. (a) Only approved types and amounts of pyrotechnic composition, as listed on the permit application, may be used.

(b) Pyrotechnic compositions are to be ignited or exploded only in an approved type of container by an operator holding a valid certificate of competency.

(7) Pyrotechnic devices. (a) Only approved types and amounts of pyrotechnic devices, as listed on the permit application, may be used.

(b) Pyrotechnic devices are to be ignited or exploded by an operator holding a valid certificate of competency.

(8) Approved pyrotechnic compositions, devices, containers and detonating mechanisms to be used. Only those pyrotechnic compositions, devices, containers and detonating mechanisms approved by the state fire marshal shall be used. No pyrotechnic device or composition may be used that was not specifically designed and manufactured for such use.

(a) All pyrotechnic devices and containers shall be fixed in their detonating position in a manner approved by the local fire marshal.

(b) Any device from which a residue may be projected shall either be protected by a securely attached metallic screen or, if directed by the local fire marshal, by relocation to a point where such residue will not endanger the audience.

(9) Detonating mechanisms. (a) Power sources for firing special effects shall be restricted to batteries or individual isolated mechanisms specifically approved by a recognized testing laboratory. If any power source other than batteries approved by the fire marshal are utilized, a licensed electrician should be used.

(b) Low voltage power sources only will be permitted from the detonating mechanism to the special effects, unless it consists of a system listed by a nationally recognized testing laboratory. "System" includes devices and wiring.

(c) Shunts. Short circuiting shunts shall be maintained on all electrically fired pyrotechnic items during preparatory operations including loading, setting and adjustment.

(d) Firing safeguards. All firing switches, including battery and power circuit types, shall be designed or altered to insure against accidental firing by providing:

(i) An automatic short circuiting shunt across the firing leads until the switch is intentionally thrown to the firing position, and

(ii) An automatic positive disconnection when the switch is released by the operator.

Firing boxes shall be designed to prevent firing unless the switch is manually operated.

(e) Connecting any electric firing circuit to any power supply, excepting only a test galvanometer equipped with a silver chloride battery, is prohibited until all special effects in the sequence are connected to firing leads and cleared for firing.

(f) All wiring and appurtenances thereto shall conform to the National Electrical Code.¹

(10) Prohibited pyrotechnic compositions. These materials shall not be used in special effects materials:

(a) Fulminate of mercury;

(b) Carbon tetrachloride for making black smoke;

(c) Benzoyl peroxide;

(d) Black powder.

(11) Prohibited special effects displays. No bombs, salute, roman candle, skyrocket, firecracker, torpedo or similar firework may be used in a special effects display unless specifically approved by the state fire marshal.

(12) Audience location. No special effects display may be located so that, when ignited or exploded, the residual flare out of pyrotechnic compositions is less than twice its radius from any seating in the assembly area, nor ten (10) feet, whichever is greater.

(13) Concussion devices. No concussion special effects devices shall be used in a location closer to any individual than that distance approved by the city fire prevention bureau.

(14) Suspended devices. The chemical composition of any suspended special effects shall be such as to be self extinguishing at least ten feet (10') above any object below. No such devices shall be located above the audience.

(15) Disposal of unfired special effects material. Any special effects materials that remain unfired after the display is concluded shall be immediately disposed of or removed in a manner safe for the particular type of special effects materials. The debris from the discharge special effects materials shall be properly disposed of by the operator before he leaves the premises. The licensed operator upon the conclusion of the display shall make a complete and thorough search for any unfired special effects materials which have failed to fire or function and shall dispose of them in a safe manner.

¹Municipal code reference

National Electrical Code adopted: title 12, chapter 3.

(16) Operator to have certificate of competency. Every display of special effects shall be handled by a competent operator certified as such by the city fire prevention bureau. Such operator shall have his certificate of competency in his possession when engaged in conducting a special effects display, and shall exhibit the same upon the request of any authorized person or official.

(17) Classes of certificates of competency. (a) Special effects certificate. This certificate is restricted to the use, preparation for transportation, and the preparation and use of all types of special effects pyrotechnics, for the sole purpose of producing a visible or audible effect where and when such use is a necessity of a motion picture, television, theatrical, operatic, educational, recreational or entertainment production, as may be permitted by the city fire prevention bureau.

(b) Special effects certificate-limited. This certificate is limited to the use of one (1) or more special effects, which effects are to be repetitiously used as may be permitted by the city fire prevention bureau, under a limited special effects permit.

(18) Issuance of certificate of competency. Certificates of competency are to be issued only after the competency of the operator has been demonstrated to the satisfaction of the local jurisdiction by successful completion of examinations administered by him and the payment of the appropriate fee.

(19) Fire protection and extinguishing equipment. Fire protection and extinguishing equipment shall be provided as required by the local fire marshal having jurisdiction.

(20) Fire marshal to be present. The applicant to whom the permit has been issued shall arrange for the detailing of one (1) member of the local fire marshal's office or such larger number as may be deemed necessary by the fire marshal. The expenses for such marshal shall be paid by the applicant.

(21) Qualifications of operator, assistant. A competent operator shall be a person at least twenty-one (21) years of age who satisfies the fire marshal that he is competent by experience and training to supervise the special effects display and who has been issued a certificate of competency by the state fire marshal. Said certificate of competency may be revoked by the state fire marshal for any violation of these regulations or where the holder's conduct or condition is such as to imperil the public safety. Each person assisting the operator shall be at least eighteen (18) years of age.

(22) Operator and assistant to be on duty during discharge. There shall be at all times at least one (1) operator on duty during the discharging of special effects. An assistant may be required by the local fire marshal.

No special effects pyrotechnic item shall be discharged unless it is in full view of the operator or his assistant at the time of discharge. During the discharge, the operator and his assistant shall be in direct communication.

(23) Cancellation of display because of behavior or condition of operator. The local fire marshal is authorized to cancel any special effects display when

the behavior or condition of the operator or assistant is such as to imperil the public safety.

(24) Transportation. Vehicles containing any special effects materials shall not be parked within any building at any time. Location of exterior parking locations shall be subject to the approval of the local authority having jurisdiction. (1995 Code, § 7-302, as renumbered by Ord. #2015-006, April 2015)

CHAPTER 5**SMOKE DETECTION DEVICES****SECTION**

7-501. Required.

7-502. Fire detection systems.

7-503. Fire detection systems for existing dwellings.

7-504. Responsibility for installation and maintenance.

7-505. Interference.

7-506. Enforcement.

7-501. Required. All single-family and multiple-family dwelling units as hereinafter described in this chapter shall be required to be equipped with a smoke detector. (1995 Code, § 7-401, as renumbered by Ord. #2015-006, April 2015)

7-502. Fire detection systems. (1) No single-family residence or multi-family residence in which two (2) or more families are housed in different sections, apartment, condominium, townhouse, guestroom in a motel, hotel, dormitory, boardinghouse or in any basement or cellar within such, built or constructed after the effective date of this chapter, may be occupied prior to the installation of smoke detectors approved by a major testing laboratory, such as Underwriters Laboratories, and capable of sensing visible or invisible particles and combustion, and providing a suitable audible alarm thereof. Detectors sensitive only to heat are not acceptable.

(2) Smoke detectors may be wired directly (hard-wired) to the dwelling's power supply or powered by a self-monitored battery, or operated in a plug-in outlet which is fitted with a restrainer device, provided the outlet is not controlled by a switch other than the main power supply. All smoke detectors that are wired to a dwelling's power supply (hard-wired) shall be installed in accordance with the electrical code of the City of Jackson.¹

(3) In all single-family residences, multi-family residence apartments, condominiums, and townhouses, at least one (1) smoke detector shall be installed to protect each sleeping area, and there shall be at least one (1) smoke detector installed on each level of such dwellings (i.e., cellar, basement, first floor, second floor, etc.). For purposes of this chapter, a "sleeping area" is defined as the area or areas of the dwelling unit which the bedrooms or sleeping rooms are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other use areas (such as kitchens, family or living rooms, but not bathrooms

¹Municipal code reference

National Electrical Code adopted: title 12, chapter 3.

or closets), they shall be considered separate sleeping areas for purpose of this section, and shall require protection.

(4) All smoke detectors required by this section shall be installed in accordance with the manufacturer's directions as to location and installation where they do not conflict with the provisions of this chapter.

(5) The provisions of the International Fire Code and International Building Code, as adopted by the City of Jackson,¹ shall remain in effect and govern fire and smoke warning and protection systems in common corridors of any buildings covered by this section, and nothing in this section is intended nor shall be construed to amend, alter, repeal, omit or delete the same as it relates to such common corridors.

(6) The requirements of this section shall apply, the other provisions of the International Fire Code and the International Building Code as adopted by the city notwithstanding. (1995 Code, § 7-402, modified, as renumbered by Ord. #2015-006, April 2015)

7-503. Fire detection systems for existing dwellings. No single-family residence, multi-family residence (meaning residences in which two (2) or more families are housed in different sections), apartment, condominium, townhouse, guest room in a motel, hotel, dormitory or boardinghouse, nor any basement or cellar within such multi-family residence shall be sold, leased, rented or otherwise occupied, unless a smoke detector approved by a major testing laboratory and capable of sensing visible or invisible particles of combustion and providing a suitably audible alarm thereof has been installed in said premises as prescribed by this section. Detectors sensitive only to heat are not acceptable. Furthermore, no structural change of a value in excess of one thousand dollars (\$1,000.00) may be approved for a building permit, unless such dwelling is equipped with, or unless such structural change includes, smoke detectors as specified in this section.

In existing dwellings, smoke detectors may be wired directly (hard-wired) to the dwelling's powers supply or powered by a self-monitored battery or operated in a plug-in outlet which is fitted with a plug restrainer device, provided the outlet is not controlled by any switch other than the main power supply. All smoke detectors that are wired directly to the dwelling's power supply (hard-wired), shall be installed in accordance with the electrical code of the City of Jackson, Tennessee. (1995 Code, § 7-403, as renumbered by Ord. #2015-006, April 2015)

¹Municipal code references

Building and other utility and similar codes adopted: title 12.

Fire code adopted: title 7, chapter 2.

7-504. Responsibility for installation and maintenance. The owner of each single-family dwelling, multi-family dwelling, apartment, condominium or townhouse shall be responsible for the installation of the early fire detection devices required by this section. It shall be the responsibility of the occupants, whether owners, residents or tenants, to maintain the smoke detectors. Such maintenance shall include cleaning, replacing batteries or keeping the device connected to the electrical power source. (1995 Code, § 7-404, as renumbered by Ord. #2015-006, April 2015)

7-505. Interference. It shall be unlawful for any person to remove, or to intentionally interfere with the proper operation of, any smoke detector installed pursuant to this section. (1995 Code, § 7-405, as renumbered by Ord. #2015-006, April 2015)

7-506. Enforcement. Any person found to be in violation of any of the provisions of this chapter shall be deemed guilty of an offense, and upon conviction shall be subject to a fine in accordance with the general penalty provisions of this municipal code of ordinances. (1995 Code, § 7-406, as renumbered by Ord. #2015-006, April 2015)

CHAPTER 6

GENERAL REGULATIONS

SECTION

7-601. False alarm prohibited.

7-602. Impersonating a fireman.

7-603. Smoking in bed in public accommodations.

7-604. Interfering with a fireman; refusal to obey.

7-605. Fire access areas.

7-601. False alarm prohibited. It is unlawful to wilfully give or make a false alarm of fire, or create any disturbance or false alarm by ringing any bell in the city, or by any other means. (1995 Code, § 7-501, as renumbered by Ord. #2015-006, April 2015)

7-602. Impersonating a fireman. It shall be unlawful for any person to impersonate a fireman by wearing a uniform similar to a fireman, by representing himself at the scene of the fire to be a fireman, or to take any other action designed to persuade the public that such person is a member of any fire department. (1995 Code, § 7-502, as renumbered by Ord. #2015-006, April 2015)

7-603. Smoking in bed in public accommodations. It shall be unlawful to smoke in bed in any public accommodation.

Those persons in charge of public accommodations shall display prominent signs in any room in which a bed is found which shall state in clearly legible printing:

"NO SMOKING IN BED"

(1995 Code, § 7-503, as renumbered by Ord. #2015-006, April 2015)

7-604. Interfering with a fireman; refusal to obey. It shall be unlawful for any person to fail to obey the lawful orders of a fireman at the scene of a fire or disaster or to otherwise interfere with a fireman in the performance of his duties. (1995 Code, § 7-504, as renumbered by Ord. #2015-006, April 2015)

7-605. Fire access areas. (1) Dead-end roadways and streets of three hundred feet (300') or more shall be provided with a turnaround at the dead-end. The radius and width of the turnaround shall be specified by the fire marshal's office, city fire department.

(2) When used herein, "owner" means individuals, partnerships or corporations actually legal owners or otherwise entitled to occupancy, use or possession thereof.

(3) Owners shall be required to identify and maintain markings for fire access areas. Such fire access areas should be marked by lettering on curbs or pavement or by an official sign that has been approved by the fire marshal's office, city fire department.

(4) No obstruction of any kind, including motor vehicles or trailers, whether attended or unattended, shall be placed, stored, parked or permitted to remain for any period of time in any area required for the access of fire equipment to any public or private residential or business building or complex of such buildings, which may, in the discretion of the fire marshal's office, city fire department, and with the consent of the owner when such areas are not public property, be designated as "fire access areas." For the purpose of this section, the term "fire access roadways," "fire access areas," and "fire lanes" are synonymous.

(5) Any person violating this section shall be guilty of a misdemeanor and such motor vehicles or trailers found in violation hereof may be impounded and tow-in and storage charges assessed. Enforcement of this chapter will be the responsibility of the Jackson Fire Department and Jackson Police Department.

(6) The amount of forfeiture which may be paid at the traffic violations bureau for violation of this section is hereby designated as not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (1995 Code, § 7-505, as renumbered by Ord. #2015-006, April 2015)

CHAPTER 7

FIRE PROTECTION OUTSIDE CITY¹

SECTION

- 7-701. Five mile limitation.
- 7-702. Contract with private owners.
- 7-703. Industrial locations.
- 7-704. To be subordinate to protection in city.
- 7-705. Contribution to costs by private landowners.
- 7-706. Responsibility of city.
- 7-707. Cancellation of contracts by city.

7-701. Five mile limitation. The fire department may respond to requests for assistance to property located beyond the corporate limits, and within five (5) miles of the nearest fire station or substation only to that property whose owners, prior to such request, shall have entered into a contract with the city making them eligible for such services on a limited basis, and who shall have paid all charges provided in this chapter. (1995 Code, § 7-601, as renumbered by Ord. #2015-006, April 2015)

7-702. Contract with private owners. Any property owner whose property is located within five (5) miles of the nearest fire station or substation may contract with the city for limited fire protection by the fire department, provided such property owner accepts all conditions and limitations of such contract and shall pay all the charges provided herein. No exceptions, promises or conditions shall be made by anyone on behalf of the city except as is set out in said contract or is provided for in § 7-603. (1995 Code, § 7-602, as renumbered by Ord. #2015-006, April 2015)

7-703. Industrial locations. The city council may, by resolution, designate industrial property beyond five (5) miles of the nearest fire station or substation for protection if found in the public interest. Likewise, the city council may, by resolution, provide for such protection to publicly owned facilities if found in the public interest. (1995 Code, § 7-603, as renumbered by Ord. #2015-006, April 2015)

¹State law references

Tennessee Code Annotated, § 6-54-601 - mutual aid agreements.
Tennessee Code Annotated, § 12-9-101, et seq. - Interlocal Governmental Cooperation Act.

7-704. To be subordinate to protection in city. The limited fire protection here authorized is wholly subordinate to the primary purpose of the fire department to provide fire protection within the corporate limits, and the department will not respond to any request for assistance beyond the corporate limits, under any conditions, if by doing so the protection within the corporate limits is reduced to an unsafe level. The determination of whether to respond to an alarm or request for assistance outside the corporate limits is here delegated to the senior officer of the fire department on duty at the time of receipt of such request and his decision shall be final. Similarly, any equipment dispatched to an out of city area in response to a request for assistance, whether there be a fire in progress or not, shall be ordered back into the city if the level of fire protection within the city be reduced to an unsafe level by developments occurring after the dispatch of such equipment to out-of-city area. (1995 Code, § 7-604, as renumbered by Ord. #2015-006, April 2015)

7-705. Contribution to costs by private landowners. In order to help in a small way to pay the cost of the maintenance of a fire department on a twenty-four (24) hour per day standby basis and the cost of setting up and maintaining the necessary records, each property owner desiring to contract for fire protection on a limited basis shall pay to the city the following annual minimum charge:

(1) Dwelling house and customary accessory buildings, such as garage, shed, chicken house and so forth, per year--one hundred dollars (\$100.00).

(2) Industrial sites, per year--one hundred dollars (\$100.00).

In addition thereto there will be an additional charge of one dollar (\$1.00) per one hundred dollars (\$100.00) of the assessed valuation of the improvements located on each residential, commercial or industrial site, as such assessments are shown in the office of the property assessor for Madison County, for the calendar year of the effective date of the contract in excess of ten thousand dollars (\$10,000.00).

If residential, commercial or industrial property is constructed or under construction, on such residential, commercial or industrial site, same shall be assessed for purposes of computation of charges at twenty-five percent (25%) of the estimated cost of construction for residential property, and forty percent (40%) of the estimated cost of construction on commercial or industrial property. When same is placed on the tax rolls as completed, the above paragraph shall be applicable.

If for any reason, residential, commercial or industrial property is not assessed by the office of the property assessor, same shall be considered for this section of the Code of the City of Jackson, regarding fire protection outside the city as though same had been assessed and charges will be made at twenty-five percent (25%) of the estimated value of the property for residential property and forty percent (40%) of the estimated value of the property for commercial or industrial property.

The above charges must be paid and contract signed before the fire department will, under the limitations set out herein, respond to a request for assistance outside the city. No pledge or promise of payment shall be accepted at the time of a request for assistance.

Charges here established shall be for the city fiscal year, July 1 - June 30. Full charge will be made from July 1 - December 31 of each fiscal year. Half price shall be charged from January 1 - June 30. All contracts expire June 30th of each year unless renewed at least five (5) days prior to such date. No new contract shall be effective for five (5) full days following its execution in order to provide proper time to set up card files and books. No contract shall be transferable from one owner to another. Only the owner of property may contract as provided herein. No payments made in pursuance to this chapter shall be refundable. (1995 Code, § 7-605, as renumbered by Ord. #2015-006, April 2015)

7-706. Responsibility of city. The city, while willing to provide as much protection as possible under the limitations set out herein and in its contract, recognizes that conditions may arise which could cause no response at all to a call for help outside the city whether a contract has been signed and charges paid or not. Because of this, charges have been held to a minimum. Any applicant for such service is required to recognize in the contract that the property owner also recognizes that conditions may arise under which his request for assistance outside the city limits will not be honored and that the property owner accepts the contract on that condition and will hold the City of Jackson harmless from any and all claim, suit or demand for such failure to respond. (1995 Code, § 7-606, as renumbered by Ord. #2015-006, April 2015)

7-707. Cancellation of contracts by city. The contracts here authorized may be canceled by an ordinance of the city, provided thirty (30) days notice of same be given prior to the adoption of such ordinance. (1995 Code, § 7-607, as renumbered by Ord. #2015-006, April 2015)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. NUDITY, SEXUAL CONDUCT PROHIBITED.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Definitions.
- 8-102. Federal, state and local regulations applicable.
- 8-103. Manufacture prohibited.
- 8-104. Granting of wholesaler's license; wholesalers located outside city conducting business in city.
- 8-105. Sale by licensee legalized.
- 8-106. Qualifications of applicant for certificate of good moral character.
- 8-107. Application for certificate of good moral character.
- 8-108. Misrepresentation or concealment of material facts.
- 8-109. General restrictions on issuance of certificates of good moral character.
- 8-110. Application fee.
- 8-111. Miscellaneous restrictions on licensees and their employees.
- 8-112. License deemed a privilege; revocation or suspension.
- 8-113. Display of license.
- 8-114. Maximum number of licenses.
- 8-115. Location of liquor stores in liquor and zoning districts.
- 8-116. Transferability of license.
- 8-117. Sales to underage persons and persons visibly intoxicated prohibited.
- 8-118. Consumption on premises of liquor store.
- 8-119. Public drinking and display prohibited.
- 8-120. Inspection fee.

¹Municipal code references

Alcoholic beverages in city parks: title 20, chapter 2.

Driving under the influence: § 15-404.

Public drunkenness: title 11, chapter 2.

Tax provisions: title 5, chapter 5.

State law reference

Tennessee Code Annotated, title 57.

- 8-121. Funds derived from inspection fees.
- 8-122. Violations of federal and state regulations by licensee deemed violation of chapter.
- 8-123. Vintners and wineries excluded.

8-101. Definitions. Whenever used in this chapter, the following terms shall have the following meanings unless the context necessarily requires otherwise.

Words importing the masculine gender shall include the feminine and the neuter, and the singular shall include the plural.

(1) "Alcoholic beverage" means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits or wine and capable of being consumed by a human being, other than patented medicine, beer or wine, where either of the latter has an alcoholic content of one percent (1%) by weight or less.

(2) "Applicant" means the party applying for a certificate of good moral character or a license.

(3) "Application" means the form or forms an applicant is required to file in order to obtain a certificate of good moral character or a license.

(4) "Bottle" means any container, vessel, bottle or other receptacle used for holding any alcoholic beverage. "Unsealed bottle" means a bottle with the original seal, cork, cap or other enclosing device either broken or removed, or on which the federal revenue strip stamp has been broken.

(5) "Certificate of good moral character" means the certificate provided for in of Tennessee Code Annotated, title 57, chapter 2 in connection with the prescribed procedure for obtaining a state liquor retailer's license.

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

(7) "City recorder" means the city recorder of the city.

(8) "City council" or "council" means the City Council of the City of Jackson.

(9) "Corporate limits" means the corporate limits of the city as the same now exist or may hereafter be changed.

(10) "Distiller" means any person who owns, occupies, carries on, works, conducts or operates any distillery, either by himself or by his agent.

(11) "Distillery" means and includes any place or premises wherein any alcoholic beverage is manufactured for sale.

(12) "Establishments dealing in alcoholic beverages." Any business or commercial establishment (whether open to the public at large or where entrance is limited by cover charge or membership requirement) including those licensed by the state for sale and/or service of alcoholic beverages, and any bottle club; hotel; motel; restaurant; night club; country club; cabaret; meeting facility utilized by any religious, social, fraternal; or similar organization; business or commercial establishment where any substance, element, product or article is sold, dispensed, served or provided with the knowledge, actual or implied, that the same will be or is intended to be mixed, combined with or drunk in

connection or combination with an alcoholic beverage on the premises of said business or commercial establishment; or business or commercial establishment where the consumption of alcoholic beverages is permitted. A private residence, whether permanent or temporary in nature, is not an establishment dealing in alcoholic beverages.

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

(14) "Inspection fee" means the monthly fee a licensee is required by this chapter to pay, the amount of which is determined by a percentage of the gross sales of a licensee.

(15) "License" means a license issued by the state under the provisions of this chapter for the purpose of authorizing the holder thereof to engage in the business of selling alcoholic beverages at retail in the city.

(16) "License fee" means the fee a licensee is required by this chapter to pay at or prior to the time of the issuance of a license.

(17) "Licensee" the holder of a license.

(18) "Liquor district" means and includes the geographical area within the corporate limits of the city for each of the six (6) separate areas designated as districts one (1) through six (6), inclusive, all as shown on a map, dated September 7, 1979, entitled: "Liquor Store District Map of the City of Jackson," including any future amendments to the map.

(19) "Liquor store" means the building or the part of a building where a licensee conducts any of the business authorized by his license.

(20) "Manufacturer" mean and includes a distiller, vintner and rectifier of alcoholic beverages. "Manufacture" means and includes distilling, rectifying and operating a winery or any device for the production of alcoholic beverages.

(21) "Person" shall mean and include an individual, partner, association or corporation.

(22) "Rectifier" means and includes any person who rectifies, purifies or refines any alcoholic beverage by any process other than as provided for on distillery premises, and also any person who, without rectifying, purifying or refining an alcoholic beverage, shall, by mixing an alcoholic beverage with any other material, thereby manufacture any imitation thereof, or who compounds an alcoholic beverage for sale under the name of: whiskey, brandy, gin, rum, wine, spirits, cordials, bitters or any other name.

(23) "Retail sale" or "sale at retail" means a sale of any alcoholic beverage to a consumer or to any person for any purpose other than for resale.

(24) "Sale" or "sell" means and includes the exchange or barter of alcoholic beverages, and also any delivery made otherwise than gratuitously of alcoholic beverages; and soliciting or receiving of an order for alcoholic beverages; and the keeping, offering or exposing alcoholic beverages for sale.

(25) "School" means public schools within the city school system and/or other school grades K-12, inclusive.

(26) "State" means the State of Tennessee.

(27) "State alcoholic beverage commission" means the Tennessee Alcoholic Beverage Commission, provision for which is made in the state statutes, including without limitation the provisions of Tennessee Code Annotated, title 57, chapter 1.

(28) "State liquor retailer's license" means a license issued under the state statutes (including the provisions contained in Tennessee Code Annotated, title 57, chapter 1) for the purpose of authorizing the holder thereof to engage in the business of selling alcoholic beverages at retail.

(29) "State rules and regulations" mean all applicable rules and regulations of the State of Tennessee applicable to alcoholic beverages as now in effect or as they may hereafter be changed, including without limitation the local option liquor rules and regulations of the state.

(30) "State statutes" mean the statutes of the State of Tennessee now in effect or as they may hereafter be changed.

(31) "Vintner" means any person who owns occupies, carries on, works, conducts or operates any winery, either by himself or by his agent.

(32) "Wholesale sale or sale at wholesale" means a sale to any person for purposes of resale.

(33) "Wholesaler" means any person who sells at wholesale any alcoholic beverage for the sale of which a license is required under the provisions of Tennessee Code Annotated, title 57, chapter 1.

(34) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including also champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced or unless designated as an artificial or imitation wine.

(35) "Winery" means and includes any place or premises wherein wine is manufactured or brandies are distilled as the byproduct of wine or where cordials are compounded. (1995 Code, § 8-101)

8-102. Federal, state and local regulations applicable. It shall be unlawful for any person either to engage in the business of selling, storing, transporting or distributing any alcoholic beverage within the corporate limits of the city, or to sell, store, transport, distribute, purchase or possess any alcoholic beverage within the corporate limits of the city, except as provided by the state statutes, by the state rules and regulations, by the federal statutes and by this chapter. (1995 Code, § 8-102)

8-103. Manufacture prohibited. It shall be unlawful for any person to manufacture any alcoholic beverage within the corporate limits of the city. (1995 Code, § 8-103)

8-104. Granting of wholesaler's license; wholesalers located outside city conducting business in city. (1) Unless hereafter authorized by an ordinance of the city, no wholesaler's license shall be granted to any person for the operation within the corporate limits of the city of any business for the sale at wholesale of any alcoholic beverage.

(2) Any wholesaler, whose business is located outside the city and who holds a valid state license, and who has paid to the city all privilege taxes and fees applicable to such wholesale business, may sell at wholesale any alcoholic beverage to a licensee in the city, and such licensee may purchase any alcoholic beverage from such wholesaler, but only as provided by the state statutes, the state rules and regulations, the federal statutes and by this chapter. (1995 Code, § 8-104)

8-105. Sale by licensee legalized. It shall be lawful for a licensee to sell any alcoholic beverage at retail in a liquor store within the corporate limits, provided such sales are made in compliance with applicable federal statutes, state statutes, state rules and regulations and the provisions of this chapter. (1995 Code, § 8-105)

8-106. Qualifications of applicant for certificate of good moral character. To be eligible to apply for or to receive a certificate of good moral character, an applicant must satisfy the requirements of this chapter, and of the state statutes and state rules and regulations for a holder of a state liquor retailer's license, and must have been a resident of Madison County at least two (2) consecutive years immediately preceding the date when the application is filed with the city recorder. If the applicant is either a partnership or a corporation, then each partner of the partnership and each stockholder, director and officer of the corporation shall have been a resident of the county during the two (2) consecutive years immediately preceding the date when the application is filed with the city recorder. If the applicant is a corporation, then such corporation shall be incorporated under the laws of the state and shall have its principal office in the city. (1995 Code, § 8-106)

8-107. Application for certificate of good moral character.¹

(1) Each applicant for a certificate of good moral character shall file with the city recorder a completed form of application, on a form to be provided by the city recorder, which shall contain the following information:

(a) The name and street address of each person to have any interest, direct or indirect, in the licensee as owner, partner or stockholder, director, officer or otherwise;

¹State law reference

Tennessee Code Annotated, § 57-3-208.

(b) The name of the liquor store to be operated under the license;

(c) The address of the liquor store to be operated under the license and the zoning and liquor map designation applicable to such location;

(d) The statement that each applicant has been a resident of the county during the two (2) consecutive years immediately preceding the date the application is filed;

(e) The names and addresses of at least three (3) residents of the county who have known each applicant for at least two (2) years;

(f) The agreement of each applicant to comply with the state statutes, federal statutes, this chapter and with the state rules and regulations with reference to the sale of alcoholic beverages; and

(g) The agreement of each applicant that he will be actively engaged in the retail sale of alcoholic beverages at the liquor store described in the application within ninety (90) days after the license is granted to such applicant.

(2) The application form shall be accompanied by a copy of each application and each questionnaire form and other material to be filed by the applicant with the state alcoholic beverage commission in connection with this same application, and shall also be accompanied by five (5) copies of a plan drawn to a scale of not less than one inch (1") equals twenty feet (20'), giving the following information:

(a) The shape, size and location of the lot upon which the liquor store is to be operated under the license;

(b) The shape, size, height and location of all buildings, including exterior sign location, whether they are to be erected, altered, moved or existing, upon the lot;

(c) The off-street parking space and the off-street loading and unloading space to be provided, including the vehicular access to be provided from these areas to a public street; and

(d) At a scale of one inch (1") equals fifty feet (50'), the identification of every parcel of land within three hundred feet (300') of the lot upon which the liquor store is to be operated indicating ownership thereof and the locations of any structures situated thereon, and the use being made of every such parcel.

(3) The application form shall be signed and verified by each person to have any interest in the licensee either as owner, partner or stockholder, director, officer or otherwise.

(4) If at any time the applicable state statutes shall be changed so as to dispense with the requirement of a certificate of good moral character, no original or renewal license shall be issued until an application in the same form has been filed with the city recorder.

(5) The city recorder shall review each application, note any apparent questions, errors and insufficiencies and submit same to the council for consideration and action. (1995 Code, § 8-107)

8-108. Misrepresentation or concealment of material facts. A misrepresentation or concealment of any material fact in any application shall constitute a violation of this chapter, and the city recorder shall forthwith report such violation to the state alcoholic beverage commission together with the request that the state alcoholic beverage commission take action necessary to revoke or refuse to grant or renew a license to an applicant guilty of such misrepresentation or concealment. (1995 Code, § 8-108)

8-109. General restrictions on issuance of certificates of good moral character. (1) The board is authorized to refuse to consider the issuance of a certificate of good moral character whenever there has been previously issued two (2) outstanding certificates of good moral character, or where there are two (2) outstanding licenses for the liquor district in which the applicant seeks a license to operate a liquor store.

(2) No certificate of good moral character shall be issued unless a license issued on the basis thereof to such applicant can be exercised without violating any provision of this chapter, the state statutes, the state rules and regulations or the federal statutes.

(3) Issuance of certificate to person convicted of felony involving moral turpitude; effect of conviction following issuance of license. No certificate of good moral character shall be issued to a person who has been convicted of a felony involving moral turpitude within ten (10) years prior to the time he or the legal entity with which he is connected files application therefor; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction; and provided, further, that in the case of any such conviction occurring after a license has been issued and received, the said license shall immediately be revoked, if such convicted felon be an individual licensee, and if not, the partnership, corporation or association with which he is connected shall immediately discharge him as an employee, and such convicted felon shall forthwith divest himself of all interest in the business of the licensee, either as a partner, officer, director, stockholder or otherwise.

(4) Issuance of certificate to person convicted of offense under federal, state or local regulations; effect of conviction following issuance of license. No certificate of good moral character shall be issued to any person who, within ten (10) years preceding application therefor, shall have been convicted of any offense under the state statutes, state rules and regulations, the federal statutes, this chapter or of the statutes of any other state or of the United States prohibiting or regulating the sale, possession, transportation, storing,

manufacturing or otherwise handling of alcoholic beverages, or who has, during said period, been engaged in business alone or with others in violation of any of the state statutes, state rules and regulations, the federal statutes or the laws, rules and regulations of any other state, county or city of the United States; and provided further that in case of any such conviction occurring after a license has been issued and received, it shall be recommended that the said license shall immediately be revoked.

(5) Public officers and employees: Ineligible to receive certificate, interest in retail business. No certificate of good moral character shall be issued to a person who is a holder of a public office, either appointive or elective, or who is a public employee, either national, state, city or county; and it shall be unlawful for any such person to have any interest in the liquor retail business, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.

(6) The city recorder shall not sign and/or certify any certificate of good moral character for any applicant until:

(a) Such applicant's application has been filed with the city recorder;

(b) The location stated in the certificate has been approved by the board as a suitable location for the operation of a liquor store; and

(c) The application has been considered at a meeting of the board and approved by the vote of at least two (2) members thereof. (1995 Code, § 8-109)

8-110. Application fee. A nonrefundable fee of two hundred fifty dollars (\$250.00) shall accompany the application for a certificate of good moral character. (1995 Code, § 8-110)

8-111. Miscellaneous restrictions on licensees and their employees. (1) Manufacturer's, wholesaler's interest in licensee's rental or revenues. It shall be unlawful for any manufacturer or wholesaler to have any interest in the licensee's rental or revenues.

(2) Disclosure of interest in business. It shall be unlawful for any person to have ownership in, or to be a partner in or a stockholder, director or officer, or to participate, either directly or indirectly, in the profits of, any business for which a license is granted hereunder, unless his interest in said business and the nature, extent and character thereof shall appear on the application; or if the interest is acquired after the issuance of a license, unless it shall have been fully disclosed in writing by supplement to the application filed with the city recorder and approved in writing by him before such interest is acquired. Where such interest is owned by any person on or before the application for a license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepares the application, or whether the same is prepared by another; or if such interest is

acquired after the issuance of the license, the burden of the required disclosure of the proposed acquisition of such interest shall be upon both the seller and the purchaser.

(3) Employment of persons under 18; permitting minors on premises. No licensee shall employ in the storage, sale or distribution of alcoholic beverages to a person under the age of eighteen (18) years, and it shall be unlawful for any licensee to permit a minor in its place of business to engage in the storage, sale or distribution of alcoholic beverages.

(4) Employment of persons convicted of felony involving moral turpitude; discharge of convicted employee. No licensee shall employ in the sale of alcoholic beverages, any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony involving moral turpitude, and in case an employee should be convicted, he shall immediately be discharged; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored, or judgment of infamy has been removed by a court of competent jurisdiction.

(5) Soliciting, receiving orders. No licensee shall employ or otherwise use the services of any canvasser, agent, solicitor or representative for the purpose of receiving an order from a consumer for any alcoholic beverage at the residences or places of business of such consumer, nor shall any such licensee receive or accept any such order which shall have been solicited or received at the residence or place of business of such consumer. This subsection shall not be construed as to prohibit the solicitation by a state licensed wholesaler of any order from any licensee at the licensee's premises.

(6) Manner of making retail sales. All retail sales shall be confined to the premises of the licensee. No curb service shall be permitted, nor shall there be permitted drive-in windows.

(7) Location of liquor stores on ground level; requirements for ingress and egress. Liquor stores shall be located in the city on the ground floor level only. Each liquor store shall have only one (1) main entrance for use by the public as a means of ingress and egress for the purpose of purchasing alcoholic beverages at retail; provided, however, that any liquor store adjoining the lobby of a hotel or motel may maintain an additional entrance into such lobby so long as said lobby is open to the public.

(8) Additional provisions applicable if licensee a corporation. If a licensee is a corporation, then in addition to the other provisions of this chapter:

(a) No person owning stock in, or who is an officer or director in, such corporate licensee shall have any interest as an owner, stockholder, officer, director or otherwise in any business licensed to engage in the sale at wholesale or retail of alcoholic beverages in the state or in any other place;

(b) No stock of such corporate licensee shall be transferred by sale, gift, pledge, operation of law or otherwise to any person who has not

been a resident of the city for the two (2) consecutive years immediately preceding the date of any such transfer; nor shall any of said stock be so transferred to any person who would not be otherwise qualified as an original stockholder of an initial corporate applicant for a license hereunder.

(9) Recorder's duty upon licensee's failure to operate during normal business hours. If any licensee, for any reason, shall not be actively engaged in and keep open its liquor store during normal business hours for a period of fifteen (15) work days in any calendar year, then the city recorder shall forthwith report such fact to the state alcoholic beverage commission and take such other action as may appear necessary or proper to have the license of such licensee revoked.

(10) Management of liquor store. Each liquor store licensed hereunder shall be personally and actively managed by the holder of the license, if the licensee is an individual, or by a partner or corporate officer, if the licensee is a partnership or corporation. In every case where any alcoholic beverage is sold by a licensee that is either a partnership or a corporation, the name and address of the managing partner or the corporate officer who will be in active control and management of the liquor store shall be designated in the application, and any future changes in such manager shall be reported forthwith in writing to the city recorder. The holder or manager must be a resident of the City of Jackson. (1995 Code, § 8-111)

8-112. License deemed a privilege; revocation or suspension.

(1) The issuance of a license hereunder shall vest no property rights in the licensee, and such license shall be a privilege subject to revocation or suspension as provided by the state statutes and state rules and regulations.

(2) In the event of any violation of the state statutes, state rules and regulations, federal statutes or of the provisions of this chapter by a licensee, or by any person for whose acts the licensee is responsible, then the city recorder shall forthwith report such violation to the Tennessee Alcoholic Beverage Commission or its successor and shall take such action before the Tennessee Alcoholic Beverage Commission or other appropriate state board to have the license of such licensee suspended or revoked as provided by law. (1995 Code, § 8-112)

8-113. Display of license. The licensee shall display and post, and keep displayed and posted, his license in a conspicuous place in the licensee's liquor store at all times when any activity or business authorized thereunder is being done by the licensee. (1995 Code, § 8-113)

8-114. Maximum number of licenses. No more than twelve (12) licenses shall be issued and outstanding at any time under the provisions of this chapter, and only two (2) such licenses shall be issued for each of the six (6)

liquor districts provided for in § 8-115 below. No person shall make application, nor shall any person have on file and pending at any time an application, for more than one (1) certificate of good moral character or for more than one (1) license to operate a liquor store, and such application shall be limited to only one (1) location in the city. (1995 Code, § 8-114)

8-115. Location of liquor stores in liquor and zoning districts.¹

(1) For the purposes of this chapter, the city is hereby divided into six (6) separate liquor districts, and the area covered by each liquor district is shown on a map of the city dated September 22, 1972, entitled "Liquor Store District Map of the City of Jackson." Not more than two (2) liquor stores shall be operated and maintained in any one of the six (6) liquor districts shown on said map, and then only if such liquor store also shall be located within a zoning district classified as either a B-3, B-4, B-5, SC-1 and I-0 District, as provided in the Zoning Ordinance of the City of Jackson, Tennessee, and as shown on the Zoning Map of Jackson, Tennessee, as in effect on the date of any application for a license hereunder.

(2) The Liquor Store District Map of the City of Jackson shall be maintained on file in the office of the city recorder.

(3) Upon the annexation of new area by the City of Jackson, the planning department shall amend the liquor store district in order to incorporate the new area into the liquor store district closest thereto. In the event that a newly annexed area is contiguous to two (2) or more liquor store districts, the planning department shall determine the best interpretation of the boundaries. The members of the Jackson Wine and Spirits Retailers Association are encouraged to periodically review the liquor store district lines and recommend any necessary changes to the city council for consideration.

(4) All provisions of the Zoning Ordinance of the City of Jackson, Tennessee, including but not limited to those provisions relating to the required yard area, off-street loading and unloading of vehicles and off-street parking, which are applicable to the zoning district in which a liquor store is authorized to operate hereunder, shall be complied with by each licensee as a condition precedent to the operation of any liquor store authorized by this chapter. No radios, televisions, record players, pinball machines or other amusement devices and no seating facilities other than for employees shall be permitted in any liquor store. No political advertising of or for any candidate or party by poster, card, matches or otherwise and no campaign material shall be placed, displayed or dispensed on the premises of any liquor store.

¹Municipal code reference

Zoning ordinance: title 14, chapter 2. (See the zoning ordinance and zoning map for zoning district designations and locations).

(5) A liquor store shall not be located within Liquor Zone 1 within one hundred feet (100') of any church edifice, school, public park, or playground, as measured in a direct line from the center of the front door of the licensee's place of business. A liquor store shall not be located within Liquor Zones 2-6 within three hundred feet (300') of any church edifice, school, public park, or playground, as measured in a direct line from the center of the front door of the licensee's place of business. (1995 Code, § 8-115, modified, as amended by Ord. #2010-003, March 2010, and Ord. #2012-017, Oct. 2012)

8-116. Transferability of license. A licensee shall not sell, assign, give, pledge or otherwise transfer his license or any interest therein to any other person. No license shall be transferred from the licensee by operation of law through any proceedings in bankruptcy, insolvency or receivership, or by execution, garnishment or other similar proceedings. No license shall be transferred from one location to another location without the prior written approval of the board, and then only within the same liquor district of the city wherein such license was last granted. (1995 Code, § 8-116)

8-117. Sales to underage persons and persons visibly intoxicated prohibited. It shall be unlawful for any licensee to sell, furnish or give away any alcoholic beverage to any person who is under twenty-one (21) years of age (hereinafter also referred to as "underage"), or to any person who is visibly intoxicated. It shall be unlawful for any underage or visibly intoxicated person to enter or remain in a liquor store, or to loiter in the immediate vicinity of a liquor store, with the exception that an underage person may enter the store only when accompanied by a parent, legal guardian or spouse. It shall be unlawful for a licensee to knowingly allow any underage person, not accompanied by a parent, legal guardian or spouse, or any visibly intoxicated person to enter or remain in the licensee's liquor store or any part of the licensee's premises adjacent to the liquor store. It shall be unlawful for any underage or visibly intoxicated person to buy or receive any alcoholic beverage from any licensee or from any other person. It shall be unlawful for a person under twenty-one (21) years of age to misrepresent his age in an attempt to gain admission to a liquor store or in an attempt to buy an alcoholic beverage from any licensee. It shall be unlawful for any person to purchase any alcoholic beverage from any licensee for the purpose of selling or giving such alcoholic beverage to an underage or visibly intoxicated person. Licensee shall have the authority, but shall not be required, to obtain the identification and ascertain the age of any person upon entering a liquor store or remaining on the licensee's premises adjacent to the liquor store. Licensee shall have the authority to require any underage or visibly intoxicated person to leave the liquor store and/or licensee's premises adjacent to the liquor store. Failure by an underage or visibly intoxicated person to leave the liquor store and/or licensee's premises adjacent to the liquor store upon licensee's request shall constitute prima facie

evidence of trespass. (1995 Code, § 8-117, as replaced by Ord. #2011-015, Dec. 2011)

8-118. Consumption on premises of liquor store. It shall be unlawful for any licensee to sell or furnish any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It shall be unlawful for any person to consume any alcoholic beverage in a liquor store or in the immediate vicinity of a liquor store. It shall be unlawful for any licensee to allow any person to consume any alcoholic beverage in such licensee's liquor store or on the premises used by the licensee in connection therewith. (1995 Code, § 8-118)

8-119. Public drinking and display prohibited. It shall be unlawful for any person to drink any alcoholic beverage or visibly and openly possess, display, exhibit or show an unsealed bottle containing any alcoholic beverage in the parking area of any drive-in restaurant, or on any public street or sidewalk, or in any public park, playground, theater, stadium, school or school ground. (1995 Code, § 8-119)

8-120. Inspection fee.¹ Under the authority of Tennessee Code Annotated, § 57-3-501, there is hereby levied on each licensee of the city an inspection fee in the amount of five percent (5%) of the wholesale price of alcoholic beverages supplied in the city. The inspection fee shall be collected and paid to the city as prescribed by Tennessee Code Annotated, §§ 57-3-502--503. (1995 Code, § 8-120)

8-121. Funds derived from inspection fees. All funds derived from the inspection fees imposed herein shall be paid into the general fund of the city. The city shall defray all expenses in connection with the enforcement of this chapter, including particularly the payment of the compensation of officers, employees or other representatives of the city in investigating and inspecting licensees and applicants and in seeing that all provisions of this chapter are observed. (1995 Code, § 8-121)

8-122. Violations of federal and state regulations by licensee deemed violation of chapter. Any licensee, who in the operation of such licensee's liquor store, shall violate any federal statute, any state statute or any state rule or regulation concerning the purchase, sale, receipt, possession, transportation, distribution or handling of alcoholic beverages shall be guilty of a violation of the provisions of this chapter. (1995 Code, § 8-122)

¹Municipal code reference

Alcoholic beverage privilege tax: title 5, chapter 5.

8-123. Vintners and wineries excluded. Notwithstanding foregoing sections of this chapter, a vintner issued a valid winery license pursuant to the Grape and Wine Law of the State of Tennessee as set forth in Tennessee Code Annotated, § 57-3-207 is exempt from the prohibitions and requirements of this chapter 1, title 8 of the City of Jackson Municipal Code which regulates intoxicating liquors. The activities of such vintner shall be regulated by the Grape and Wine Law of the State of Tennessee and the state regulations promulgated in accordance therewith. (Ord. #2004-046, Sept. 2004)

CHAPTER 2

BEER

SECTION

- 8-201. Beer board established.
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- 8-222. Sanitation requirements, standards for licensed premises; inspections.
- 8-223. Return of beer permit upon termination of business.
- 8-224. Violation of this chapter declared a misdemeanor.
- 8-225. Brown-bagging/BYOB.

8-201. Beer board established. There is hereby established a beer board to be composed of three (3) members appointed by the city council upon the recommendation of the mayor. The term of each board member shall be one (1) year from the date of appointment. A chairman shall be elected annually by the board from among its members. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-202. Meetings of the beer board. Meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a

reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: the date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions before the board; a copy of each such motion or resolution presented; a vote count; and the provisions of each beer permit issued by the board. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, manufacturing, transportation of and possession of beer within this municipality in accordance with the provisions of this chapter and pursuant to all regulations, limitations and restrictions provided by chapter 5 of title 57 of the Tennessee Code Annotated, as amended. The beer board may promulgate such bylaws, rules, and regulations not inconsistent with state law or the charter or any ordinance of the City of Jackson, as it deems appropriate for the conducting of its business, copies of which shall be filed with the secretary of the board. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-206. Beer defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-207. Permit required for engaging in beer business. (1) It shall be unlawful for any person to sell, store for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred fifty dollars

(\$250.00) plus such other fees as necessary to defray the actual cost of investigation, meetings of the beer board members and publication, which are to be determined within the discretion of the beer board. Each applicant must be a person of good moral character and must certify that they have read and are familiar with the provisions of this chapter.

(2) Before any permit is issued by the beer permit board, the applicant therefor shall file with the beer permit board a sworn petition in writing on forms prescribed by and furnished by the board, and shall establish the following:

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

(b) The owner(s) and managers of such premises.

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

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

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

(f) That no sale will be made to minors, and that the applicant will not permit minors or disorderly or disreputable persons heretofore connected with the violation of liquor laws to loiter around the place of business.

(g) That the applicant will not allow gambling or gambling devices on the premises at which the business shall be conducted.

(h) That the applicant will not allow any beer with alcoholic content greater than such weight, volume or alcoholic content as allowed by the laws of the State of Tennessee to be consumed on his premises.

(i) That neither the applicant nor any persons employed or to be employed by him in such distribution or sale or such beverage, has ever been convicted of any violation of any law against prohibition, sale manufacture or transportation or intoxicating liquor, or of any crime involving moral turpitude within the past ten (10) years.

(j) That the applicant will conduct the business in person for himself, or if he is acting as agent, the applicant shall state the person, firm or corporation, syndicate or association, or joint stock companies for whom, and only for whom, the applicant intends to act.

(k) No manufacturer, wholesaler or retailer, or any employee thereof, engaged in the physical manufacture, storage, sale or distribution of alcoholic beverages shall be a person under the age of eighteen (18) years, and it shall be unlawful for any wholesaler or retailer to employ any person under eighteen (18) years of age for the physical

storage, sale or distribution of alcoholic beverages, or to permit any such person under said age on its place or business to engage in the manufacture, storage, sale or distribution of alcoholic beverages.

(l) Permits issued under the provisions of this chapter are not transferable, either as to location or to successor by purchase or otherwise, of the business for which the permit was issued, and in either case a new permit is required in the manner provided herein.

(m) Any other such information or documentation that the beer board in its discretion deems necessary to make an investigation of each applicant.

(3) The beer permit board may require the applicant to secure a certificate or a statement from the health officer that the premises which the application covers meets the requirement of § 8-222 of this chapter.

(4) Before granting a new permit to sell beer "not for consumption on the premises," the beer board shall require the applicant to attend such training as approved by the beer board.

(5) The beer board may require any the applicant to provide copies of any and all governing documents of any business entity applying for a beer permit.

(6) In addition to the requirements and prerequisites for obtaining a permit as set forth in § 8-207(1) (a)-(m) during the pendency of the permit, the beer board is authorized to suspend or revoke such permit holder's permit pursuant to § 8-214 - § 8-217.

(7) The beer board shall make an investigation of each applicant to determine the character of the applicant and to determine whether or not the applicant is a suitable person to be issued a permit, and to determine whether or not the location for which the permit is sought is a suitable place for the sale of beer or other beverages of like alcoholic content. The beer board may call upon the chief of police or his designee to make any investigation and to furnish any information necessary with regard to any applicant.

(8) If at any time there is a change to any of the information provided to the beer board on an application for a beer permit, whether before or after a permit has been issued, it is the responsibility of the permittee to make that change known to the beer board within fifteen (15) days of such change, unless this requirement is otherwise waived within the discretion of the beer board.

(9) For ten (10) days prior to the scheduled hearing date on an application for a beer permit, the applicant must place a conspicuous sign, which is visible from the street, at the location for which the permit is sought, notifying the general public and community residents that application has been made to the beer board to sell beer at that location and the hearing date has been established to consider any support or opposition to said application. This provision may be waived within the discretion-of the beer board. (Ord. #2006-

007, March 2006, as replaced by Ord. #2012-009, Aug. 2012, and amended by Ord. #2014-004, Feb. 2014)

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the City of Jackson, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-209. Types of permits Permits for the sale of beer shall be according to the following classes:

(1) **Manufacturers.** A manufacturer's permit to a manufacturer of beer, or any other beverage of an alcoholic content of not more than five percent (5%) by weight, for the manufacture, possession, storage, sale, distribution and transportation of the product of such manufacture, not to be consumed by the purchaser upon or near the premises of such manufacturer.

(2) **Off-premises sale.** An "off-premises sale" to any person or legal organization engaged in the sale of such beverages where they are not to be consumed by the purchaser upon or near the premises of such seller.

(3) **On-premises sale.** An "on-premises sale" permit to any person or legal organization engaged in the sale of such beverages where they are to be consumed by the purchaser or his guests upon the premises of the seller, and provided such beverages may also be sold in hotel rooms or regularly conducted hotels and in regularly incorporated clubs and lodges upon their obtaining the required permit.

(4) **Special occasion permit.** A special occasion permit to engage in the sale of such beverages, for a limited period of time, where they are to be consumed by the purchaser or his guests upon the premises for which the permit was issued. A special occasion permit may be issued for sale of beer on city property and/or streets and sidewalks. Prior to making application for a permit, the applicant shall have written approval of the head of the city department having authority and control over the property for which the permit is to be issued.

(5) **Sports venues.** An ongoing permit may be issued for the sale of beer at city sports stadiums and at the municipal owned golf course. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-210. Limitations upon issuance of beer permits. No permit shall be issued by the beer permit board:

- (1) In violation of any provisions of state law;
- (2) In violation of the zoning ordinance of the City of Jackson;
- (3) At any location which does not offer restrooms for both sexes complete with commode and wash basin, provided however, the Beer Board of the City of Jackson may waive the requirement for the wash basins when issuing special occasion permits for open-air functions;
- (4) Where a person, firm, corporation, joint stock company, syndicate, or association having at least five percent (5%) ownership interest in the applicant has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years, or has had a permit under this chapter revoked within one (1) year or is currently under suspension. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-211. Not transferrable. No permit issued by the beer board under the provisions of this division shall be transferred from one (1) person or business entity to another. (Ord. #2006-07, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-212. Valid permit—limitations. A permit shall be valid:

- (1) Only for a single location, except as provided in subsections (4) of this section, and cannot be transferred to another location. A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business;
- (2) Only for a business operating under the name identified in the application;
- (3) Only for the owner to whom the permit is issued and cannot be transferred to another owner. Should the ownership of a location change, the new owner shall apply for a new permit in accordance with this chapter. If the owner is a corporation, a change in ownership shall occur when control of at least fifty percent (50%) of the stock of the corporation is transferred;
- (4) Where an owner operates two (2) or more restaurants or other businesses within the same building, the owner may, at the owner's discretion, operate some or all such businesses pursuant to the same permit;
- (5) A business can sell beer for both on-premises and off-premises consumption at the same location pursuant to one (1) permit. (Ord. #2006-07, March 2006, as amended by Ord. #14-004, Feb. 2014)

8-213. Interference with public health and safety prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would otherwise interfere with the public health and safety. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-214. 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 beer or other alcoholic beverage, 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. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-215. Certain activities by permittees prohibited. It shall be unlawful and it is hereby declared to be a misdemeanor for any person engaged in the business regulated hereunder:

(1) To make or to permit to be made, any sales or distribution of such beverages to persons under the age of twenty-one (21) years or to persons intoxicated.

(2) To sell or distribute such beverages to persons who are feeble-minded, insane or otherwise mentally incapacitated.

(3) To fail to provide proper sanitary facilities where such beverage is permitted to be consumed on-premises.

(4) To sell or distribute beverages at any place where pool or billiards are played, unless the sale or distribution of such beverage is made in the front of such room or place where a partition wall separates the place from the pool or billiard parlor.

(5) To permit persons under the age of twenty-one (21) or disorderly or intoxicated persons to loiter on the premises.

(6) To permit gambling or gambling devices in, on, or about the premises.

(7) To permit any person to be employed on the premises in violation of any provision of this chapter.

(8) To knowingly permit, or allow to be performed, on the premises for which the beer permit is issued, any of the following acts or conducts; any acts defined as public indecency by Tennessee Code Annotated, § 39-13-511, et seq., or the types of conduct prohibited by § 8-301 of this code. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-216. Revocation or suspension of beer permits. (1) All permits subject to suspension and/or revocation. The beer board shall have the power to revoke or suspend 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 or state or federal law regulating the sale, storage and/or transportation of alcoholic beverages.

(2) Authority of the board. The beer board created by this chapter is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked for the violation of the provisions of this chapter of the provisions or state or federal law regulating the sale, storage and/or transportation of alcoholic beverages.

(3) Complaints. Complaints filed against any permit holder for the purpose of suspending or revoking such permits shall be made in writing may be filed by the police chief or his designee, by any member of the beer board, or by the city's attorney.

(4) Hearing; notice to appear; contents; service. No beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. When the board has reason to believe that any permit holder has violated any of the provisions of this chapter or of the provisions of state or federal law regulating the sale, storage and/or transportation of alcoholic beverages, the board is authorized; in its discretion, to notify the permittee of said violations and cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the police department of the city upon the permittee' s last known address.

(5) Responsible vendor means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq. Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under

Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.

(6) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand five hundred dollars (\$1,500.00) for any other offense. The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or 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. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose.

(7) Effect of board action. The action of the board in all such hearings shall be final, subject only to review by a court of law. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location until the expiration of one (1) year from the date the revocation becomes final. However, the board, in its discretion, may determine that issuance of a license or permit before the expiration of one (1) year from the date of revocation becomes final is appropriate, if the individual applying for such issuance is not the original holder of the license or any family member who could inherit from such individual under the statute of intestate succession. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-217. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-218. Beer permit to be displayed. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit

holder. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-219. Wholesalers, distributors, manufacturers--restrictions as to places of business. No wholesaler of alcoholic beverages regulated herein shall maintain more than one (1) place of business. However, the beer permit board in its discretion may issue a special permit to any distributor to allow said distributor to store beer in a warehouse or building apart from the building from which the business is conducted. In addition, such distributors are authorized to store draft beer for refrigeration purposes only, in one (1) additional ice house or refrigeration plant under the following conditions:

(1) For the purpose of this chapter, any employee of such ice house or refrigeration plant who may be in any manner connected with the sale or distribution of beer stored therein shall be deemed to be an employee of the wholesaler or distributor when beer is so stored, and any violation of this chapter or any provisions of the beer law by such employees shall be deemed to be a violation by said wholesaler or distributor.

(2) Except sales from trucks from duly authorized salesmen, or as otherwise provided herein, no beer shall be transferred from, sold in, stored in, brought to rest in, sold from, possessed in, receipted for at, manufactured, wholesaled or distributed from any other place, building or location, except from said building, place or location set out and called for in the wholesaler's, distributor's or manufacturer's beer permit, and/or said ice house or refrigeration plant, and no beer shall be transferred to a retailer or any other purchaser except from the location called for in said wholesaler's, distributor's or manufacturer's beer permit, and/or said ice house or refrigeration plant, by any wholesaler, distributor or manufacturer, their salesmen or authorized representatives. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-220. Only sale to permittee authorized. It shall be unlawful for any wholesaler, distributor or manufacturer of beer, or any of their salesmen or representatives to sell or deliver beer enroute, or from delivery vehicles, to any persons, other than the holders of valid retail beer permits, and it shall be the duty of such wholesaler, distributor or manufacturer, their salesmen or representatives, to ascertain whether or not such purchaser is a holder of a valid retail beer permit. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-221. Hours of sale, consumption in licensed premises. It shall hereafter be unlawful and it is hereby declared to be a misdemeanor for any person, firm or corporation, or any agent thereof, to sell or distribute any of the beverages regulated hereunder, within the City of Jackson between the hours

of 3:00 A.M. and 6:00 A.M. daily, Monday through Saturday, and before noon on Sunday. No such beverage shall be consumed or opened for consumption on or about the premises of a permittee, in either bottle, glass, or other container after 3:15 A.M. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-222. Sanitation requirements, standards for licensed premises; inspections. (1) Any person holding a permit under this chapter for sale or consumption on the premises, shall keep and maintain the premises in a clean and sanitary condition as determined by the county health department or any other properly authorized governmental agency.

(2) The county health officer or any properly authorized person is hereby authorized to enter the premises of an on-premises permittee at all reasonable hours, for the making of such inspection as may be necessary. The determination of the sanitary conditions is solely a question for the city. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-223. Return of beer permit upon termination of business. A permit holder must return its .permit to the board within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change in the business name; provided that, regardless of the failure to return a beer permit, a permit shall expire upon termination of the business, change in ownership, relocation of the business or change in the business's name. (Ord. #2006-007, March 2006, as amended by Ord. #2014-004, Feb. 2014)

8-224. Violation of this chapter declared a misdemeanor. Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) per offense; each separate occurrence and each day of an offense shall be construed as constituting a separate offense. That penalty is in addition to, and separate from, any action the beer board may take to suspend or revoke a beer license for violation of this chapter. (as added by Ord. #2014-004, Feb. 2014)

8-225. Brown-bagging/BYOB. (1) Between the hours of 12:00 A.M. and 6:00 A.M., it is unlawful for any person to consume beer or an alcoholic beverage not lawfully sold by the business on the premises of any business open. for business during these hours in the city.

(2) Between the hours of 12:00 A.M. and 6:00 A.M., it is unlawful for any person to possess an open container of beer or an alcoholic beverage not lawfully sold by the business on the premises of any business open for business during these hours in the city.

(3) Between the hours of 12:00 A.M. and 6:00 A.M., it is unlawful for any owner of a business open for business during these hours in the city knowingly or intentionally to permit any person to possess an open container of beer or an alcoholic beverage not lawfully sold by the business or to consume beer or an alcoholic beverage not lawfully sold by the business on the premises of said business. For the purposes of this section, notice to an agent or employee of a business shall constitute notice to the owner of the business.

(4) Between the hours of 1:00 A.M. and 6:00 A.M., the open display by any person on the premises of a business open for business during these hours of any open container of beer or an alcoholic beverage marked as if for resale and not lawfully sold by the business, shall be evidence of a violation of subsection (3) above.

(5) This section does not prohibit the sale of beer or alcoholic beverages by any business that possesses a valid beer-permit or alcoholic beverage license during such hours authorized by the laws or the state and the ordinances of the city nor does this section prohibit any other conduct permitted under the laws of the state or the ordinances of the city. This section does not prohibit the owner of a business who resides on the premises of the business from consuming beer or alcoholic beverages at any time on the premises or from possessing an open container of beer or alcoholic beverages at any time on the premises. This section does not prohibit the consumption of beer or alcoholic beverages or the possession of an open container of beer or alcoholic beverages by any person within the confines of the person's individual room in any hotel within the city.

(6) The provisions of this section are severable. If any provision of this section or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provisions or application. (as added by Ord. #2014-003, Jan. 2014)

CHAPTER 3

NUDITY, SEXUAL CONDUCT PROHIBITED

SECTION

8-301. Types of conduct prohibited.

8-302. Violation; penalty.

8-301. Types of conduct prohibited. It shall be unlawful for any person to engage in any of the following activities in any establishment dealing in alcoholic beverages:

(1) No person shall expose to public view his or her genitals, pubic areas, vulva, anus, anal cleft or cleavage or buttocks or any simulation thereof in an establishment dealing in alcoholic beverages.

(2) No female person shall expose to public view any portion of her breast below the top of the areola or any simulation thereof in an establishment dealing in alcoholic beverages.

(3) No person maintaining, owning, operating an establishment dealing in alcoholic beverages shall suffer or permit any person to expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or simulation thereof within the establishment dealing in alcoholic beverages.

(4) No person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any female person to expose to public view any portion of her breast below the top of the areola or any simulation thereof in an establishment dealing in alcoholic beverages.

(5) No person shall engage in and no person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act which is prohibited by law, touching, caressing or fondling of the breasts, buttocks, anus or genitals or the simulation thereof within an establishment dealing in alcoholic beverages.

(6) No person shall cause and no person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit the exposition of any graphic representation, including pictures or the projection of film, which depicts human genitals, pubic area, vulva, anus, anal cleft or cleavage, buttocks, female breasts below the top of the areola, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act prohibited by law, touching, caressing or fondling of the breasts, buttocks, anus, or genitals, or any simulation thereof with any establishment dealing in alcoholic beverages. (1995 Code, § 8-301)

8-302. Violation; penalty. Any person violating this chapter shall be guilty of a misdemeanor and shall be punished and penalized according to the general penalty provision of this code of ordinances. (1995 Code, § 8-302)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. PAWNBROKERS.
3. PASSENGER VEHICLES FOR HIRE.
4. MECHANICAL AMUSEMENT DEVICES.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.

SECTION

- 9-101. Definitions.
- 9-102. Exemptions.
- 9-103. License required.
- 9-104. License procedure.
- 9-105. Restrictions on peddlers, street barkers and solicitors.
- 9-106. Display of license.
- 9-107. Suspension or revocation of license.
- 9-108. Expiration and renewal of license.
- 9-109. Tennessee business tax.
- 9-110. Violation and penalty.
- 9-111. Opening a business.

9-101. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm, corporation or "transient vendor" as defined in Tennessee Code Annotated, § 67-4-702(a)(17), not a resident of the State of Tennessee, who has no permanent regular place of business and who,

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Mobile home parks: title 14.

Noise reductions: title 11.

Sign regulations: title 14.

Trespass by peddlers: § 11-401.

Zoning: title 14.

from a single location, or who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale. "Peddler" and "transient vendor" shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as defined below.

(2) "Solicitor" means any person, firm or corporation who, from a single location, or who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the city or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization, and who meets one of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is permanently located within Madison County and operates as a not-for-profit organization, as determined by the city recorder.

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade. (Ord. #2004-040, July 2004, as amended by Ord. #2016-007, May 2016)

9-102. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. (Ord. #2004-040, July 2004)

9-103. License required. No person, firm, corporation or transient vendor shall operate a business as a peddler, solicitor or street barker within the city, unless the same has obtained a license from the city in accordance with the provisions of this chapter. (Ord. #2004-040, July 2004)

9-104. License procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city recorder by each applicant for a license as a peddler, solicitor, or street barker and by each applicant for a license as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

(c) The dates for which the applicant intends to do business or make solicitations.

(d) The names and permanent addresses of each person who will make sales or solicitations within the city.

(e) The make, model, complete description and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(f) Tennessee State sales tax number, if applicable.

(g) The exact location at which sales will take place, unless sales are to be door to door.

(h) Applications for local business licenses, outside county business licenses, and transient vendor permits, must be approved by the planning department before a license or permit is issued. A mobile food unit must be approved by the planning department for each location where a business will be conducted.

(2) License fee. Each applicant for a license as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of one hundred dollars (\$100.00).

(3) License issued. Upon the completion of the application form and the payment of the license fee, where required, the recorder shall issue a license to engage in business for a period of not more than one hundred eighty (180) days and provide a copy of the same to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a license from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the license. (Ord. #2004-040, July 2004, as amended by Ord. #2016-005, April 2016, and Ord. #2016-007, May 2016)

9-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place that may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located. (Ord. #2004-040, July 2004)

9-106. Display of license. Each transient vendor, peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit and business license. Each transient vendor and mobile food unit is required to have in his possession a valid permit and/or business license, and the written permission of any private property owner, or other person in control of the property, which he or she is conducting business, while making sales or solicitations, and shall be required to display the same to any officer (ie. revenue officer, police officer) or anyone in the city revenue department upon demand. (Ord. #2004-040, July 2004, as replaced by Ord. #2016-007, May 2016)

9-107. Suspension or revocation of license. (1) Suspension by the recorder. The city recorder may suspend the license issued to any person or organization under this chapter for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) Suspension or revocation by the city council. The license issued to any person or organization under this chapter may be suspended or revoked by the city council, after notice and hearing, for the same causes set out in subsection (1) above. Notice of the hearing for suspension or revocation of a license shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the license holder at his last known address at least five (5) days prior to the date set for hearing or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (Ord. #2004-040, July 2004)

9-108. Expiration and renewal of license. The license of the peddlers, solicitors, solicitors for charitable or religious purposes, solicitors for subscriptions and street barkers shall expire one hundred eighty (180) days from the date of issuance. A license may be renewed each subsequent six (6) months upon the payment of an additional license fee of one hundred dollars (\$100.00). (Ord. #2004-040, July 2004, as amended by Ord. #2016-005, April 2016)

9-109. Tennessee business tax. Every peddler and transient vendor securing a license under this section is presumed to have total sales of greater than three thousand dollars (\$3,000.00) per year and is deemed to not be eligible for the exemption set forth in Tennessee Code Annotated, § 67-4-712(d). Therefore, in addition to the license fee(s), every peddler and transient vendor shall, as a condition for the issuance of a license or renewal license, pay a tax of fifty dollars (\$50.00) for each fourteen (14) day period. In addition; it is requested upon application that location be approved by the City of Jackson Planning Department for all applicants and residential applicants may be charged a fee of fifty dollars (\$50.00). (Ord. #2004-040, July 2004, as amended by Ord. #2016-007, May 2016)

9-110. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provision of this municipal code of ordinances. (Ord. #2004-040, July 2004)

9-111. Opening a business. A business license must be obtained from the City of Jackson within twenty (20) days after commencement of business. All businesses operating within the City of Jackson are required to obtain a business license and report their gross receipts to the Tennessee Department of Revenue on an annual basis. (as added by Ord. #2016-007, May 2016)

CHAPTER 2

PAWNBROKERS

SECTION

- 9-201. Pawnbrokers to be licensed.
- 9-202. Pawnbroker's records; pawn tickets; report to police.
- 9-203. Limitation or forfeiture of pledge.
- 9-204. Prohibited acts.
- 9-205. Safekeeping of pledges; insurance coverage.

9-201. Pawnbrokers to be licensed. No person, firm or corporation shall engage in the business of pawnbroker within the city without the pawnbroker's license required under Tennessee Code Annotated, § 45-6-208. (1995 Code, § 9-201)

9-202. Pawnbroker's records; pawn tickets; report to police.

(1) Every pawnbroker shall keep a consecutively numbered record of each and every pawn transaction which shall correspond in all essential particulars to the detachable pawn ticket attached thereto.

(2) The pawnbroker shall, at the time of making the pawn transaction and/or buy-sell transaction, enter upon the pawnshop copy of the records as well as on the pawn ticket, and/or buy-sell ticket, the following information which shall be typed or written in ink and in the English language:

- (a) A clear and accurate description of the property, including serial number if the pledged article shall bear such;
- (b) The date of the pawn transaction;
- (c) The amount of the pawn transaction;
- (d) The exact value of property as stated by pawnor who pledges same;
- (e) The date due; and
- (f) The name, race, sex, date of birth and residence address of the pledger.
- (g) The pledger shall sign the stub providing his residence address and shall receive the detached pawn ticket; the stub shall also be signed by the pawnbroker.

(h) These records shall be delivered to the appropriate law enforcement agency each day, except Sunday and shall be made available for inspection each day, except Sunday, before the hour of 10:00 A.M. by the sheriff of the county and the chief of police of the municipality in which the pawnbroker is located.

(i) These records shall be a correct copy of the entries made of the pawn transactions and/or buy-sell transactions and shall be carefully preserved without alteration and shall be available during regular

business hours for inspection by the appropriate law enforcement officers as herein provided. (1995 Code, § 9-202)

9-203. Limitation or forfeiture of pledge. In every transaction made under a loan of money, the pawnbroker shall retain in his possession every pledge of pawn fifty (50) days after maturity of the loan. In addition, if the pledgor fails or neglects for fifty (50) days after maturity date of the loan to redeem the pledged property, the pawnbroker shall thereafter comply with the notice and publication requirements set out in Tennessee Code Annotated, § 45-6-211. (1995 Code, § 9-203)

9-204. Prohibited acts. A pawnbroker shall not:

(1) Accept a pledge from a person under the age of eighteen (18) years, nor from anyone who appears intoxicated, nor from any person known to such pawnbroker to be a thief, or to have been convicted of larceny, burglary or robbery, without first notifying a police officer;

(2) Make any agreement requiring the personal liability of a pledger in connection with a pawn transaction;

(3) Accept any waiver, in writing or otherwise, of any right or protection accorded a pledger under this chapter;

(4) Fail to exercise reasonable care to protect pledged goods from loss or damage;

(5) Fail to return pledge goods to a pledger upon payment of the full amount due the pawnbroker on the pawn transaction. In the event such pledged goods are lost or damaged while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with like kind(s) of merchandise. In the event the pledger and pawnbroker cannot agree as to replacement with like kinds(s), the pawnbroker shall reimburse the pledger for the agreed upon value of the article as recited under Tennessee Code Annotated, § 45-6-209(b)(4);

(6) Purchase property in a pawn transaction for his, her or its own personal use;

(7) Take any article in pawn, pledge, or as security or under a buy-sell agreement from any person which is known to such pawnbroker to be stolen;

(8) Sell, exchange, barter, or remove from their place of business, or permit to be redeemed any goods pledged, pawned, or disposed by them for a period of forty-eight (48) hours after making the report as provided in § 9-202;

(9) Keep more than one (1) house, shop, or place for such business of pawnbroker under one (1) license; provided, however, that such person may remove from one (1) place of business to another, as provided in Tennessee Code Annotated, § 45-6-209;

(10) Buy, sell or take for pledge, pawn or security any device which may be used in the game of chance, and/or gaming device, nor shall any pawnbroker have in his possession any device that is and/or is used in the following: chuck-

a-luck, crack-loo, craps, dice, dice and chips used in the game of craps, equality, "French pool," or parimutuel, "keeno," lottery, lotto, pack of cards, pico, punch board, rondo, shuffle board, six-wheel, stock table, tables used for playing pool and billiards, poker chips and poker tables, ten-pin alleys, roulette, wheel of chance, slot machine, fargo, grandraffle or any device used in or for the game of chance.

(11) Buy, sell or take for pledge, pawn or security any razor, except safety razor, any dirk, bowie knife or other knife of like kind or size, or any other knife with any blade over two and one-half inches (2-1/2") long, sword cane, slingshot, blackjack, brass knuckles or Spanish stiletto. (1995 Code, § 9-204)

9-205. Safekeeping of pledges; insurance coverage. Every pawnbroker licensed under the provisions hereof shall provide a safe place for the keeping of the pledges provided by him, her or them, and shall have sufficient insurance coverage on the property held on the pledge for the benefit of the pledger, to pay the stated value as recited on the pawn stub of the pawned article, in case of destruction by fire or other catastrophe, and such policy shall be made payable, in the case of loss, to the city clerk for the benefit of the pledger, as his interest may appear, which policy shall be deposited with the city clerk. "Pawn value," for the purposes of this section, shall mean the amount of money loaned on the particular article, as stated on the pawn ticket and in the stub book, as recited under § 9-202. (1995 Code, § 9-205)

CHAPTER 3

PASSENGER VEHICLES FOR HIRE¹

SECTION

- 9-301. Definitions.
- 9-302. Certificate of public convenience and necessity.
- 9-303. Drivers.
- 9-304. Vehicles.
- 9-305. Fares.
- 9-306. Care of animals; non-motorized vehicles for hire.

9-301. Definitions. The following words and phrases, when used in this chapter, shall have the meanings as set out herein:

(1) "Certificate" shall mean a certificate of public convenience and necessity issued by the city council authorizing the holder thereof to conduct a passenger vehicle for hire business in the City of Jackson.

(2) "Carriage" shall mean an animal drawn vehicle regularly used in the business of carrying passengers for hire, whether or not on a fixed route.

(3) "Coach" shall mean a motor vehicle regularly used in the business of carrying passengers for hire, including but not limited to a van, bus, street car, or trolley, having a seating capacity of more than five (5) persons excluding the driver, that is operated on a fixed route.

(4) "Driver's permit" shall mean the permission granted by the city revenue office to a person to drive a passenger vehicle for hire upon the streets of the City of Jackson.

(5) "For hire" means agreement to transport a person or persons for a fare.

(6) "Holder" shall mean a person to whom a certificate of public convenience and necessity has been issued.

(7) "License to operate a vehicle" means any license or permit to operate a motor vehicle to transport passengers for hire under this chapter.

(8) "Limousine" shall mean any motor vehicle except a taxicab designed or constructed to accommodate and transport passengers for hire, with an extended wheel base and expanded seating capacity designed for the transportation of persons. The vehicle shall have additional rear seating capacity, area, and comforts; and shall be designed to transport not more than fourteen (14) persons, exclusive of the chauffeur/driver.

(9) "Manifest" shall mean a daily record prepared by a driver of a passenger vehicle for hire of all trips made by said driver showing time and

¹Municipal code reference

Jackson Transit Authority; title 2, chapter 4.

place of origin, destination, number of passengers, and the amount of fare of each trip.

(10) "Owner" shall mean a person who holds the legal title of the passenger vehicle for hire or, in the event said vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, then such conditional vendee or lessee shall be deemed the owner.

(11) "Passenger vehicle for hire" shall mean a passenger vehicle used to provide transportation for passengers for a fare and shall include taxicabs and limousines.

(12) "Person" shall include an individual, a corporation or other legal entity, a partnership, or any unincorporated association.

(13) "Rate card" means a card issued by the city revenue office for display in each passenger vehicle for hire which contains the current rates of fare.

(14) "Taxi board" shall be a board consisting of three (3) members of the city council appointed by the mayor to oversee vehicles for hire, conduct hearings on violations, and make recommendations to the city council in reference to vehicles for hire. The board shall meet as necessary and/or pursuant to the provisions of this chapter.

(15) "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of not more than six (6) persons, excluding the driver, that is not operated on a fixed route.

(16) "Taximeter" means a meter instrument or device attached to a vehicle for hire which measures mechanically the distance driven and the waiting time upon which the fare is based.

(17) "Terminal" shall mean any building or garage where passenger vehicle for hire trips begin or terminate or the building or land where passenger vehicles for hire are parked, serviced, or repaired.

(18) "Vehicle for hire" means any person, firm, partnership, association, or corporation engaged as principal or agent, in providing transportation for any person or persons in the City of Jackson for a fare, fee, or any form of remuneration. Vehicle for hire does not apply to the transportation of children to and from school, the Jackson Transit Authority, or courtesy vehicles.

(19) "Waiting time" means the time when a vehicle for hire is not in motion from the time of acceptance of a passenger to the time of discharge, but such term does not include any time that the vehicle for is not in motion if due to any cause other than the request, acts, or fault of a passenger. (1995 Code, § 9-301, as replaced by Ord. #2010-006, April 2010)

9-302. Certificate of public convenience and necessity.

(1) Required; exceptions. No person shall operate or permit a passenger vehicle owned or controlled by him to be operated as a passenger

vehicle for hire upon the streets of the City of Jackson without first having obtained a certificate of public convenience and necessity from the city council.

(2) Application for certificate. (a) Any person, partnership, or corporation desiring to secure a certificate of public convenience and necessity shall make application to the city revenue office. The notarized application shall be filed with and dated by the city revenue office. A copy of the application shall be distributed promptly to the traffic unit of the police department.

(b) The application for a certificate shall be upon a form provided by the city revenue office. An applicant for a certificate, including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five percent (5%) of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business, shall furnish the following information:

- (i) Name and address, including all aliases.
- (ii) Written proof that the individual is at least eighteen (18) years of age.
- (iii) All residential addresses of the applicant for the past three (3) years.
- (iv) The trade name under which the applicant proposes to do business.
- (v) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
- (vi) All criminal statutes, whether federal or state, or city ordinance violations, for which conviction, forfeiture of bond or pleading nolo contendere has occurred, except minor traffic violations.
- (vii) The address of the premises from which the vehicle for hire business is to be conducted and the address wherein the vehicles are to be stored and/or serviced.
- (viii) If the applicant is a corporation, the name of the corporation and the date and state of incorporation, the name and address of the registered agent, and the names and addresses of all shareholders, as required above, officers and directors of the corporation. If a foreign corporation, the date of being qualified to do business under the Tennessee General Corporation Act.
- (ix) If the applicant is a partnership, the name and address of each of the partners.
- (x) The experience and/or the qualifications of the applicant to operate a transportation or passenger service.

(xi) The number of vehicles to be put into service at the time of application, the location of proposed terminals, and the class and seating capacity of each vehicle.

(xii) Whether the vehicles are to be animal drawn or motor powered.

(xiii) The color scheme and insignia to be used to designate the vehicle or vehicles of the applicant.

(xiv) Whether applicant operates any other vehicles under this chapter.

(xv) Whether the applicant is currently required by any law, conviction, or court decree to register with a violent sex offender or sex offender registry and, if so, for what reason.

(xvi) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(c) Within ten (10) days, or a reasonable time thereafter of receiving the results of the investigation conducted by the police traffic unit, a time and a place for a public hearing on the application and notice shall be given. Ten (10) days' notice of a public hearing stating the time and place of said public hearing and the express terms or an informative summary of the subject matter of the public hearing provided for herein shall be given by the publication in some newspaper published in the city, the cost thereof to be paid by the applicant or certificate holder. Additionally, such public hearing shall take place at a regularly scheduled meeting of the city council. All documents relative to said public hearing shall be available for inspection prior to the hearing at the city revenue office. Any interested person may file a statement in support of or in opposition to the issuance of a certificate, and/or may offer testimony at the hearing.

(d) 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 for examination under oath regarding said application or the applicant's refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that the application is ineligible for such license and shall be grounds for denial thereof by the recorder.

(3) Standards for issuance of certificate. The city council shall issue a certificate of public convenience and necessity if an applicant meets the following standards:

(a) That the public convenience and necessity requires the granting of a certificate, in that the applicant has shown:

- (i) The support of potential customers of the service;
- (ii) The uniqueness of the services offered; and

(iii) That the service would not disrupt local traffic conditions.

(b) The applicant shall present a distinct color scheme (if a taxicab vehicle for hire) and an insignia to designate the vehicle(s) of the applicant.

(c) If the applicant is an individual:

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

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

(d) If the application is a corporation or partnership:

(i) All officers or directors or partners shall be at least eighteen (18) years of age.

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

(4) Insurance. (a) All vehicle for hire companies shall be required to show proof of liability insurance or a certificate of self-insurance issued pursuant to Tennessee Code Annotated, § 55-12-111 to the city council for each motor vehicle engaged in the business of transporting passengers for hire and operated under their franchise.

(b) The insurance required by this section shall cover each vehicle for hire operated under their certificate of public convenience and necessity.

(c) Failure to maintain the insurance required by this section shall be grounds for revocation of a holder's certificate.

(d) A written policy of liability insurance coverage issued by an insurance carrier duly authorized to do business in the state, showing coverage for six (6) passengers plus the driver, shall be provided by a policy with limits of at least five thousand dollars (\$5,000.00) more per each seat capacity than the minimum single-limit or split-limit requirements for taxicabs, as provided herein, for injuries or death of more than one (1) person in any one (1) accident.

(5) Certificate issued to owner only. No certificate shall be granted under this chapter to any person unless said person is the owner of the vehicle(s) to be operated as a passenger vehicle(s) for hire. At the time of the issuance of said certificate, said certificate applicant shall deposit with the city revenue office a copy of a title issued by the State of Tennessee for each vehicle to be operated as a passenger vehicle for hire. Copies of renewal forms of licensing through the State of Tennessee must be kept updated for each vehicle with the city revenue office.

(6) Passenger vehicle for hire services. All persons engaged in the passenger vehicle for hire business in the City of Jackson operating under the

provisions of this chapter shall render service to the public desiring to use passenger vehicles for hire. Holders of certificates of public, convenience and necessity shall maintain a publicly known telephone number(s). Said holders of certificates to operate taxicabs shall answer all calls received by them for services inside the corporate limits of the City of Jackson as soon as they can do so and if said services cannot be rendered within a reasonable amount of time, they shall then notify the prospective passengers how long it will be before the said call can be answered and give the reason thereof. No holder of certificates to operate taxicabs shall refuse to accept a call anywhere in the corporate limits of the City of Jackson at any time when such holder has available taxis. Holders of certificates of public convenience and necessity shall receive calls and dispatch vehicles for hire twenty-four (24) hours a day but may reduce its hours of operation to a defined schedule authorized by the city council.

(7) Telephone records. The city revenue office shall require that each taxicab and limousine company keep a record of each telephone call received requesting taxicab or limousine service. Said record must be kept for a period of not less than twelve (12) months and will be subject to open inspection by the chief of police, his agent, or the police department on demand.

(8) Business to be conducted by certificate holder; agreements with drivers. The business of every passenger vehicle for hire shall be carried on by the person to whom the certificate is issued under this chapter. The holder of the certificate may enter into agreements with drivers fixing percentages of receipts to be turned over to the holder of the certificate for the daily use of such vehicles, paying salaries of drivers, or drivers may rent the passenger vehicle for hire for a specific sum of money. A driver may be the conditional vendee or lessee of a vehicle as long as the certificate holder is the owner as defined in § 9-302(5). Any arrangement contracted between the holder of a certificate and the driver shall not relieve the holder of the certificate from any liability and damages to third parties. A sample copy of all such agreements shall be kept on file with the city revenue office.

(9) Replacement of vehicles. In case any vehicle covered by a certificate is retired by the owner because it is worn out or so damaged as not to be worthy of repair, or is burned or otherwise destroyed, the certificate holder shall deposit with the city revenue office a copy of the title of the substitute vehicle. The certificate holder must, if vehicles are discarded, sold, retired or otherwise disposed of, give notice to the city revenue office of such action whether or not the vehicle is replaced.

(10) Driver's manifests. Every driver or chauffeur of a vehicle for hire or dispatcher for a vehicle for hire company shall maintain a daily manifest upon which is recorded all trips made each day, showing the time and place of origin and destination of each trip and the amount of fare and number of passengers. All such completed manifests shall be returned to the vehicle for hire owner by the driver or chauffeur at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver or chauffeur by the

vehicle for hire company or owner and shall be of a character approved by the taxi board. Every vehicle for hire owner or company shall retain and preserve all driver and chauffeur manifests in a safe place for at least the current year and the preceding calendar year of the current calendar year, and such manifest shall be available for inspection by the city council or its appointees.

(11) Assignment or transfer of certificates. No certificate of public convenience and necessity may be sold, assigned, mortgaged, transferred or alienated.

(12) Review and revocation of the certificate. A certificate issued under this section shall be periodically reviewed by the traffic unit of the police department and shall be renewed at the existing level of vehicles as long as the standards for the initial issuance are met. If the periodic review by the traffic unit of the police department reveals deficiencies in the standards under which the initial issuance was granted, the traffic unit shall recommend to the taxi board that the certificate of public convenience be revoked. The taxi board shall advise the certificate holder in writing of the reasons for such revocation of the certificate of public necessity. The certificate holder may request a hearing within ten (10) days of notification of revocation and a public hearing shall be held as provided in § 9-302(2)(c). The taxi board may consider corrections of deficiencies in its decision to reinstate the certificate of public necessity.

(13) Suspension and revocation of certificates. (a) A certificate issued under the provisions of this chapter may be suspended or revoked by the taxi board after a hearing.

(b) A certificate issued under the provisions of this chapter may be suspended or revoked by the taxi board upon findings at the hearing that the holder of the certificate has:

- (i) Violated any provisions of this chapter;
- (ii) Discontinued operation for more than thirty (30) days;

or

- (iii) Would no longer be eligible for issuance of the certificate.

(c) A certificate holder shall have the right to appeal the ruling of the taxi board revoking or suspending said certificate in the same manner as provided for appeals of said decision under § 9-302(2)(c). (1995 Code, § 9-302, as amended by Ord. #2001-058, Dec. 2001, as amended by Ord. #2004-018, April 2004, modified, and replaced by Ord. #2010-006, April 2010)

9-303. Drivers. (1) Vehicle drivers. No person shall operate a passenger vehicle for hire upon the streets of the City of Jackson, and no certificate holder who owns or controls a vehicle for hire shall permit it to be so driven, and no passenger vehicle licensed by the City of Jackson shall be so driven at any time for hire, unless the driver of said vehicle for hire shall have first obtained and

shall have a current and properly updated passenger vehicle for hire driver's permit which has been issued by the city revenue office.

(2) Application for a driver's permit. (a) Permits required by this section shall be applied for, in writing, on such forms as the city revenue office may prescribe, which forms shall show:

(i) That the applicant has obtained a driver's license pursuant to the provision of Tennessee Code Annotated, title 55, chapter 50, being a Class D license with a "for hire" endorsement.

(ii) Whether the applicant is currently required by any law, conviction, or court decree to register with a violent sex offender or sex offender registry and, if so, for what reason;

(iii) All criminal statutes, whether federal or state, or city ordinance violations for which conviction, forfeiture of bond or pleadings of nolo contendere have occurred, including motor vehicle and traffic violations; and

(iv) Such other information as the chief of police may require.

(b) Such application shall be accompanied by three (3) copies of the Tennessee Class D driver's license with F-endorsement, one (1) of which shall be attached to the permit, if issued, and two (2) of which shall be retained in the files of the city revenue office with the application for the permit.

(c) Permits shall remain the property of the city revenue office, and may be cancelled, revoked, or suspended at any time and will be surrendered on demand.

(3) Investigation; issuance; not to issue to certain persons. (a) Before issuing a permit under this division, the chief of police or traffic division shall investigate the facts set out in the application and shall not approve such permit to any person who, in the opinion of the chief of police, after investigation, is not fit to drive or operate a vehicle for hire in the city.

(b) No driver's permit shall be issued to any applicant who has been convicted of, forfeited bail or pleaded nolo contendere to a felony or any crime involving moral turpitude as defined in Tennessee Code Annotated, § 57-4-204(h)(2), a controlled substance, prostitution, assignation, obscenity or any crime of a sexual nature in any jurisdiction, or been an inmate of reform school or penitentiary as a result of a conviction for a felony within five (5) years prior to this application for such permit.

(c) The chief of police may refuse to recommend approval of a permit to any applicant whose police record shows conviction for public drunkenness, driving under the influence of intoxicants, repeated moving traffic violations, or any other good and just cause which, in the opinion of the chief of police, would be inimical to the public health, safety or morals.

(d) No permit shall be issued unless the applicant is at least eighteen (18) years of age.

(e) It shall be the duty of the city revenue office to issue a permit to any person applying therefore, showing compliance with the provisions of the chapter.

(f) If the city revenue office denies the application, it shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a hearing shall be held.

(4) Notification of arrest or indictment. The holder of a driver's permit shall advise the city revenue office immediately of all charges, arrests and indictments, including but not limited to those for public drunkenness and driving under the influence of intoxicants. The city revenue office may suspend a driver's permit for fourteen (14) days prior to a hearing, if driver is arrested, charged, or indicted for any violation of city, state or federal laws. It shall also be the responsibility of the certificate holder with which said driver is affiliated to notify the city revenue office of said charges, arrests or indictments. Failure to do so may result in suspension or revocation of said permit and/or of said certificate.

(5) Notification of company change of driver. At the time is issued, the driver must register with the city revenue officer the name of the passenger vehicle for hire certificate holder with which the driver intends to be affiliated, and the city revenue office will have stamped on the permit the name of the passenger vehicle for hire certificate holder specified by the driver. If at any time a driver wishes to change affiliations, the driver must register the change with the city revenue office, and a fee of three dollars (\$3.00) will be charged to defray administrative cost. Failure to advise the city revenue office of any such changes may result in suspension or revocation of said permit. It shall be the responsibility of the holder of the certificate of public convenience and necessity to notify the city revenue office when affiliation with a driver is discontinued and any holder which allows a driver to operate a vehicle for hire without a proper and complete permit may have its certificate suspended or revoked.

(6) Fee. Each applicant for a permit under the provisions of this division shall pay to the city revenue office a fee of twenty five dollars (\$25.00), at the time of filing the application, to cover the cost of processing. To replace a lost, destroyed or stolen permit that is current, the fee shall be three dollars (\$3.00).

(7) Form, sign, design, and contents. A permit issued under this chapter shall be in card form, of such size and design as may be prescribed by the city revenue office which shall bear on its face a photograph of the driver, the number of the permit, and the company with which the driver is affiliated, and such other information as the city revenue office may require.

(8) Display of permit. The original permit issued under this chapter, containing the photograph and other data on the driver shall at all times be kept

on display in the passenger vehicle for hire operated by such driver, easily accessible to the passenger, while such passenger vehicle for hire is under the direction or control of such driver.

(9) Review and revocation of driver permits. (a) Driver permits will be periodically reviewed by the traffic division of the police department to ensure that the permit holder still meets all of the qualifications necessary for the initial issuance.

(b) If the traffic division determines that the permit holder no longer meets the qualifications necessary for initial issuance of permit, the traffic division shall notify the city revenue office of the need to revoke the permit.

(10) Suspension and revocation of permit. (a) Driver permits will be periodically reviewed by the traffic division of the police department to ensure that the permit holder still meets all of the qualifications necessary for the initial issuance.

(b) The city revenue office shall notify a driver of the violations with which he is charged and his right to an administrative hearing before taxi board, at which time the driver shall have an opportunity to present evidence; provided, however, that the city revenue office may suspend a permit for fourteen (14) days prior to a hearing, with a hearing to be held within that period of time, if, in the judgment of the city revenue office, the public health and safety requires. At such hearing the taxi board is hereby authorized to further suspend or revoke a driver's permit, should public health and safety require.

(11) Prohibited manner of solicitation. No passenger vehicle for hire driver shall solicit patronage in a loud or annoying tone of voice, or by sign, or in any manner annoying any person, or to obstruct the movement of any person or follow any person for the purpose of soliciting patronage.

(12) Standards of appearance and conduct of drivers. (a) No driver shall engage in selling alcoholic beverages or solicit business from any house of ill repute or use his vehicle for any purpose other than the transporting of passengers, except as provided for driver trainees.

(b) Drivers shall not engage in abusive language, including but not limited to, cursing, verbal insults or derogatory comments in the presence of passengers, potential or engaged, or staff members of regulating authorities.

(c) While on duty, drivers shall not be under the influence nor engage in the consumption of intoxicants, including but not limited to beer and other alcoholic beverages or controlled substances. Any driver charged with driving while intoxicated may have his permit immediately suspended, subject to § 9-303(4) in this code.

(d) No driver shall participate in or be present during illegal gaming activities.

(e) Drivers must present an acceptable appearance, including clean, neat wearing apparel not in need of repair. No shirt may be worn open at the chest; all shirts must have a closeable collar and shall bear no advertisement, symbol, fixture or saying other than company logo; no halter tops or tank shirts may be worn; no shorts may be worn; and shoes must be worn at all times while serving the public; general appearance must be one of neatness and cleanliness.

(13) Receipt and discharge of passengers on sidewalk only. Drivers of passenger vehicles for hire shall not receive or discharge passengers in the roadway, but shall pull to the extreme right hand side of the road or to the sidewalk and then receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either side of the roadway in the absence of a sidewalk.

(14) Total passengers in vehicle; carrying passengers in front seat of taxicab, or certain carriage.

(a) No driver shall permit more persons to be carried in a passenger vehicle for hire as passengers than the seating capacity, as stated in the vehicle for hire definitions in § 9-301(1) or as there are available seatbelts in the vehicle.

(b) Not more than one (1) paying passenger may be seated in the front seat or forward seat opposite the driver. Only passengers or trainee drivers may be seated on the front seat of any passenger vehicle for hire.

(15) Consent required for a taxicab, or certain carriages to pick up additional passengers. No driver of a taxicab or of a carriage with capacity for no more than five (5) passengers shall carry any person, other than the passenger(s) by whom he has been engaged, without the consent of the passenger.

(16) Drivers not to work more than twelve (12) hours out of twenty-four (24). (a) No driver shall work more than a maximum of twelve (12) driving hours in the aggregate of any twenty-four (24) hour period, and such driver shall not begin to drive until he has had at least eight (8) consecutive hours of rest.

(b) It is the duty of the certificate holder in conjunction with the driver to meet these requirements.

(17) Drivers of animal-drawn vehicles. A driver of an animal-drawn vehicle must properly guide the animal and vehicle and must properly control the animal and vehicle at all times.

(18) Drug testing shall be done on all drivers involved in an accident that results in a fatality or injuries requiring immediate transportation to a medical facility or the driver receives a citation for a moving violation arising from the accident. The drug testing shall be conducted within twenty-four (24) hours of the accident and shall be at the expense of the taxicab service. (1995 Code, § 9-303, modified, as replaced by Ord. #2010-006, April 2010)

9-304. Vehicles. (1) Vehicles-equipment and maintenance. (a) Vehicles must be properly licensed and maintained up-to-date tags.

(b) Said vehicle shall be thoroughly examined and inspected by a designated member of the police department and found to comply with this section's requirements. If, at any time, said passenger vehicle for hire is found by the inspectors not to comply with the following requirements, said passenger vehicle for hire shall not be allowed to be operated on the street, alleys and public ways of the city until and unless the inspector finds the vehicle meets these requirements.

Additionally, such vehicles will be inspected on a periodic basis by a designated member of the police department. Such inspections shall be announced by a notice mailed to the operators of these companies. Any vehicle which fails this inspection shall be withdrawn from service until and unless the vehicle passes the inspection. Those vehicles which pass inspection shall be issued a signed copy of the inspection form for company records.

(c) (i) Equipment standards. Every taxi cab or limousine operating on the streets, alleys and public ways of the city shall at all times be equipped with:

(A) A power plant adequate to propel the same in full compliance with the ordinances of the city.

(B) All appliances required, such as mufflers, service and emergency brakes, warning devices, lights and a rear vision mirror suitably installed in accordance with the provisions of such.

(C) Interior lights providing at least two (2) rated candle power for each interior seat space.

(D) Four (4) doors.

(E) Safety belts for each driver and passenger.

(F) A handle, latch, or opening device attached to each door of the passenger compartment, so that such door may be opened by the passenger.

(G) Any other requirements in respect to safety as is required by the laws of the state, of this code and all regulations as may be issued by the city revenue office.

(ii) Every animal-drawn vehicle operating on the streets, alleys, and public ways of the city shall at all times be in a safe and suitable condition for such use and shall have:

(A) Service and emergency brakes, warning devices, lights and a suitably installed rear vision mirror.

(B) Any other requirements in respect to safety as is required by the laws of the state of this code and all regulations as may be issued by the city revenue office.

(2) Television equipment. No television set shall be installed or portable model television operated in any taxicab.

(3) Maintenance. (a) Every passenger vehicle for hire operated in the city shall be kept in a clean and sanitary condition and in such condition of repair as may be reasonably necessary to provide for the safety of the public and for continuation in satisfactory operation.

(b) It is the joint responsibility of the certificate holder and of the driver to maintain the appearance and safety of the passenger vehicle for hire and equipment and failure to comply may result in the suspension or revocation of the certificate for public convenience and necessity and/or of the driver's permit.

(i) The interior will be cleaned periodically during the day as needed.

(ii) The cleaning of the exterior of the vehicle shall include the trunk area for all taxicabs and limousines. In such vehicles, jacks, spare tires, and any other loose equipment housed in the trunk must be secured and covered with carpet or other appropriate covering.

(iii) It shall be the responsibility of the certificate holder to make certain that the following standards are met in relation to vehicles:

(A) Safe tread on tires.

(B) Brakes in working and safe condition.

(C) No vehicle body damage.

(D) All lights in working order.

(E) Any condition which the inspector may deem unsafe, unsightly, or in need of repair.

(F) Seat belts provided in motor vehicles, one (1) for each driver and passenger and all other equipment required by state law or this chapter.

(G) Attention given to any other areas requiring maintenance.

(H) All vehicles for hire shall be equipped with two-way radios or cellular phones.

(4) Taximeters. (a) It shall be unlawful for any taxicab certificate holder or driver operating any taxicab to operate, or cause to be operated, on the streets, alley or public ways of this city, unless the same is equipped with a taximeter approved by the city revenue office and which is in compliance with this section. A taximeter shall be operated from any part of the propelled wheels or propelling machinery of the taxicab on which it is placed.

(b) It shall be the duty of every certificate holder using any taximeter to keep the same accurate at all times.

(c) All taximeters shall be placed so that the reading dial showing the amount to be charged shall be well lighted and readily discernible by passengers riding in such taxicab.

(d) All taximeters shall be subject at all reasonable times and places to the inspection of the chief of police, any police officer of the city, vehicle for hire inspectors, or any other inspector designated by the city.

(e) A vehicle for hire may also elect at times to charge a fare on a contract basis or with a fixed fee agreement with passengers. Such fares on a contract basis of fixed fee agreements must be on file at the city revenue office. This does not alleviate the necessity of each vehicle maintaining an operational taximeter, however.

(f) These taximeters will be inspected upon being installed upon the vehicle and also on a periodic basis following this. The meter will be sealed by the inspector allowing such inspection and the vehicle will not be placed into service without such seal.

(5) Scanners. No vehicle shall be equipped with a scanner or a device not capable of transmission but allows an operator to access frequencies, or any device that allows an operator to access frequencies other than that vehicle's authorized frequency. In addition, no scanner or device capable of accessing frequency other than that certificate holder's authorized frequency shall be operated at the place of business of the certificate holder. (1995 Code, § 9-304, as replaced by Ord. #2010-006, April 2010)

9-305. Fares. (1) Rates for taxi cabs. (a) The taxi board may, either acting independently or at the request of any passenger vehicle for hire certificate holder, hold a public hearing to fix, in their sound discretion, the maximum passenger vehicle for hire rates by class of vehicle. The revenue office shall cause the current rates to be posted in all places of business of the passenger vehicle for hire certificate holders and on all passenger vehicles for hire.

(b) The taxi board, in the manner prescribed above, may fix flat rates to specific locations or for special events, which rates shall supersede the rates in effect at the time, provided a schedule of such fixed rates to specific locations is posted in each passenger vehicle for hire, and, for special events, is placarded so as to be visible on the outside and inside of the rear windows of each passenger vehicle for hire.

(c) With regard to taxi cabs:

(i) In the absence of express agreement made at the time the taxicab is hired, the employment and collection of fee shall be held to be based upon the distance traveled at a rate of speed of at least ten miles per hour (10 mph) plus waiting time. In case of an express agreement for a charge not based on the distance traveled at a rate of speed of at least ten miles per hour (10 mph) plus

waiting time, the automatic recording device or taximeter shall not be engaged.

(ii) After the original passenger agrees to allow other passengers to travel in the same taxicab, the taximeter will be reset as each passenger arrives at his destination and departs the taxicab. When the first passenger has been transported to his destination, the taximeter will be reset and the next passenger transported to his destination. At such time, the fare shall be the amount on the taximeter plus one dollar. At the point of departure of the second passenger, the meter will be reset and this procedure shall continue until the taxicab is vacant.

(iii) When any passenger is picked up en route with the consent of the original passenger, on the departure from the cab he shall pay a fare equivalent to the fare had he had exclusive use of the taxicab for the distance he was actually transported.

(iv) When two (2) or more passengers originating from the same point enter into a contractual agreement as one with the driver and expect to go to different destinations, the meter shall be reset as each passenger departs the cab.

(v) Taxicabs are hereby authorized to regulate their meters so that, at any time the vehicle is moving at a speed slower than ten miles per hour (10 mph), the meter recording the amount to be charged for the fare will automatically register an additional fare of ten cents (\$.10) for each thirty-six (36) seconds of operation during waiting time.

(2) Rates for taxi cabs to be displayed. The current official taxicab rates shall be prominently displayed in contrasting colors on the outside of each taxicab vehicle for hire operated in the city in letters not less than two inches (2") high. In addition, a synopsis of the current rates shall be furnished to all licensed passenger vehicle for hire operators by the city recorder, who shall cause same to be prominently displayed within the vehicle for hire readily visible to the passenger.

(3) Demand of taxi cab fare in advance; refusal to convey passengers. Every driver of a passenger vehicle for hire shall have the right to demand payment of the regular fare in advance and may refuse employment unless so paid, but no driver of a passenger vehicle for hire shall refuse or neglect to convey any orderly person or persons upon request anywhere in the city, unless previously engaged or unable to do so.

(4) Refusal to pay taxi cab fare. It shall be unlawful for a passenger or persons engaging a passenger vehicle for hire to refuse any fare registered on the taximeter of taxicabs in accordance with the rates of which is displayed or agreed upon prior to the hiring of the passenger vehicle for hire.

(5) Receipt for taxi cab fare. Each driver, if requested, shall give to every passenger paying for a passenger vehicle for hire a printed receipt, in form

approved by the revenue office, showing the cost of fare and such other information as the revenue office may from time to time require; provided, however, that this requirement shall not apply to drivers of passenger vehicles for hire with a seating capacity of more than seven (7) passengers.

(6) In-kind payments of taxi cab fares. No in-kind payments, including but not limited to, any items of value such as jewelry, etc., shall be accepted in lieu of or as collateral on a fare.

(7) Fares for limousine services. Owners, drivers, or operators of a limousine service may enter into a flat fee agreement with passengers and this flat fee agreement may be based either on length of time for which the service is rendered or on distance the limousine travels during the service provided. (1995 Code, § 9-305, as replaced by Ord. #2010-006, April 2010)

9-306. Care of animals; non-motorized vehicles for hire. (1) Duty to maintain proper care of animals used for non-motorized vehicles for hire.

(a) Before the certificate holder shall place any carriage into service, the certificate holder shall identify such vehicle with the initials of the certificate holder's name followed by a dash and a number which shall not be used on any other animal drawn vehicle of such certificate holder, with such letters and numbers being similar in size to those used on motor vehicle license plates by the State of Tennessee. Such identification shall be placed on the rear of each such vehicle and shall be of a color which contrasts with the background to insure legibility from a distance.

(b) The driver shall display in or on the vehicle, in plain view of the passenger, a sign clearly specifying the maximum load limit of the vehicle. The certificate holder shall be responsible for driver compliance with the requirements of this subsection.

(c) The revenue office, the traffic unit of the police department, or officials of the City of Jackson animal shelter shall have the right to inspect the records and equipment and monitor the conduct of the certificate holder. They shall also have the right to require the certificate holder or any driver of an animal drawn vehicle to remove from service any animal which is overtired, undernourished, overloaded, injured or lame, in the opinion of a licensed veterinarian, or in the opinion of any such inspector, official or designated representative when, in the opinion of such individual, such an emergency exists that the animal's life or health is threatened.

(2) Collection of animal droppings. It shall be the responsibility of the certificate holder to provide the proper collection bags for animal droppings and to take the necessary steps to keep all streets, alleys, sidewalks, and other public ways of the City of Jackson free of droppings. (1995 Code, § 9-306, as replaced by Ord. #2010-006, April 2010)

CHAPTER 4

MECHANICAL AMUSEMENT DEVICES

SECTION

9-401. Definitions.

9-402. Minors not to operate machines.

9-403. Sign required on all machines.

9-404. Violation of this chapter constitutes a nuisance.

9-401. Definitions. A mechanical amusement device is any machine, which, upon the insertion of a coin, slug, token, plate or disc may be operated by the public generally for use as a game, entertainment or amusement, which registers a score, dependent upon the skill of the player, and which includes what is commonly known as a "pinball" machine. (1995 Code, § 9-401)

9-402. Minors not to operate machines. It is unlawful for any person having a mechanical amusement device in his place of business to permit any person under the age of twenty-one (21) years to operate or play such mechanical amusement device, and it shall be the responsibility of such person or owner to ascertain whether or not anyone desiring to operate or play such machine is of sufficient age. (1995 Code, § 9-402)

9-403. Sign required on all machines. Any person having charge of a mechanical amusement device shall cause to be placed upon such mechanical amusement device a metal sign, six by eight inches (6" x 8") in dimension with the words, "The City Code prohibits gambling or persons under twenty-one (21) years of age operating this machine." This sign shall be firmly affixed to each mechanical amusement device so as to be plainly visible to the person or persons playing such machine. (1995 Code, § 9-403)

9-404. Violation of this chapter constitutes a nuisance. Any place of business containing a mechanical amusement device in which any of the above violations occur shall be and constitute a public nuisance and such place of business shall be ordered by the city council to show cause within ten (10) days why its privilege of doing business shall not be revoked as well as all other licenses and permits issued by the city. (1995 Code, § 9-404)

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. LIVESTOCK AND OTHER FARM ANIMALS.
3. VICIOUS DOGS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Definitions.
- 10-102. Running at large prohibited.
- 10-103. Noise prohibited.
- 10-104. Cruelty to animals.
- 10-105. Unaltered animals.
- 10-106. Proof of compliance.
- 10-107. Enforcement.
- 10-108. Use of fees collected.

10-101. Definitions. Whenever in this title the following terms are used, they shall have the meanings respectively ascribed to them in this section.

(1) "Animals and fowls" as specifically named by whatever name they might be called, and includes every age and sex of each of the herein named species of animals and fowls.

(2) "Approval" means approval by the health officer pursuant to power granted to him in this chapter.

(3) "Health officer" is the director of health and sanitation of the city.

(4) "Keeper" refers to any person owning, keeping, having, using or maintaining any of the animals or fowls herein referred to.

(5) "Rodent-proof" is a state or condition not conducive to entry, feeding or harboring of rodents.

(6) "Sanitary" means a condition of good order and cleanliness which precludes the probability of disease transmission.

(7) "Owner" means

(a) any person, partnership, or corporation owning an animal,

(b) any person in charge of maintaining an animal; or

(c) any person who feeds, shelters, or harbors an animal or permits it to remain on such person's property; or

(d) if the animal is owned by a person under the age of eighteen (18), that person's parent or guardian.

(8) "Spay/Neuter" means that a licensed veterinarian performs an operation on a dog or cat to prevent a litter of puppies or kittens. Females are spayed and males are neutered. An unaltered animal is one that has not been spayed or neutered. (1995 Code, § 10-101, as amended by Ord. #2019-013, June 2019)

10-102. Running at large prohibited. It shall be unlawful for any person raising, owning and/or keeping any dog or other animal to wilfully suffer or permit any such creature to run at large upon the public streets, avenues, alleys, parks or other public property of the city, or to wilfully suffer or permit any dog or other animal to run at large or to go upon the premises owned or in possession of or under the control of any other person in the city. (1995 Code, § 10-102)

10-103. Noise prohibited. No person shall wilfully or knowingly keep or harbor on his premises any dog or other animal that makes or creates loud and obnoxious noises by whatever method created, thereby disturbing the peace of the neighborhood or disturbing the occupant of adjacent premises or people living in the vicinity of such loud and obnoxious noise.

A person shall be deemed to have wilfully and knowingly violated the terms of this section if such person shall have been notified by any police officer of such disturbance and shall have refused for a period of twenty-four (24) hours to correct such disturbance and prevent its recurrence. (1995 Code, § 10-103)

10-104. Cruelty to animals. It shall be unlawful for any person to cruelly maltreat any dumb animal in the city; or to wilfully and wantonly kill, maim, wound, poison or disfigure any horse, ass, mule, cattle, sheep, goat, swine, dog or other domesticated animal, bird or beast of any kind; or to mutilate, cruelly kill, over-drive, over-ride or over-load, or unnecessarily confine, or in any manner oppress the same; or to unnecessarily fail to provide the same with proper food, drink or shelter; or to drive, work or use the same when such animal is maimed, wounded, sick, lame or otherwise unfit for labor; or to wilfully abandon the same to die; or to carry or to cause the same to be carried, hauled or forced along in a cruel or inhumane manner; or to leave any animal tied up or confined anywhere, day or night, for more than six (6) hours at a time without properly feeding, watering and caring for the same. This section shall not be construed to prevent policemen or other persons from destroying dogs or other animals when lawfully entitled to do so. (1995 Code, § 10-104)

10-105. Unaltered animals. No person shall own, harbor, or keep within the City of Jackson, a dog over the age of six (6) months or a cat over the age of six (6) months which has not been spayed or neutered. Anyone with an unaltered cat over the age of six (6) months or dog over the age of six (6) months, if unaltered for any other reason than described below, is required to pay an

annual fee in the amount of \$20.00 per animal per owner. The fee will be collected by the City of Jackson Animal Care Center. It is the legislative intent that the provision of this section shall not apply to the following;

(1) Dogs documented as having been appropriately trained and actually being used by public law enforcement agencies for law enforcement activities, or such dogs designated as breeding stock by an appropriate agency or organization as approved by the Director of the Jackson Animal Care Center.

(2) Dogs having been appropriately trained and actually being used as a service dog such as a guide dog, hearing dog, assistance dog, seizure alert dog, or social/therapy dog, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Director of the Jackson Animal Care Center.

(3) Dogs documented as having been appropriately trained and actually being used by search and rescue agencies for search and rescue activities, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Director of the Jackson Animal Care Center.

(4) Dogs or cats certified by a licensed veterinarian as having a health reason for not being spayed or neutered.

(5) Dogs which are appropriately trained and actually being used for herding of other animals, or as livestock guardian dogs, hunting dogs, or such dogs designated as breeding stock by an appropriate agency or organization and approved by the Director of the Jackson Animal Care Center.

(6) Dogs or cats boarded in a licensed kennel or business which boards such animals for professional training or resale.

(7) Dogs or cats which are registered with the American Kennel Club, the Cat Fancier Association, United Kennel Club, American Dog Breeders Association, or other recognized registry or trained and kept for the purpose of show, field trials, or agility trials.

(8) Dogs or cats harbored by a public shelter, rescue organization whether public or private, the principal purpose of which is securing the adoption of dogs or cats, provided that such organization requires the spaying or neutering of all animals placed for adoption by such organization.

(9) Dogs or cats whose owner has obtained an annual unaltered animal permit issued by the City of Jackson.

A dog or cat governed by this section shall be spayed or neutered by its owner or, if eligible, the owner shall obtain an unaltered animal permit within thirty (30) days of the cats becoming six (6) months of age and dog becoming six (6) months of age. In the case of the owner who acquired a cat after six (6) months or dog after six (6) months of age, a permit is required within thirty (30) days of acquisition. An unaltered permit holder should notify the City of Jackson in writing of any change in ownership within thirty (30) days of change. (as added by Ord. #2019-013, June 2019)

10-106. Proof of compliance. Proof of compliance may include but not limited to:

(1) A uniform mark or symbol at the spay incision site such as one that is in conformance with the American Veterinarian Medical Association (AVMA) standards;

(2) A written statement from a veterinarian, which identifies the animal and explains why the animal is exempt;

(3) A current rabies certificate, which identifies the animal and states that it has been spayed or neutered;

(4) A visual inspection and determination by the enforcement officer that the animal has been altered. (as added by Ord. #2019-013, June 2019)

10-107. Enforcement.

(1) The provisions of this section shall be enforceable by any law enforcement, animal control, or code enforcement officer within their jurisdiction,

(2) This section is enforceable by all means provided by law. The maximum fine is \$50 per day per violation. Additionally, the City may choose to enforce this section by seeking injunctive relief in the Environmental Court. In addition to the enforcement procedures provided herein, this section may be enforced by any other means provided by law, by actions at law and in equity, and if the City prevails in such action, the City shall be entitled to its costs and reasonable attorney's fees incurred in such action. (as added by Ord. #2019-013, June 2019)

10-108. Use of fees collected, One half of the funds collected from these fees will be used by the Health and Sanitation Department to help with funding the cost of the Animal Control Officers. One-half of the funds will be utilized for a low cost spay and neuter program that is operated by an agency designated by the Internal Revenue Service as a 501(c)(3) non-profit organization. The contracting non-profit agency will be required to provide an annual report to the City accounting for use of the funds. (as added by Ord. #2019-013, June 2019)

CHAPTER 2

LIVESTOCK AND OTHER FARM ANIMALS

SECTION

- 10-201. Application of chapter.
- 10-202. Where animals to be kept.
- 10-203. Approval required by health officer to keep animals.
- 10-204. Temporary permit for show animals.
- 10-205. Pen, stables, etc., to be clean.
- 10-206. Orders and notices by health officer.
- 10-207. How feed is to be kept.
- 10-208. General care of animals.
- 10-209. Right of entry by health officer.
- 10-210. Failure to comply constitutes nuisance; abatement; misdemeanor.

10-201. Application of chapter. No owner, lessee, tenant, or sub-tenant, of any property, public or private, located within the corporate limits of the city shall keep, maintain, or cause to be kept any horses, mules, donkeys, cattle, swine, chickens, turkeys, ducks, geese, goats, sheep, hares, or similar animals or fowls either domesticated or nondomesticated except under conditions hereinafter set forth in the provisions of this chapter. (1995 Code, § 10-201)

10-202. Where animals to be kept. No animals, fowls or poultry described in § 10-201, shall be kept within a distance of one thousand (1,000) linear feet of any adjacent residence, place of business, industry or establishment within the city, without approval of the health officer. The health officer shall approve the keeping of animals and fowls on public and private premises only when in his opinion the keeping of such animals and fowls will not injuriously affect the public health and welfare. In no case will the health officer approve the keeping of animals or fowls within two hundred fifty (250) linear feet of any residence, place of business, industry or establishment, except that this restriction shall not prohibit approval by the health officer of the keeping of water fowls on public or community development lakes, such as Campbell Lake. This section shall not apply to small animal hospitals under the direct personal supervision of a licensed veterinarian. (1995 Code, § 10-202, as amended by Ord. #2012-012, Sept. 2012)

10-203. Approval required by health officer to keep animals. The health officer is hereby authorized to prohibit the keeping of animals and fowls described in § 10-201 within the corporate limits of the city when it has been determined that the keeping of such animals and fowls is not in compliance with the provisions included in § 10-202, and/or when in his opinion the keeping of

such animals and fowls may prove detrimental to the public health by creating or causing situations conducive to the breeding and attractivity of flies and other injurious and obnoxious insects, the breeding, feeding and harboring of rats, and which may give rise to offensive smells and odors. "Approval" for the maintenance of such animals or fowls may be at the discretion of the health officer. Owners and keepers of such animals and fowls, when specifically notified to dispose of them by the health officer shall comply within twenty (20) days with such notice, or correct all deficiencies in keeping with the standards herein prescribed. (1995 Code, § 10-203)

10-204. Temporary permit for show animals. Persons bringing show animals into the city for the purpose of exhibiting or showing shall apply for a temporary permit to the health officer. The health officer shall have authority to grant such temporary waivers as will, in the opinion of the health officer, not adversely offset the health of the community. No waiver may be granted for more than twenty (20) days. (1995 Code, § 10-204)

10-205. Pen, stables, etc., to be clean. (1) No animals or fowls described in § 10-201 shall be kept in any place in which manure or liquid discharges from such animals or fowls is allowed to collect or accumulate to any degree of offensiveness. Further, all such manure and liquids shall be at once removed to some proper place of disposal and/or effectively stored between periods of removal in closed containers, which shall provide for the maximum practical fly, rodent and order control.

(2) Stalls, stables, pens, yards and appurtenances in which such animals and fowls are kept shall at all times be maintained in a clean and wholesome condition, so that no offensive odor shall be allowed to escape therefrom, and no rodent, flies or other insects will be able to breed therein or become attracted thereto.

(3) Buildings, pens, yards, and appurtenances constructed for the purpose of housing and impounding animals and fowls shall be located with adequate drainage and constructed so as to facilitate routine cleaning.

(4) This section shall also apply to dogs. (1995 Code, § 10-205)

10-206. Orders and notices by health officer. It shall be the duty of the health officer or his authorized representative to issue orders requiring the removal of animals and fowls from within the corporate limits of the city when the keeping of such animals and fowls is in violation of this chapter and at all times when the keeping of such animals or fowls may constitute a hazard to the public health. The health officer or his authorized representative may issue orders requiring the owners of animals and fowls, or owners, tenants, and lessees of properties where such animals and fowls are quartered, to routinely clean stalls, stables, pens, and yards and to maintain such appurtenances in a clean and sanitary condition. Failure to maintain premises in a satisfactory

condition at any and all times following the receipt of such orders from the health officer will be considered as justification to cause the removal of such animals or fowls from within the corporate limits. (1995 Code, § 10-206)

10-207. How feed is to be kept. Every keeper of such animals and/or fowls shall cause feed provided therefor, to be stored and kept in a ratproof, fly-tight building, box or receptacle. (1995 Code, § 10-207)

10-208. General care of animals. No keeper of any pound, kennel, coop, pen, veterinary hospital, or other such places where animals or fowls may be kept or impounded shall allow the same, or any animal therein by reason of want of care, food, ventilation, or cleanliness or otherwise, to be or to become dangerous or detrimental to human life, health or welfare. (1995 Code, § 10-208)

10-209. Right of entry by health officer. It shall be the duty and authority of the health officer or his authorized representative to enter onto any premises, public or private, at any reasonable hour of the day to make inspections for the purpose of carrying out the provisions of this chapter. (1995 Code, § 10-209)

10-210. Failure to comply constitutes nuisance; abatement; misdemeanor. Failure to comply with any of the provisions of this chapter or with the lawful orders of the health officer shall constitute a nuisance. The city shall have the authority to order immediate abatement of such nuisance. and failure to comply immediately therewith shall constitute a misdemeanor.

The city shall have authority, after giving due notice, to enter onto the premises of any person allowing such a nuisance to exist on his premises and to remove and correct the nuisance. The cost of such removal or correction shall be charged against the person owning the property and shall constitute a lien on such premises in favor of the city until all such charges are paid. (1995 Code, § 10-210)

CHAPTER 3

VICIOUS DOGS

SECTION

- 10-301. Definition of terms.
- 10-302. Hearings panel.
- 10-303. Declaring a dog vicious.
- 10-304. Notice of vicious dog declaration.
- 10-305. Hearing on vicious dog declaration.
- 10-306. Requirements for keeping a vicious dog.
- 10-307. Impoundment and destruction.
- 10-308. Notice of impoundment.
- 10-309. Hearing on impoundment/destruction.
- 10-310. Exemption.
- 10-311. Change of status.
- 10-312. Dog fighting.
- 10-313. Change of ownership.
- 10-314. Penalties.
- 10-315. Right of entry by health officer.

10-301. Definition of terms. As used in this chapter:

- (1) "Owner" means a person, firm or corporation keeping, possessing, harboring or having the care or custody of a dog.
- (2) "Vicious dog" means:
 - (a) Any dog which, "without provocation" has attacked or bitten a human being or domestic animal; or
 - (b) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting. (1995 Code, § 10-301)

10-302. Hearings panel. There is hereby created and established a hearings panel. The panel shall consist of three (3) members: one (1) veterinarian jointly appointed by the county executive and the mayor; one (1) person jointly appointed by the county executive and the mayor to be chosen from either a kennel owner, obedience trainer or an animal rights association; one (1) person from the local humane society, suggested by said society, and approved by both governing bodies. The term of an office of such panel members shall be three (3) years, no person can serve more than two (2) consecutive terms, the three (3) members will be on staggered appointments, one each year. Members of the panel shall meet on an as-needed basis and shall serve without compensation. (1995 Code, § 10-302)

10-303. Declaring a dog vicious. If the hearings panel has cause to believe that a dog is vicious, the hearings panel may find and declare that dog a vicious dog, subject to the following provisions:

(1) No dog may be declared vicious for injury or damage sustained by a person who was committing a wilful trespass, or other tort, upon the premises of the dog's owner.

(2) No dog may be declared vicious for injury or damage sustained by a person who was teasing, tormenting, abusing, or assaulting the dog. (1995 Code, § 10-303)

10-304. Notice of vicious dog declaration. Within ten (10) days of declaring a dog vicious, the hearings panel shall notify the dog's owner in writing of the declaration. The notice shall identify the requirements and conditions for maintaining a vicious dog as set forth in this chapter. If the owner cannot be located, the dog may be immediately impounded and notice shall be posted on the owner's property or sent by certified mail to the owner's last known address. (1995 Code, § 10-304)

10-305. Hearing on vicious dog declaration. (1) The owner of a dog declared vicious shall have the right to file, within ten (10) days after receiving notice, a written request for a hearing to contest the vicious dog declaration. The hearing shall be held within thirty (30) days after the hearings panel receives the owner's written request.

(2) The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral or written evidence, and cross examine witnesses.

(3) The hearings panel shall issue a decision within ten (10) days after the close of the hearing and shall notify the owner in writing of the decision.

(4) If the hearings panel upholds the vicious dog declaration, the owner shall comply with all the requirements and conditions for maintaining a vicious dog as set forth in this chapter.

(5) The decision of the hearings panel is final. (1995 Code, § 10-305)

10-306. Requirements for keeping a vicious dog. The owner of a vicious dog shall be subject to the following requirements:

(1) Confinement. All vicious dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner. The pen or structure must have minimum dimensions of five feet (5') by ten feet (10') and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet (2'). All pens or structures must be adequately lighted and kept clean and sanitary. The enclosure must also protect the dog from the elements.

(2) Leash and muzzle. The owner of a vicious dog shall not allow the dog to go outside its kennel, pen or structure unless the dog is muzzled, restrained by a chain or leash not more than four feet (4') in length, and under the physical control of a person. The muzzle must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human or animal.

(3) Signs. The owner of a vicious dog shall display in a prominent place on the owner's premises a clearly visible warning sign indicating that there is a vicious dog on the premises. The sign must be readable from the public highway or thoroughfare. The owner shall also display a sign with a symbol warning children of the presence of a vicious dog. Similar signs shall be posted on the dog's kennel, pen or structure. All said signs shall be no less than twelve inches (12") by twelve inches (12") in size.

(4) Insurance. The owner of a vicious dog must provide proof to the health department that the owner has procured public liability insurance of at least one hundred thousand dollars (\$100,000.00), insuring the owner for any damage or personal injury which may be caused by his or her vicious dog. In the event said liability insurance is canceled, lapsed, or for any reason becomes non-enforceable, said owner shall be in violation of the provisions of this chapter and subject to the penalties provided herein. (1995 Code, § 10-306)

10-307. Impoundment and destruction. The health officer or his authorized representative may order the impoundment of a dog; and the hearings panel may order the destruction of a dog where:

- (1) The dog has attacked, bitten, or injured a human being or animal;
- (2) The dog is a vicious dog as defined in § 10-301 and the owner has failed to comply with the requirements and conditions for keeping a vicious dog as defined in § 10-306. (1995 Code, § 10-307)

10-308. Notice of impoundment. Within ten (10) days of an impoundment, the health officer or his authorized representative shall notify the dog's owner in writing of the impoundment. (1995 Code, § 10-308)

10-309. Hearing on impoundment/destruction. (1) Request for hearing. The owner of an impounded dog shall have the right to file within ten (10) days after receiving notice, a written request for a hearing to contest the impoundment.

(2) Informal hearing. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.

(3) Decision. The hearings panel shall issued a decision within ten (10) days after the close of the hearing and shall notify the owner in writing of the decision.

(4) Order of destruction or release. After considering all relevant evidence, the hearings panel may order the destruction of the impounded dog, or may release the dog to its owner conditional on the owner complying with the requirements for keeping a vicious dog as set forth in § 10-306, or complying with any other requirements necessary to protect the public health and safety.

(5) Consequence of failure of owner to appear. If the owner of impounded dog fails to appear at a hearing or fails to request a hearing, the dog shall be destroyed.

(6) Expenses of impoundment. Any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter. (1995 Code, § 10-309)

10-310. Exemption. This chapter shall not apply to dogs used by a police department or law enforcement agency. (1995 Code, § 10-310)

10-311. Change of status. The owner of a vicious dog shall notify the health officer or his authorized representative with twenty-four (24) hours, if the vicious dog is unconfined and on the loose, or has attacked a human being or animal. (1995 Code, § 10-311)

10-312. Dog fighting. No person shall possess, harbor, or maintain care or custody of any dog for the purpose of dog fighting, nor shall any person train, torment, badger, bait, or use any dog for the reason of causing or encouraging the dog to attack human beings or domestic animals. (1995 Code, § 10-312)

10-313. Change of ownership. If the owner of a vicious dog sells, gives away, or otherwise transfers custody of the vicious dog, the owner shall, within three (3) days, provide the health officer or his authorized representative with the name, address, and telephone number of the new owner. The previous owner shall notify the new owner of the dog's designation as a vicious dog and of the requirements and conditions for keeping a vicious dog. (1995 Code, § 10-313)

10-314. Penalties. Whoever violates any provision of this chapter shall be guilty of a misdemeanor and may be punished according to the general penalty provision of this code of ordinances. (1995 Code, § 10-314)

10-315. Right of entry by health officer. It shall be the duty and authority of the health officer or his authorized representative to enter onto any premises, public or private, at any reasonable hour of day to make inspection for the purpose of carrying out the provisions of this chapter. (1995 Code, § 10-315)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. MISDEMEANORS OF THE STATE ADOPTED.
2. OFFENSES INVOLVING ALCOHOL.
3. OFFENSES AGAINST ADMINISTRATION OF GOVERNMENT.
4. OFFENSES AGAINST PROPERTY.
5. OFFENSES AGAINST THE PEACE AND QUIET.
6. OFFENSES INVOLVING FIREARMS, MISSILES, ETC.
7. HANDBILLS, POLITICAL SIGNS, ETC.
8. OFFENSES AGAINST PUBLIC HEALTH, SAFETY, MORALS, WELFARE.

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted.² All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law to be misdemeanors are hereby designated and declared to be offenses against this city also. Any violation of any such law within the corporate limits is also a violation of this section. (1995 Code, § 11-101)

¹Municipal code references

Animal control offenses: title 10.

City parks--offenses in: title 20.

Fireworks and explosives offenses: title 7.

Housing and utilities offenses: title 12.

Sign offenses: title 14.

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

Traffic offenses: title 15.

²State law reference

For the definition of "misdemeanor," see Tennessee Code Annotated, § 39-11-110.

CHAPTER 2**OFFENSES INVOLVING ALCOHOL**¹**SECTION**

11-201. Public intoxication.

11-201. Public intoxication. It shall be unlawful for any person to be under the influence of a controlled substance or intoxicated while in a public place. See Tennessee Code Annotated, § 39-17-310, et seq.; also see title 33, chapter 8, part 5. (1995 Code, § 11-201)

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

CHAPTER 3

OFFENSES AGAINST ADMINISTRATION OF GOVERNMENT

SECTION

11-301. Escape from custody or confinement.

11-302. Impersonating a government officer or employee.

11-303. False emergency alarms.

11-304. Tampering with public property.

11-301. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1995 Code, § 11-301)

11-302. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1995 Code, § 11-302)

11-303. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1995 Code, § 11-303)

11-304. Tampering with public property. (1) Acts prohibited. It shall be unlawful for any person, either in person or by representative, agent or employee to do any of the following acts:

(a) To paint, print, paste, tack or otherwise affix any sign, symbol, advertisement, notice, writing or printing on or upon any building, fence, post, pole, standard, tree or other property or structure owned by or in the control of the city, state or federal government, or any of their departments or agencies, or upon any post or pole of a public utility situated in, or adjacent to any street, sidewalk or public thoroughfare.

(b) To fasten any wire, rope or other thing to any post, pole or standard owned or controlled by the city, state or federal government, or any of their departments or agencies, or by any public utility.

(c) To climb or ascend any post, pole, standard or other structure owned by the city, state or federal government, or any of their

departments or agencies, or by a public utility, through or from which wires are strung or carried for the transmission of electrical energy of any kind.

(d) To cut, burn, break, destroy or otherwise damage any post, pole, structure, fixtures, wires, cables or other appliances owned or used by the city, state or federal government, or any of their departments or agencies or by any public utility, for or in connection with the transmission of electric energy for any purpose.

(e) To fasten or put any wire or other thing to, against or across any wires, fixtures or other property owned or used by the city, state or federal government, or any of their departments or agencies, or by any public utility, for or in connection with the transmission of electricity for any purpose.

(2) Exceptions. This section shall not include or prohibit any act done by anyone in the performance or discharge of his duties as an employee of the city, state or federal government, or any of their departments or agencies, or of a public utility, or the employee of any person specifically employed, engaged or authorized by the city state or federal government or any of their departments or agency or a public utility, pursuant to and in strict accord with such employment or authorization. (1995 Code, § 11-304)

CHAPTER 4

OFFENSES AGAINST PROPERTY**SECTION**

11-401. Trespassing.

11-402. Malicious mischief.

11-403. Interference with traffic.

11-401. Trespassing.¹ (1) On premises open to the public. It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

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

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

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

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.² (1995 Code, § 11-401)

11-402. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1995 Code, § 11-402)

11-403. Interference with traffic. It shall be unlawful for any person without legal privilege to stand, sit, or engage in any activity whatever on any

¹State law reference

Tennessee Code Annotated, §§ 39-14-405 and 39-14-406.

²Municipal code reference

Provisions governing peddlers and solicitors, etc.: title 9, chapter 1.

public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1995 Code, § 11-403)

CHAPTER 5

OFFENSES AGAINST THE PEACE AND QUIET**SECTION**

- 11-501. Disturbing the peace.
- 11-502. Disorderly conduct.
- 11-503. Anti-noise regulations.
- 11-504. Aggressive panhandling prohibited.

11-501. 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. (1995 Code, § 11-501)

11-502. Disorderly conduct.¹ Any person who shall make, aid, or assist in making unreasonable noise, disturbance or breach of the peace or diversion tending to a breach of the peace, or who shall engage in, aid or abet in any fight, quarrel or other disturbance, or who shall do any other act or thing contrary to the peace, security and good order of the city, shall be guilty of disorderly conduct. (1995 Code, § 11-502)

11-503. 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) The making, creation and maintenance of loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place, or use, and which annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others within the corporate limits of the city is hereby declared to be a public nuisance and shall be unlawful.

(2) The following acts among others are declared to be unlawful acts within the meaning of this section, but said enumeration shall not be deemed to be exclusive, namely:

(a) The sounding of any horn on any automobile for any purpose not necessary to the safe operation of said vehicle.

(b) The use of any horn, whistle or other device operated by engine exhaust.

¹State law reference

Tennessee Code Annotated, § 39-17-305.

(c) The operation of any automobile, motorcycle, truck, or other vehicle upon the streets of the city not equipped with a muffler of standard make and of the latest state of the art.

(d) The playing, using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 P.M. and 7:00 A.M., in such a manner as to be plainly audible at a distance of fifty feet (50') from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(e) The playing, using and operating or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device not mounted upon a vehicle and being operated in accordance with existing section, for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(f) Yelling, shouting, hooting, whistling or making any other raucous noises on the public streets, at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

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

(h) The creation of any excessive noise on any street adjacent to any school institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interfere with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(i) The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood. (1995 Code, § 11-503)

11-504. Aggressive panhandling prohibited. (1) As used in this section, "panhandling" means any vocal solicitation made in person upon any street, public place or park in the city, in which a person requests an immediate donation of money or other gratuity from another person.

(2) It shall be unlawful to engage in an act of panhandling on any day after sunset, or before sunrise.

(3) It shall be unlawful to engage in an act of panhandling when either the panhandler or the person being solicited is located at any of the following locations:

- (a) At a bus stop;
- (b) In a public transportation vehicle or public transportation facility;
- (c) In a vehicle which is parked or stopped on a public street or alley;
- (d) In a side walk cafe;
- (e) Within twenty feet (20') in any direction from an automatic teller machine or entrance to a bank; or
- (f) Any panhandling, or other solicitation, which may impede the normal flow of traffic.

(4) It shall be unlawful to engage in an act of panhandling in an aggressive manner, including any of the following:

- (a) Touching the solicited person without the solicited person's consent;
- (b) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;
- (c) Blocking the path of a person being solicited, or the entrance to any building or vehicle;
- (d) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;
- (e) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled; or
- (f) Panhandling in a group of two (2) or more persons.

(5) Each act of panhandling prohibited by this section shall constitute a separate violation of this code. Each violation shall be punishable as provided in the general penalty section of this code, and the court shall enjoin any such violator from committing further violations of this section. (Ord. #2008-009, April 2008)

CHAPTER 6

OFFENSES INVOLVING FIREARMS AND MISSILES, ETC.

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Discharge of firearms.

11-604. Carrying dangerous weapons.

11-601. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1995 Code, § 11-601)

11-602. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1995 Code, § 11-602)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1995 Code, § 11-603)

11-604. Carrying dangerous weapons.¹ (1) Any person who shall carry in any manner whatever, with the intent to go armed, any razor, dirk, bowie knife or like knife of like form, shape or size, sword cane, ice pick, slingshot, blackjack, brass knuckles, Spanish stiletto, nunchaku stick, or a fountain-pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, except the army or navy pistol which shall be carried openly in the hand, or any other dangerous weapon, shall be guilty of a misdemeanor.

(2) It shall be unlawful for any person to make, manufacture, sell, distribute, use, or carry with the intent to go armed, a nunchaku stick, also known as karate stick, chaka stick, chuck, morning star, holy water sprinkler and nut cracker flail. Such weapon usually consists of two (2) pieces of hard but

¹State law reference

Tennessee Code Annotated, § 39-17-1314 preempts municipal regulation of the transfer, ownership, possession and transportation of firearms, except that it expressly does not effect ordinances in those areas enacted prior to April 8, 1986.

flexible wood, such as oak (although pieces of pipe are sometimes used) fastened at one end with a short length of leather or chain. The device generally has two (2) sections of equal lengths.

(3) This section shall not apply to the members of the police force or other officers or individuals authorized by law to carry arms, in the city or in the County of Madison, Tennessee. (1995 Code, § 11-604, modified, as replaced by Ord. #2010-004, April 2010)

CHAPTER 7

HANDBILLS, POLITICAL SIGNS, ETC.¹

SECTION

- 11-701. Sound truck, etc., permitted only at certain times.
- 11-702. Posting or distributing printed advertisements; permit and bond required.
- 11-703. Handbills, etc., not to be distributed at certain public places.
- 11-704. Handbills, etc., not to be placed in private vehicles.
- 11-705. Permit, bond, required for posting political advertisements.

11-701. Sound truck, etc., permitted only at certain times. It is unlawful for any person, as owner employee, principal or agent, to operate, drive, or move along any of the public streets, avenues, alleys or thoroughfares of the city, any truck, automobile, wagon or other vehicle, in which is operated any radio, phonograph, loudspeaker, or other mechanical sound producing or amplifying device, for the purpose of advertising or making any kind of announcement to the public, unless a permit has been issued the operator of such vehicle by the recorder, which permit shall designate the streets on which the vehicle shall operate and the time when operation is permissible. There shall be no fee required for such permit. (1995 Code, § 11-701)

11-702. Posting or distributing printed advertisements; permit and bond required. Any person desiring to distribute, post, or give away, upon the streets, alleys, sidewalks or public ways within the city, or post on electric or telephone poles, standards, or in any public place, handbills, written advertisements, or any other form of solicitation or inducement in the form of written or printed matter upon paper, cardboard or any other material, by whatever name called, shall first apply to the city recorder for a permit upon a form to be provided by the city recorder. This application shall specify among other pertinent matters the day or dates on which such material is to be distributed within the city and shall be submitted to the city recorder with a one hundred dollar (\$100.00) cash bond for each day of distribution specified in the application. The bond is to be conditioned that the applicant will remove all litter in the form of discarded handbills, etc., from the streets and sidewalks of the city by 6:00 A.M. of the day following such distribution. In the event the conditions of the bond be complied with, the cash bond will be refunded to the applicant. In the event such debris be not removed by 6:00 A.M. of the day

¹Municipal code references

Comprehensive sign control regulations: title 14, chapter 4.
Posting notices restricted: § 11-805.

following distribution, then the one hundred dollar (\$100.00) bond shall be forfeited to the City of Jackson to pay the costs of cleaning up the debris. The decision of the mayor shall determine the forfeiture or nonforfeiture of the bond and such decision shall be final.

The city recorder shall issue the permit as applied for in every instance when the proper application and bond be permitted. (1995 Code, § 11-702)

11-703. Handbills, etc., not to be distributed at certain public places. It is unlawful for any person to distribute matter which is printed or otherwise impressed upon paper, cardboard or other material, by whatever name called upon the grounds or parking area of Jackson-Madison County General Hospital or upon the grounds and parking area of other publicly owned buildings of the city such as schools, garages, waterworks, etc. (1995 Code, § 11-703)

11-704. Handbills, etc., not to be placed in private vehicles. It is unlawful for any person to place any paper or cardboard or other material, whether printed or not, upon or in any privately owned vehicle unless and until the owner of such vehicle be present and willing to accept such material, except lawfully issued traffic citations and illegal parking citations, and except as required by the "hit and run" statute. (1995 Code, § 11-704)

11-705. Permit, bond, required for posting political advertisements. It shall be unlawful for any person, firm, organization or corporation to display upon telephone poles, light poles, street light standards, or other public places or buildings within the City of Jackson, except within the thirty (30) days immediately preceding an election, any political poster, political signs or political material related to such election and only then unless and until such person shall have applied to the city recorder for a permit and shall have received such permit under the provisions of this section. The city recorder shall in every instance issue such permit upon the applicant posting with the city recorder a bond in the amount of one hundred and fifty dollars (\$150.00), such bond to be conditioned that all such political posters, political signs and political material shall be removed from such telephone and light poles and standards within forty-eight (48) hours following the date of such election and all debris therefrom disposed of at the city dump. In the event the condition of the bond be complied with, the bond shall be refunded to the applicant. In the event the conditions of the bond not be complied with, the bond shall be forfeited to the City of Jackson to pay the costs of removal and disposal of such political signs, political posters and political material. (1995 Code, § 11-705)

CHAPTER 8

**OFFENSES AGAINST PUBLIC HEALTH,
SAFETY, MORALS, WELFARE**

SECTION

- 11-801. Prostitution, promotion of, etc., prohibited.
- 11-802. Public indecency
- 11-803. Abandoned refrigerators, etc.
- 11-804. Caves, wells, cisterns, etc.
- 11-805. Posting notices, etc.
- 11-806. Barbed wire fences.
- 11-807. Cemetery, injury to.

11-801. Prostitution, promotion of, etc., prohibited.¹

(1) Definitions. The following definitions shall apply in the interpretation of this section unless the context otherwise requires:

- (a) "House of prostitution" means any place where prostitution or the promotion of prostitution is regularly carried on by one (1) or more person(s) under the control, management or supervision of another.
- (b) "Inmate" means, within the meaning of this part concerning prostitution, a person who engages in prostitution in or through the agency of a house of prostitution;
- (c) "Patronizing prostitution" means soliciting or hiring another person with the intent that the other person engage in prostitution, or entering or remaining in a house of prostitution for the purpose of engaging in sexual activity;
- (d) "Promoting prostitution" means:
 - (i) Owning, controlling, managing, supervising or in any way keeping, alone or in association with others, a business for the purpose of engaging in prostitution, or a house of prostitution;
 - (ii) Procuring an inmate for a house of prostitution;
 - (iii) Encouraging, inducing, or otherwise purposely causing another to become a prostitute;
 - (iv) Soliciting a person to patronize a prostitute;
 - (v) Procuring a prostitute for a patron; or
 - (vi) Soliciting, receiving, or agreeing to receive any benefit for engaging in any of the activities defined in subdivisions (d)(i)-(v).

¹The definition of prostitution is taken from Tennessee Code Annotated, § 39-13-512.

(e) "Prostitution" means engaging in sexual activity as a business or being an inmate in a house of prostitution or loitering in a public place for the purpose of being hired to engage in sexual activity; and

(f) "Sexual activity" means any sexual relations including homosexual sexual relations.

(2) Prostitution prohibited. It shall be unlawful for any person to commit an act of prostitution.

(3) Patronizing prostitution prohibited. It shall be unlawful for any person to patronize prostitution.

(4) Promoting prostitution prohibited. It shall be unlawful for any person to promote prostitution. (1995 Code, § 11-801)

11-802. Public indecency. (1) A person who knowingly or intentionally, in a public place:

(a) Engages in sexual intercourse;

(b) Engages in deviant sexual conduct;

(c) Appears in a state of nudity; or

(d) Fondles the genitals of himself or another person;

(e) Commits public indecency.

(2) The following definitions shall apply in the interpretation and application of this section:

(a) "Person" includes the individual who commits the act as well as any person who, having ownership or control over a public place to which any member of the public is invited to enter or be, knowingly allows public indecency to occur within or upon such public place.

(b) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, showing of the female breasts with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernably turgid state, excluding nursing mothers.

(c) "Public place" shall include: streets, sidewalks of highways, transportation facilities, schools, places of amusement, parks, playgrounds, restaurants, nightclubs, cocktail lounges, burlesque houses, bars, cabarets, taverns, taprooms, private fraternal, social, golf or country clubs, or any place to which the public is invited, whether or not a fee or charge is made to enter.

(3) Any person violating this section shall be punished and penalized according to the general penalty provisions of this municipal code of ordinances. (1995 Code, § 11-802)

11-803. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type

latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child. (1995 Code, § 11-803)

11-804. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1995 Code, § 11-804)

11-805. Posting notices, etc. It shall be unlawful for any person to paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1995 Code, § 11-805)¹

11-806. Barbed wire fences. It shall be unlawful for any property owner or his agent to erect, maintain or permit a barbed wire fence on his premises along or adjacent to any street, square or public alley in the city. If, after one day's notice the fence is not removed, it shall be the duty of the chief of police to cut and remove the wires of such fence.

Provided, however, that within industrial areas as provided in the zoning ordinance of the City of Jackson or around industrial plants which are nonconforming uses within the City of Jackson barbed wire may be installed to chain link fences in those cases where such chainlink fence is at least six feet (6') above sidewalk or street level, provided the barbed wire overhang be attached to forty-five degree (45°) brackets projecting over private property. (1995 Code, § 11-806)

11-807. Cemetery, injury to. It is unlawful to destroy, injure, mutilate, deface or disfigure any tomb, monument, vault, mound, head-board, footboard, or memorial, placed or erected to the memory of any person in the city cemetery or elsewhere in the city, or any railing, fence, enclosure, tree, shrubbery, or any ornamental work about any cemetery or grave in the city, or steal or carry away any flower or shrub placed upon any grave therein, or to pluck, remove, mutilate, take cuttings from, injure or destroy any shrub, plant, tree, or flower therein, whether the same be on a private lot or on public ground, without written permission from the owner of the lot. (1995 Code, § 11-807)

¹Municipal code references

Comprehensive sign regulations: title 14, chapter 4.

Handbills, political signs, etc: this title, chapter 7, especially see § 11-702.

TITLE 12

BUILDING, UTILITY, ETC. CODES¹

CHAPTER

1. IN GENERAL.
2. BUILDING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. PLUMBING CODE.
6. MECHANICAL CODE.
7. SWIMMING POOL CODE.
8. PROPERTY MAINTENANCE CODE.
9. UNSAFE BUILDING ABATEMENT CODE.
10. ENERGY CONSERVATION CODE.
11. ONE AND TWO FAMILY DWELLING CODE.
12. ACCESSIBILITY CODE.
13. REGISTRATION OF VACANT COMMERCIAL AND INDUSTRIAL BUILDINGS.

CHAPTER 1

IN GENERAL

SECTION

- 12-101. Copies of codes adopted by reference.
- 12-102. Building and housing codes department established; general powers and duties.
- 12-103. Code advisory/appeals board.
- 12-104. Appeals.
- 12-105. Posting of address by permit holders required.
- 12-106. Misdemeanor to violate codes.

¹Municipal code references

Comprehensive sign regulations: title 14.

Fire protection, fireworks, and explosives: title 7.

Mobile home and mobile home parks: title 14.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

12-101. Copies of codes adopted by reference. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-501 one (1) copy of each code adopted herein by reference is on file with the building and housing code department and is available for public use and inspection during business hours. (1995 Code, § 12-101)

12-102. Building and housing codes department established; general powers and duties. There is hereby created and established the building and housing codes department. The person in charge of the department shall be known as the director. The director of the building and housing codes department shall designate qualified personnel to assume the powers and duties of the "official" and/or the inspector(s) as defined in the model codes adopted herein. (1995 Code, § 12-102)

12-103. Code advisory/appeals board. (1) Board established. There is hereby established a board to be called the code advisory/appeals board, which shall consist of thirteen (13) voting members and two (2) nonvoting members. The code advisory/appeals board shall have all powers and duties as prescribed in the codes adopted in this chapter and for the "board of adjustments and appeals" and as otherwise described.

(2) Qualification of members. The code advisory/appeals board shall be appointed by the mayor and shall be composed of individuals with the following qualifications:

- One (1) state licensed general contractor
- One (1) master plumbing contractor
- One (1) gas contractor (pipe fitter)
- One (1) state licensed general contractor: rehabilitation, remodeling specialist
- One (1) civil structural engineer
- One (1) mechanical contractor
- One (1) mechanical engineer
- One (1) master electrical contractor
- One (1) electrical engineer
- One (1) architect
- One (1) attorney
- One (1) city fire department representative
- One (1) lay person
- Fire chief (non-voting)
- Director of building and housing codes department (non-voting)

(3) Terms of office. Of voting members first appointed, four (4) shall be appointed for a term of one (1) year, three (3) for a term of two (2) years, three (3) for a term of two (2) years, three (3) for a term of four (4) years and hereafter they shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required

to be made. Continued absence of any member from regular meetings of the board shall, at the discretion of the mayor, render any such member liable to immediate removal from office.

(4) Quorum. Seven (7) voting members of the board shall constitute a quorum. In varying the application of any provisions of any adopted code or in modifying an order of any official, affirmative votes of the majority present, shall be required. A board member shall not act in a case in which he has a personal interest.

(5) Secretary of board. The director of the building and housing codes department, or his designated representative, shall serve as secretary to the board. The secretary shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

(6) Procedure. The board shall adopt by-laws necessary to the conduct of its affairs not inconsistent with the provisions of this code. Every decision of the board shall be promptly filed in the office of the codes department and shall be open to inspection. All decisions of the board are final, subject, however, to such remedy as any aggrieved party might have at law or in equity.

(7) Powers. The advisory/appeals board shall have the responsibility to review and recommend construction related codes for presentation to the city council for adoption. (1995 Code, § 12-103)

12-104. Appeals. (1) General. Whenever the building and/or fire official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building or structure, or when it is claimed that the provisions of codes adopted in this title do not apply, or that any equally good or more desirable form of installation can be employed in any specific case, or when it is claimed that the true intent and meaning of codes adopted in this title or any regulations thereunder have been misconstrued or incorrectly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the building official and/or the fire official to the code advisory/appeals board. Notice of the appeal shall be filed in writing on forms supplied by the building/fire official and filed within ninety (90) days after the decision is rendered by the building and/or fire official.

Upon receipt of the notice of appeal and the appeal fee (fee determined from time to time by resolution) by the department of building and housing codes, a hearing shall be held at the next meeting of the codes advisory/appeals board. All appeals for a given meeting must be received ten (10) working days prior to the meeting. A public notice of each meeting shall be made a minimum of seven (7) days prior to the board meeting.

(2) Unsafe or dangerous buildings. In case of a building or structure which, in the opinion of the building official, is unsafe or dangerous, the building official may, in his order, limit the time for such appeal to a shorter period.

(3) Variance. The code advisory/appeals board, when so appealed to and after a hearing may vary the application of any provision of codes adopted in this title to any particular case when in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of codes adopted in this title or public interest, or when, in its opinion the interpretation of the building and/or fire official should be modified or reversed.

(4) Action. The code advisory/appeals board shall in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the code advisory/appeals board shall also include the reasons for the decision. If a decision of the code advisory/appeals board reverses or modifies a refusal order, or disallowance of the building official and/or fire official or varies the application of any provision of codes adopted in this title, the building official and/or when appropriate the fire official shall immediately take action in accordance with such decision. (1995 Code, § 12-104)

12-105. Posting of address by permit holders required. Work requiring a permit by this title shall not commence until the permit holder or his agent posts the official street address in a conspicuous place on the front of the premises. The address shall be protected from the weather and located in such a position as to be legible from the street accessing the work being done. The address shall be maintained until such time as a permanent means of address identification has been provided on the premises. (1995 Code, § 12-105)

12-106. Misdemeanor to violate codes. Any person, who shall violate any provision of the codes adopted in this chapter, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or who has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, shall be guilty of a misdemeanor and shall be punished in accordance with the general penalty provision of this municipal code of ordinances. (1995 Code, § 12-106)

CHAPTER 2

BUILDING CODE

SECTION

12-201. Adopted.

12-202. Fees.

12-203. Deleted.

12-201. Adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, et seq., and for the purpose of regulating the construction, alteration, repair, and demolition of every building or structure, or any appurtenance connected or attached to any building or structure, the 2012 edition of the International Building Code (First Printing),¹ as prepared and adopted by the International Code Council, excluding all appendices thereto, and containing certain modifications, is hereby adopted and incorporated by reference as a part of this code of ordinances. (Ord. #2008-33, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

12-202. Fees. All fees shall be set forth in a schedule of fees as authorized and approved from time to time by resolution of the city council. (Ord. #2008-33, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

12-203. [Deleted.] (1995 Code, § 12-203, as deleted by Ord. #2015-004, April 2015)

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

CHAPTER 3

ELECTRICAL CODE

SECTION

12-301. Adopted.

12-302. Low voltage permit required.

12-303. Deleted.

12-301. Adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, et seq., and for the purpose of regulating the construction, alteration, repair, and demolition of every building or structure, or any appurtenance connected or attached to any building or structure, the 2011 edition of the National Electrical Code (First Printing), of the National Fire Protection Association, excluding all appendices thereto, and containing certain modifications, is hereby adopted and incorporated by reference as a part of this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

12-302. Low voltage permit required. A low voltage permit, which shall include phone, cable, data, with the exception of alarm wiring, shall be henceforth required for any new residential and/or commercial construction.

All such permits shall be issued at the cost of twenty-five dollars (\$25.00) when the project is less than twenty-five thousand dollars (\$25,000.00). (Ord. #2008-033, Dec. 2008, modified, as replaced by Ord. #2015-004, April 2015)

12-303. [Deleted.] (Ord. #2008-033, Dec. 2008, modified, as replaced by Ord. #2015-004, April 2015)

CHAPTER 4

GAS CODE

SECTION

12-401. Adopted.

12-401. Adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, et seq., the 2012 edition of the International Gas Code (First Printing),¹ excluding all appendices thereto, as prepared and adopted by the International Code Council, is hereby adopted by reference and incorporated in this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

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

CHAPTER 5

PLUMBING CODE¹

SECTION

12-501. Adopted.

12-501. Adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, et seq., the 2012 edition of the International Plumbing Code (First Printing),² excluding all appendices thereto, as prepared and adopted by the International Code Council, is hereby adopted by reference and incorporated in this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

¹Municipal code reference

City water and wastewater system administration: title 18.

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

CHAPTER 6

MECHANICAL CODE

SECTION

12-601. Adopted.

12-601. Adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, et seq., the 2012 edition of the International Mechanical Code (First Printing),¹ excluding all appendices thereto, as prepared and adopted by the International Code Council, is hereby adopted by reference and incorporated in this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

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

CHAPTER 7

SWIMMING POOL CODE

SECTION

12-701. Adopted.

12-702. Deleted.

12-701. Adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 6-54-502, et seq., and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal and demolition of every swimming pool or any appurtenance connected or attached to any swimming pool, the 2012 edition of the International Residential Code (First Printing)¹ Appendix (G), as prepared and adopted by the International Code Council, and containing certain modifications, is hereby adopted and incorporated by reference in this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

12-702. [Deleted.] (Ord. #2008-033, Dec. 2008, as deleted by Ord. #2015-004, April 2015)

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

CHAPTER 8

PROPERTY MAINTENANCE CODE

SECTION

12-801. Adopted.

12-801. Adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-502 et seq., the 2012 edition of the International Property Maintenance Code (First Printing),¹ as prepared and adopted by the International Code Council, and containing certain modifications, is hereby adopted and incorporated by reference as a part of this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

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

CHAPTER 9

UNSAFE BUILDING ABATEMENT CODE

SECTION

- 12-901. Adopted.
- 12-902. Definitions.
- 12-903. Enforcement.
- 12-904. Powers given the director.
- 12-905. Conditions rendering a building unsafe.
- 12-906. Inspection; owner notification.
- 12-907. Hearing.
- 12-908. Condemnation.
- 12-909. Condemnation appeal.
- 12-910. Repair, improvement or demolition by city.
- 12-911. Judicial review.
- 12-912. Immediate dangers to public.

12-901. Adopted. Pursuant to the authority granted by Tennessee Code Annotated, § 13-21-101, et seq., this chapter, to known as the Unsafe Building Abatement Code, for the purpose of insuring the safety of the citizens of Jackson from the structures which are unfit for human occupation or use, is hereby adopted. (1995 Code, § 12-801)

12-902. Definitions. The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter unless a different meaning clearly appears from the context:

(1) "Building" means any building, dwelling, or structure, or part thereof, used or intended to be used for human occupancy, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith;

(2) "City" means the City of Jackson, Tennessee;

(3) "Director" means the director of the department of building and housing codes of the city, or his authorized agent.

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

(5) "Party in interest" means any individual, association, corporation or others who have interest of record in a building and who are in possession thereof;

(6) "Public authority" means any officer who is in charge of any department of the city or the State of Tennessee relating to health, fire, building regulations, public safety, or other activities concerning the structures in the city and the public safety.

The use of the singular number in this chapter shall be deemed to include the plural and the plural the singular. The use of either gender shall apply to both genders. (1995 Code, § 12-802)

12-903. Enforcement. The person responsible for enforcement of this chapter shall be the director. (1995 Code, § 12-803)

12-904. Powers given the director. The director is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

(1) To investigate the conditions of buildings in the city in order to determine which are unsafe.

(2) To administer oaths, affirmations, examine witnesses and receive evidence.

(3) To enter upon premises for the purposes of making inspections provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter.

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1995 Code, § 12-804)

12-905. Conditions rendering a building unsafe. An unsafe building shall include any building that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:

(1) Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.

(2) Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.

(3) The stress in any material, member or portion thereof due to all imposed loads including dead load exceeds the stresses allowed in the International Building Code for new buildings.

(4) The building has been damaged by fire, flood, earthquake, wind or other cause, to the extent that the structural integrity of the building is less than it was prior to the damage and is less than the minimum requirement established by the International Building Code for new buildings.

(5) The building has an exterior appendage or portion thereof not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the International Building Code for new buildings.

(6) The building is manifestly unsafe or unsanitary for the purpose for which it is being used.

(7) The building as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.

(8) The building has been constructed or maintained in violation of a specific requirement of the standard codes of the city or state or federal law.

(9) The building is in such a condition as to constitute a public nuisance.

(10) The building is unsafe, unsanitary or not provided with adequate egress, or constitutes a fire hazard, or is otherwise dangerous to human life, or in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(11) The building is 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 building unsafe or unsanitary or dangerous or detrimental to the health, safety or morals or otherwise inimical to the, welfare of, the residents of the City of Jackson. (1995 Code, § 12-805, modified)

12-906. Inspection; owner notification. (1) Inspection. The director shall inspect or cause to be inspected any building under the following circumstances:

(a) A public authority requests an inspection;

(b) A petition requesting an inspection if filed with the director signed by a minimum of five (5) residents of the City of Jackson;

(c) An inspection may be made by the director when he has reason to believe the structure is unfit or unsafe.

(2) Notification. If the director inspects a building and determines it to be unsafe as defined in this chapter, the director shall:

(a) Serve a certified letter of complaint on the owner and any party in interest stating the basis upon which the building has been determined unsafe. The letter of complaint shall contain notice of a time and date for a hearing before the director (or his designated agent), said date being not more than thirty (30) days, nor less than ten (10) days from the date the letter of complaint is served. Service shall be complete upon mailing.

(b) If the whereabouts of the owner is unknown and the same cannot be ascertained by the director in the exercise of reasonable diligence, the director shall make affidavit to that effect, and publish a notice of the complaint and hearing once each week for two (2) consecutive weeks in a newspaper printed and published in the city. A notice shall also be posted in a conspicuous place on the premises affected by the letter of complaint. (1995 Code, § 12-806)

12-907. Hearing. The hearing before the director shall give the owner and a party in interest the opportunity to respond to the letter of complaint as follows:

(1) The owner and a party in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the letter of complaint.

(2) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the director. (1995 Code, § 12-807)

12-908. Condemnation. If after such notice and hearing, the director determines that the building is unsafe, he shall state in writing his findings of fact in support of such determination and shall serve a certified letter of condemnation to the owner, which shall contain an order to:

(1) Vacate and close and/or repair, alter or improve the building or structure in such a manner as to make it safe and fit for human occupation or demolish the structure.

(2) If the repair, alteration or improvement cost exceeds seventy-five percent (75%) of the taxable value of the property, the director may order the structure to be removed or demolished.

(3) The letter of condemnation shall contain a time limitation of not less than sixty (60) days to be determined by the director based on the condition of the building and the potential for rehabilitation.

(4) If the director finds a building to be unsafe and if after the director has ordered the building repaired, improved, demolished, vacated or closed and if the owner does not take such action, the director may post signs stating that "THIS BUILDING IS UNSAFE AND UNFIT FOR HUMAN USE. THE USE OR OCCUPATION OF THIS BUILDING FOR HUMAN OCCUPATION OR USE IS PROHIBITED AND UNLAWFUL." The director may take such action as he deems necessary to protect the public from the structural failure of any building or structure, including but not limited to, closing streets, walks, erecting barricades, etc.

(5) At any time after the initial inspection the director may cause the utilities (gas, water and electricity) to be disconnected, should they in his opinion pose a threat to the public safety. (1995 Code, § 12-808)

12-909. Condemnation appeal. The owner or any party in interest may appeal the decision of the director in accordance with the following:

(1) The decision of the director may be appealed to the City of Jackson code advisory/appeals board or its successor. The appeal shall be made within ten (10) days of the letter of condemnation and shall be made following the procedures in title 12, chapter 1 of this municipal code.

(2) If the board agrees with the director's finding, the building shall be repaired, altered, improved or demolished as provided in the letter of condemnation within not less than sixty (60) days after the board makes its

written findings, a copy of, which shall be served on the owner or party in interest. (1995 Code, § 12-809)

12-910. Repair, improvement or demolition by city. (1) If the owner fails to comply with the letter of condemnation, and after the time allowed for appeal expires, or if the board agrees with the director, the director may cause the building or structure to be repaired, altered, removed or demolished.

(2) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition shall be determined by the director and shall be a lien against the real property in respect of which such cost was incurred. These costs shall be placed upon the tax rolls of the City of Jackson as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. Notice of such lien shall be filed in the Office of the Register of Madison County. If the building is removed or demolished by the director, he shall sell the materials of such structure and shall credit the proceeds of such sale against the costs of the removal or demolition and any balance remaining shall be deposited in the chancery court. (1995 Code, § 12-810)

12-911. Judicial review. Any person affected by an order issued by the director may file a bill in the Chancery Court for Madison County as provided in Tennessee Code Annotated, § 13-21-106. (1995 Code, § 12-811)

12-912. Immediate dangers to public. No provision of this chapter shall limit the director in taking any action authorized in other sections of this chapter to protect the public from immediate hazards or dangers posed by any building. (1995 Code, § 12-812)

CHAPTER 10

ENERGY CONSERVATION CODE¹

SECTION

12-1001. Adopted.

12-1001. Adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502 et seq., the 2012 edition of the International Energy Conservation Code (Second Printing),² as prepared and adopted by the International Code Council, and containing certain modifications, is hereby adopted and incorporated by reference in this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

¹Municipal code references

Fire protections, 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 International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 11

ONE AND TWO FAMILY DWELLING CODE

SECTION

12-1101. Adopted.

12-1101. Adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502 et seq., the 2012 edition of the International Residential Code (First Printing),¹ excluding all the appendices thereto except Appendix G, as prepared and adopted by the International Code Council, and containing certain modifications, is hereby adopted and incorporated by reference in this code of ordinances. The Code shall be additionally modified by deleting Section R313 - Requirement for Automatic Fire Sprinkler Systems in Townhouses and One and Two Family Dwellings. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015, as amended by Ord. #2017-005, June 2017)

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

CHAPTER 12

ACCESSIBILITY CODE

SECTION

12-1201. Adopted.

12-1201. Adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502 et seq., the 2009 edition of ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities (First Printing), is hereby adopted and incorporated by reference in this code of ordinances. (Ord. #2008-033, Dec. 2008, as replaced by Ord. #2015-004, April 2015)

CHAPTER 13

REGISTRATION OF VACANT COMMERCIAL AND INDUSTRIAL BUILDINGS

SECTION

- 12-1301. Definitions.
- 12-1302. Purpose.
- 12-1303. Regulatory area defined.
- 12-1304. Obligations of owners and persons in control.
- 12-1305. Registration.
- 12-1306. Registration fees.
- 12-1307. Vacant building plan.
- 12-1308. Inspection.
- 12-1309. Vacant building maintenance standards.
- 12-1310. Violations.
- 12-1311. Notice of violation.
- 12-1312. Appeals.
- 12-1313. Interpretation of chapter.
- 12-1314. Separability.

12-1301. Definitions.

“Authorized agent.” A person that resides within Madison County, Tennessee, who shall be authorized in writing by the owner or person in control of a vacant commercial or industrial building to be responsible for the security and maintenance of the building and property, who shall have access to the building and property and who shall be available at all times during business and non-business hours in the case that an emergency occurs requiring immediate response and/or to make immediate repairs.

“Building Code.” The latest edition of the Building Code adopted by the City of Jackson, Tennessee, as referenced in the Municipal Code of the City of Jackson, Tennessee, Title 12, Chapter 2.

“Commercial and industrial building.” Any structure or part thereof, that is used, designed to be used for any private manufacturing, industrial, or commercial business purposes whether or not legally zoned for such use. A multifamily building involving three (3) or more units is considered a commercial building.

“Evidence of vacancy.” Any condition that on its own or combined with other conditions present would lead a reasonable person to believe the building is vacant. Such conditions include, but are not limited to, no or significantly below standard utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, accumulation of trash, junk and/or

debris, broken or boarded up windows, abandoned vehicles, automobile parts and materials, the absence of window coverings, such as curtains, blinds, and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statement(s) by neighboring property owners, delivery persons, U.S. Postal Service employees, and/or governmental employee(s) that the building is vacant.

“Fire Code.” The latest edition of the Fire Code adopted by the City of Jackson, Tennessee, as referenced in the Municipal Code of the City of Jackson, Tennessee, Title 7, Chapter 2.

“Key box.” A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

“Person.” An individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, agency, or any entity recognized by law.

“Person in control.” The owner of the property; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the property, and/or its duly authorized agent(s), with the authority to bring a building or property into compliance with the provisions of this chapter, including but not limited to any mortgagee that has filed an action of foreclosure on the particular property at issue, based on breach or default of a mortgage agreement, until title to the property is transferred to a third party.

“Property.” Not only the vacant commercial or industrial building and other structures of any kind or nature located on the lot, but also the entire parcel of land surrounding the vacant commercial or industrial building, including, but not limited to, fences, walkways, walls, and appurtenances.

“Regulatory area.” The defined geographic area where the regulations contained in this chapter are applied and enforced.

“Vacant commercial or industrial building.” A commercial or industrial building that is not occupied by its owner, lessee, or other person in lawful possession, or at which substantially all lawful manufacturing, industrial, or commercial business operations and/or occupancy has ceased. For the purposes of this Chapter, a building is considered vacant if more than fifty percent (50%) of the gross square footage of the structure or part thereof is not occupied or at which substantially all lawful manufacturing, industrial, or commercial business operations and/or occupancy has ceased. (as added by Ord. #2019-023, Sept. 2019)

12-1302. Purpose. This chapter is adopted to establish a program for identifying and registering vacant commercial and industrial buildings within a defined area of the city that may present a fire hazard, become an attractive nuisance, may detract from private and/or public efforts to rehabilitate or maintain surrounding buildings, and present a hazard to the health, safety, and

welfare of the public. Through a registration, inspection, and monitoring process, vacant commercial and industrial buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding buildings, and will not otherwise present a public hazard so that the health, safety, and welfare of the public is served by these regulations. (as added by Ord. #2019-023, Sept. 2019)

12-1303. Regulatory area. The regulations contained in this Chapter shall apply to all vacant commercial and industrial buildings and associated property within the Center City Revitalization Project Area, within any Subarea designated by the One Jackson Civic Master Plan, and within any area designated as a redevelopment area. (as added by Ord. #2019-023, Sept. 2019)

12-1304. Obligations of owners and persons in control. No owner or person in control of a vacant commercial or industrial building shall fail to do any of the following:

- (1) Register the vacant commercial or industrial building with the Planning Department in accordance with the requirements of this chapter.
- (2) Designate an authorized agent if the owner or person in control of the vacant commercial or industrial building does not reside within Madison County, Tennessee.
- (3) Submit a Vacant Building Plan which shall be approved by the Planning Department in accordance with § 12-1307 of this Chapter.
- (4) Maintain the property at all times in accordance with the Vacant Building Maintenance Standards set forth in § 12-1309 of this Chapter.
- (5) Acquire or otherwise maintain general liability insurance covering the vacant commercial or industrial building and property in an amount of not less than one million dollars (\$1,000,000). The insurance policy shall provide for written notice to the Planning Department within 30 days of any lapse, cancellation, or change in coverage. (as added by Ord. #2019-023, Sept. 2019)

12-1305. Registration.

(a) Registration and renewal deadlines. All buildings located within the regulatory area that are vacant commercial or industrial buildings shall be registered by the owner or person in control thereof with the Planning Department within sixty (60) days after the effective date of this chapter and renewed not later than January 15 of every year thereafter. Every commercial or industrial building that subsequently becomes vacant shall be registered by the owner or person in control thereof with the Planning Department within thirty (30) days from the date of the last occupancy, or within thirty (30) days of being notified by the Planning Department of the requirement to register based on evidence of vacancy.

(b) Forms. Registration shall be made on forms provided by the Planning Department and verified by the owner or person in control of the vacant commercial or industrial building and shall contain all the following:

(1) The name, address, telephone number and email address of the owner or person in control;

(2) The name, address, telephone number and email address of the authorized agent, if required;

(3) The names, addresses, telephone numbers, and email addresses of all known lien holders and all other parties with any legal interest in the vacant commercial or industrial property;

(4) If the vacant commercial or industrial building is for sale, the name, address, telephone number and email address of the company and the realtor or agent responsible for marketing the property;

(5) The address of the vacant commercial or industrial building and the permanent parcel tax identification number of the land on which the vacant commercial or industrial building is located;

(6) The date on which the building became vacant or will become vacant;

(7) The reason for the vacancy and the estimated length of time the building is expected to remain vacant;

(8) A certificate of general liability insurance in the amount of one million dollars (\$1,000,000);

(9) A Vacant Building Plan in accordance with § 12-1307 of this Chapter.

(c) False Information. No person shall furnish false information to the Planning Department in the Registration Form.

(d) Period of validity. Registration and renewal shall be valid until December 31 of each year, unless a transfer of title to the vacant commercial or industrial building has been completed.

(e) Transfer of property. No person, including but not limited to, an owner, person in control, purchaser, escrow agent, real estate agent, or realtor, shall participate in a transfer of title to, or disburse proceeds from a transfer of title to, a vacant commercial or industrial building without having in escrow with an escrow agent handling the transfer of title of the property, a copy of a registration form completed by the purchaser of the property and the annual registration or renewal fee, if due, in an amount based on the duration of the time the building has been vacant. The escrowed documents and the annual registration fee shall be forwarded to the Planning Department upon transfer of title. The annual registration fee shall not be prorated. In the event that the transfer of title is completed within ninety (90) days from the end of the calendar year, the annual registration fee shall be applied to the following calendar year.

(f) Change in registration information. No owner or person in control of a vacant commercial or industrial building shall fail to notify the Planning

Department and file an amended registration form within seven (7) business days of any change in the registration information required by this section.

(g) Exemptions.

(1) A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of ninety (90) days after the date of the fire or extreme weather event if the property owner or person in control submits a request for exemption in writing to the Planning Department.

(2) If a vacant building is under active construction/renovation and has a valid building permit(s) at the time of initial registration, the building shall be exempt from registration until the expiration of the longest running, currently active building permit.

(3) Government agencies shall be exempt from the requirements of this Chapter. (as added by Ord. #2019-023, Sept. 2019)

12-1306. Registration fees.

(a) Fee required with registration. The owner or person in control of a vacant commercial or industrial building shall pay an initial registration fee and annual renewal fees for consecutive, subsequent years of vacancy as follows:

Initial registration fee:	\$400
Annual registration renewal fees:	
1st renewal:	\$800
2nd renewal:	\$1,600
3rd renewal:	\$3,200
4th renewal and renewals thereafter:	\$6,400

Note: Delinquent fees are subject to a fifty percent (50%) surcharge.

(b) Prerequisite for building permits. The registration shall be paid in full prior to the issuance of any building permits.

(c) Fee rationale. Registration fees shall be reasonably related to the administrative costs of the vacant commercial and industrial building registration process and for the costs incurred by the city in monitoring vacant commercial or industrial properties. Increases in annual registration fee amounts shall be reasonably related to the city's continued administrative costs as well as enforcement and abatement costs associated with vacant buildings that have property maintenance, building and fire code violations.

(d) Fee reductions and waivers. The Planning Department may reduce or waive registration or renewal fees as follows:

(1) The renewal fee may be reduced by fifty percent (50%), if, at the time of renewal, the building has no outstanding notices or orders

regarding violation of property maintenance, building or fire codes; and has been placarded as having normal structural conditions per § 12-1309(c)(1).

(2) The Planning Department shall refund the registration or renewal fee paid if the subject building is brought into compliance with the standards of the Building Code and reoccupied within one year of payment of the registration or renewal fee. The refund shall be for the amount of the registration or renewal fee paid during the year in which the building was approved for re-occupancy. Registration or renewal fees paid in previous years shall not be refunded.

(3) The initial registration fee may be waived for up to twelve (12) months from the time a building is required to be registered if a building is being actively marketed for sale or lease, based upon proof submitted by the owner or person in control. Actively marketing shall be defined as placement of a "for sale" or "for lease" sign on the property with accurate contact information, which is also provided to the Planning Department, as well as listing of the building with a licensed State of Tennessee Realtor in the Multiple Listing Service (MLS) with name, address, telephone number, and email address of the realtor provided to the Planning Department. In addition, the listing sale or lease price must be legitimate based on comparable sales and lease rates of similar properties in the defined area. The Planning Department may grant an extension to the initial registration fee waiver for additional twelve (12) months at the time of first renewal and each renewal thereafter if: (1) a building has continued to be consistently and actively marketed for sale or lease, based upon proof submitted by the owner or person in control; and (2) the building has remained in compliance with the provisions of this Chapter and all other applicable zoning, building and fire codes. In granting waiver extensions, the Planning Department can use other factors such as the number of times a building has been shown, offers received, open houses, marketing and promotions, in addition to signage and listing requirements, to determine whether a building is being consistently and actively marketed.

(e) Delinquent fees. If a registration or renewal fee is not paid by the due date specified in § 12-1305(a) of this Chapter, the fee shall be increased by fifty percent (50%) or one thousand dollars (\$1,000), whichever is less. The Planning Department shall pursue collection of delinquent fees pursuant to § 12-1310(b) of this Chapter. All delinquent registration or renewal fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant commercial or industrial building. (as added by Ord. #2019-023, Sept. 2019)

12-1307. Vacant building plan.

(a) The owner or person in control of the vacant commercial or industrial building shall submit a Vacant Building Plan that shall be reviewed

for acceptance by the Planning Department. The Vacant Building Plan shall be selected from and include the minimum requirements from one of the following three categories:

(1) Demolition. If the vacant commercial or industrial building is to be demolished, the Vacant Building Plan shall include a proposed time frame for demolition which shall include a commencement date within thirty (30) days of the approval of the proposed demolition time frame and shall not exceed one (1) year in duration.

(2) Secured structure. If the vacant commercial or industrial building is to remain vacant, the Vacant Building Plan shall contain all of the following:

(A) A plan for fire alarm and fire protection as required by the Fire Marshal.

(B) A plan of action to remedy any public nuisance existing in the building or on the property.

(C) A lighting plan for the exterior of the building and property, walkways adjacent thereto, parking or loading areas and nighttime illumination of areas and walkways of the building and property which may be vulnerable to vandalism and vagrancy.

(D) A regular maintenance plan for all exterior lighting and illumination fixtures.

(E) A plan for the maintenance of all structural openings, such as windows, doors, areaways and other openings to avoid the necessity of boarding up. Windows, doors, areaways and other openings that are located on the first floor and facing the street shall not be papered, soaped, blacked out or boarded up, and to avoid the appearance of vacancy, a form of display shall be set up that shall be approved by the Planning Department.

(F) A plan of action to maintain the vacant commercial or industrial building and property in compliance with the Vacant Building Maintenance Standards set forth in § 12-1309 of this Chapter.

(3) Rehabilitation. If the vacant commercial or industrial building is to be returned to lawful occupancy or use, the Vacant Building Plan shall include a rehabilitation time frame for the building and property. The rehabilitation time frame shall not exceed twelve (12) months. The Planning Department may grant an extension of time upon receipt of a written statement from the owner detailing the reasons for the extension. All applicable laws shall be complied with and all required permits shall be obtained. The building shall be kept secured and in compliance with the Vacant Building Maintenance Standards as provided in § 12-1309 of this Chapter at all times during rehabilitation. (as added by Ord. #2019-023, Sept. 2019)

12-1308. Inspection.

(a) At the time of registration and renewal the owner or person in control shall arrange for an inspection of the property by the Planning Department, Building Department and Fire Marshal in the presence of the owner, person in control, or authorized agent of the owner having responsibility for security and maintenance of the property for the purpose of determining structural integrity of the building, that it will be safe for entry by firefighters and police officers in times of emergency, and that it complies with the requirements of this Chapter.

(b) If the owner or person in control fails or refuses to consent to and arrange for an inspection, the Planning Department shall obtain a search warrant from a court of competent jurisdiction to authorize inspection of the property. (as added by Ord. #2019-023, Sept. 2019)

12-1309. Vacant building maintenance standards. All vacant commercial and industrial buildings and property within the City shall be maintained in accordance with the following Vacant Building Maintenance standards:

(a) Exterior openings, except those prohibited by § 12-1307(a)(2)(E) which cannot be secured by locking an existing door or window shall be boarded, secured, and protected from intrusion by birds, vermin and trespassers.

(b) A vacant commercial or industrial building shall be maintained, protected from deterioration and kept clean, safe, sanitary and free from public nuisance in accordance with the Property Maintenance Code, Building Code and Fire Code.

(c) A vacant commercial or industrial building shall display the following signs in a manner which is readily visible and legible from normal access points of the building:

(1) A vacant building placard consistent with Fire Code requirements for identifying unsafe vacant buildings.

(2) A sign which indicates the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process. The name, address and telephone number of a person responsible for day-to-day supervision and management of the building, if such person is different from the owner or authorized agent, shall be indicated on the sign as well.

(d) A key box shall be installed on each vacant commercial or industrial building in the city in case immediate access to the interior of the building by Fire Department or other public safety personnel is necessary for life-saving or firefighting purposes. Each key box shall be of a type that is approved by the Fire Chief or designee. The key box shall be installed in a location approved by the Fire Chief or designee. The cost of purchase and installation of each key box shall be paid by the owner. Each key box shall contain keys to gain access to all areas of the building including the roof and

basement. The person in control of the building shall immediately notify the Fire Chief or designee and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box. (as added by Ord. #2019-023, Sept. 2019)

12-1310. Violations.

(a) Failure to maintain. Upon failure of the owner or person in control of a vacant commercial or industrial property to secure and maintain the property consistent with § 12-1309, the Planning Department shall serve a Notice of Violation consistent with § 12-1311. Upon failure of the owner or person in control to comply with the Notice of Violation, the Planning Department shall be authorized to enter upon the property and cause compliance with § 12-1309 through any public agency or by contract.

(b) Assessment. The Planning Department shall send a statement of fees or costs incurred pursuant to § 12-1306(e) or 12-1310(a) to the owner or person in control of the property utilizing a method of service consistent with § 12-1311(b). If payment of such statement is not made within 30 days of the date of the statement, the Recorder's Office shall initiate a collection of the fees or costs incurred, based on the standard process or procedures used to collect other fees or costs.

(c) Violation penalties. Any person violating any provision of this Chapter who fails to correct said violation within this notification period shall be issued an injunction through the Environmental Court to correct this problem or face a fine of fifty dollars (\$50.00) for each separate violation until the required action has been taken or face imprisonment not to exceed ten (10) days. Each day that any such violation continues shall constitute a separate violation. (as added by Ord. #2019-023, Sept. 2019)

12-1311. Notice of violation.

(a) Content. Whenever the Planning Department determines that there is a violation of the provisions of this chapter, he or she shall give notice of such violation to the person or persons responsible therefor and order compliance, as herein provided. Such notice and order shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the violation or violations and why the notice is being issued;
- (4) Include a correction order allowing a reasonable time to bring the property into compliance with the provisions of this chapter;
- (5) Inform the property owner of the right to appeal; and
- (6) Include a statement that any action taken by the city on such property shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(b) Service. A notice of violation shall be deemed to be properly served if one or more of the following methods are used:

(1) By personal delivery to the owner or occupant of the property or by leaving the notice at the property with a person of suitable age and discretion; or

(2) By certified or first-class mail to the last known address; or

(3) If the notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or on the property found in violation. (as added by Ord. #2019-023, Sept. 2019)

12-1312. Appeals.

Any person aggrieved by an order of the Planning Department, or whenever the Planning Department fails to approve a Vacant Building Plan as required in § 12-1307 of this chapter, the person may file an Administrative Appeal with the Board of Zoning Appeals pursuant to the procedures described in Official City of Jackson Zoning Ordinance. (as added by Ord. #2019-023, Sept. 2019)

12-1313. Interpretation of chapter.

This Chapter shall not, in any manner, abrogate any of the other provisions of the Municipal Code of the City of Jackson, Tennessee pertaining to the abatement of public nuisances or unsafe buildings. (as added by Ord. #2019-023, Sept. 2019)

12-1314. Separability.

If any provisions of this Chapter, or any portion thereof, or the application of such provisions or portions to any person or circumstance, shall be held invalid, the remainder of this Chapter and its application to persons or circumstances other than those to which it is held invalid shall not be affected thereby. (as added by Ord. #2019-023, Sept. 2019)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. PARKING AND STORAGE OF VEHICLES.
3. JUNKED, ABANDONED APPLIANCES, FIXTURES, ETC.
4. ENVIRONMENTAL COURT.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Air pollution.
- 13-102. Stagnant water.
- 13-103. Weeds and grass.
- 13-104. Overgrown and dirty lots.
- 13-105. Clean up of premises may be required.
- 13-106. Dead animals.
- 13-107. Health and sanitation nuisances.

13-101. Air pollution. (1) Definitions. Cinders, dust, fly ash, fumes and gases as those terms are used in this section should be considered to be all matter other than smoke, but including cinders, dust, soot and/or ashes formed either as a result of the combustion of fuel and/or the incomplete combustion of fuel, which are carried in the gas stream so as to reach the external air and which have not been completely consumed by the combustion process.

(a) "Enforcing officer." The person or persons selected by the city council to enforce the terms of this chapter.

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-213(12).

Refuse and trash disposal: title 17.

Sign control regulations: title 14, chapter 4.

Wastewater treatment: title 18, chapter 2.

(b) "Fuel-burning equipment." Any furnace, incinerator, refuse burning equipment, boiler, apparatus, device, mechanism, stack or structure used in the process of burning fuel or combustible material.

(c) "Fumes." Gases or vapors that are of such character as to create an uncleanly, destructive, offensive or unhealthful condition.

(2) **Prohibited acts.** It shall be unlawful for any person to permit or cause the escape of such quantities of soot, cinders, ashes, fumes and gases from any smoke stack or chimney, or any other equipment in such manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or of the public, or in such manner as to cause or have a tendency to cause injury or damage to property or business. The escape of such matter is declared to be a public nuisance and may, in addition to the other penalties provided for, be abated by the enforcing officer or by anyone injured thereby. The deposit of such substance upon the ground, buildings, or otherwise in such quantities as to be visible shall constitute sufficient evidence to establish the violation of this section, but evidence of violation is not limited to the above, but the existence of the nuisance may be otherwise shown. (Ord. #2008-011, May 2008)

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (Ord. #2008-011, May 2008)

13-103. Weeds and grass. (1) It shall be unlawful for any person, firm or corporation to allow weeds or grass to grow to a height in excess of six inches (6") on property owned by or under the control of such person, firm or corporation within the City of Jackson. Provided, however, that this section shall not apply to undeveloped land as defined heron.

(2) Within the context of this chapter the following definitions shall apply:

(a) "Undeveloped land" shall mean acreage of land neither subdivided nor developed by construction along dedicated streets.

(b) "Under the control of" shall include leased or rented land and parkways between curb and sidewalk in front of property owned or otherwise under the control of a person, firm or corporation. (Ord. #2008-011, May 2008)

13-104. Overgrown and dirty lots. It shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements

so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals. (Ord. #2008-011, May 2008)

13-105. Clean up of premises may be required. (1) Notice. Whenever a person violates the provisions of §§ 13-102, 13-103, or 13-107, the director of building/housing code enforcement shall mail by first class mail to the last known address of the person having control over the offending premises notice of the violation, which notice shall state:

You are hereby notified that the premises under your control, being (describe the property) have been found to be in an unsanitary, unhealthy and unclean condition. You are directed by the City of Jackson, Tennessee, to remove all accumulation of garbage, trash and rubbish and to cut all weeds back to a height of no more than six inches (6") within the next five (5) days, and at your own expense.

Should you fail to act upon this directive within the above described time, the City of Jackson Environmental Court will enter an injunction allowing the city to remove all garbage, trash and rubbish and to cut all weeds back to the height of no more than six inches (6") within the next five (5) days, and at your own expense. (Ord. #2008-011, May 2008, modified)

13-106. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health and sanitation department and dispose of such animal in such manner as the health and sanitation superintendent shall direct. (Ord. #2008-011, May 2008)

13-107. Health and sanitation nuisances. Any residence, industry, commercial business, apartment, condominium or trailer court or other structure or activity within the City of Jackson, about which garbage and refuse accumulates or is produced, which is not provided with garbage collection service by the City of Jackson or its contractor, or by the owners or producer, in compliance with the provisions of this chapter, or otherwise violates the provisions of this title or title 17 of this code, is hereby declared to be a public nuisance, dangerous to the public health, safety, convenience and welfare, and may be abated as other public nuisances are abated by the environmental court. (Ord. #2008-011, May 2008)

CHAPTER 2

PARKING AND STORAGE OF VEHICLES

SECTION

- 13-201. Declaration of purpose.
- 13-202. Parking and storage of wrecked, junked, or abandoned vehicles prohibited.
- 13-203. Wrecked, junked, or abandoned vehicle defined.
- 13-204. Parking and storage on residential property restricted.
- 13-205. Parking and storage on nonresidential property restricted.
- 13-206. Procedure for removal.
- 13-207. Notice.
- 13-208. Hearing.
- 13-209. Removal.
- 13-210. Expense of disposal charged to owner.
- 13-211. Delegation of authority.
- 13-212. Exemptions.
- 13-213. Penalty.

13-201. Declaration of purpose. The accumulation and storage of motor vehicles in a state of disrepair and/or inoperable condition, and the accumulation and storage of operable vehicles in excessive numbers and/or in inappropriate locations, falls into the category of rubbish and unsightly debris, constituting a detriment to the health, safety and welfare of the community. The council thus declares that such conditions should be regulated, abated and prohibited because they reduce the value of and enjoyment of private property and create, extend and aggravate urban blight. (Ord. #2008-016, Aug. 2008)

13-202. Parking and storage of wrecked, junked, or abandoned vehicles prohibited. It shall be unlawful to park, store or leave any motor or other vehicle as wrecked, junked, partially dismantled, or in an abandoned condition, on public or private property in the City of Jackson for a period of longer than five (5) days unless it is in connection with a purpose or business enterprise lawfully situated, licensed, and operating as required in § 13-213. All such wrecked, junked, or abandoned vehicles are hereby declared to be public nuisances. (Ord. #2008-016, Aug. 2008)

13-203. Wrecked, junked or abandoned vehicle defined. (1) For the purposes of this chapter, a wrecked, junked, or abandoned vehicle shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a

reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(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) In addition, boats, campers, recreational vehicles, and storage trailers in a wrecked, junked, or abandoned condition, as defined above, shall also be considered a public nuisance and in violation of this chapter. (Ord. #2008-016, Aug. 2008)

13-204. Parking and storage on residential property restricted.

(1) All vehicles parked or stored on residential property shall be parked or stored on concrete or asphalt in accordance with the following specifications:

(a) Concrete. If concrete is used as a pavement, the minimum thickness shall be four inches (4") for residential structures and five inches (5") for all other uses.

(b) Asphalt. If a bituminous mix is used for pavement, the minimum thickness shall be four inch (4") compacted crushed stone base with a one and one-half inch (1 ½") surface for residential use and a six

inch (6") compacted crushed stone base with a two inch (2") compacted asphalt surface for other uses.

(2) The provisions of subsection (1) above shall not apply to properties with existing gravel driveways that were installed prior to the effective date of the official City of Jackson Zoning Ordinance or installed prior to annexation by the City of Jackson.

(3) Boats, campers, recreational vehicles, and storage trailers are not required to be parked or stored on concrete or asphalt in accordance with the aforementioned specifications provided they:

- (a) Are in an operable condition;
- (b) The surrounding area is maintained and free of grown up vegetation and debris; and
- (c) Are not classified as wrecked, junked or abandoned as defined in § 13-203.

(4) No more than four (4) operable vehicles may be parked or stored at a dwelling unit for more than a five (5) day period unless they are enclosed in a building. (Ord. #2008-016, Aug. 2008)

13-205. Parking and storage on nonresidential property restricted. No business enterprise shall park, store, leave, or permit the parking, storage, or leaving of any vehicle that is wrecked, junked, or abandoned, as defined above, on any private property within the city for more than five (5) days unless the vehicle is completely enclosed in a building or:

(1) The area of property devoted to the storage of the vehicle(s) is enclosed by a solid masonry wall or sight proof fence not less than six feet (6') high; and

(2) The area of property devoted to the storage of the vehicle(s) does not exceed twenty percent (20%) of the total lot area and is not located in any required yard. (Ord. #2008-016, Aug. 2008)

13-206. Procedure for removal. The owner of any such vehicle or the owner of the private property on which the same is located shall be responsible for its removal upon appropriate notice and the opportunity to be heard. Prior to commencing the hearing procedure set out in this chapter, notices shall be given to the owner or resident of the property upon which the said vehicle is located stating that the condition of said vehicle has caused a violation of this chapter and that unless this violation is corrected within twenty-four (24) hours, procedures will be commenced to affect the removal of the vehicle. Such twenty-four (24) hour notice, or one similar thereto, shall also be provided the vehicle owner and any lien holder to the extent that their names and addresses may be reasonably ascertained after the city has first been apprized of such violation. If in the opinion of the mayor, the chief of police, fire chief, health officer or their designees, an emergency situation exist, the vehicle may be immediately removed. (Ord. #2008-016, Aug. 2008)

13-207. Notice. If the twenty-four (24) hour preliminary notice does not accomplish the correction of the violation, the procedure hereinafter set out shall be invoked. A notice shall be directed to the owner of the vehicle and any lien holders, if known, and the owner of the premises where same is located at least two (2) days before the time for compliance therewith. It shall be sufficient service of notice if it is posted in a conspicuous place upon the premises affected and a copy is mailed to such owner and lien holders at their last known address, place of residence, or place of business if known. (Ord. #2008-016, Aug. 2008)

13-208. Hearing. Within two (2) days after the mailing or other service of said notice, the persons to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the environmental court. The hearing shall be held as soon as practicable after the filing of the request therefore and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing the city and the persons to whom the notices have directed may introduce such witnesses and evidence as is deemed necessary and proper by the City of Jackson. (Ord. #2008-016, Aug. 2008)

13-209. Removal. If the violation described in the notice has not been remedied within five (5) days of the mailing or service thereof, or in the event that a notice requesting a hearing is timely filed and the existence of the violation is affirmed by the environmental court after hearing, pursuant to the police power to do all things whatsoever necessary for promoting or maintaining the general welfare of the city or its inhabitants, said vehicle shall be removed. Any tow trucks or vehicles used for such removal, other than city vehicles, shall be covered by insurance in the form and extent of which shall be approved by the City Council of the City of Jackson. (Ord. #2008-016, Aug. 2008)

13-210. Expense of disposal charged to owner. All costs and expenses incurred in carrying out the provisions of this chapter shall be the responsibility of the owner. (Ord. #2008-016, Aug. 2008)

13-211. Delegation of authority. The mayor is hereby authorized to designate the agency or department to implement the provisions of this chapter. (Ord. #2008-016, Aug. 2008)

13-212. Exemptions. The provisions of this chapter will not apply to automotive wrecking, junk or salvage yards that are properly zoned and approved for operation. (Ord. #2008-016, Aug. 2008)

13-213. Penalty. Any person violating any provision of this chapter shall be issued an injunction through the environmental court to correct this problem or face a fine of fifty dollars (\$50.00) for each separate violation until

the required action has been taken or face imprisonment not to exceed ten (10) days. Each day that any such violation continues shall constitute a separate violation. (Ord. #2008-016, Aug. 2008)

CHAPTER 3

JUNKED, ABANDONED APPLIANCES, FIXTURES, ETC.

SECTION

- 13-301. Seizure authorized.
- 13-302. Notice of sale of seized items.
- 13-303. Release of property to owner.
- 13-304. Disposition of abandoned items if not sold.

13-301. Seizure authorized. Any fixture or appliance abandoned within the City of Jackson within the meaning of any ordinance or code provision, including those codes adopted by reference, may be seized by appropriate resolution of the City Council of the City of Jackson. (Ord. #2008-011, May 2008)

13-302. Notice of sale of seized items. Seized fixtures and appliances not claimed shall be advertised for sale not less than fifteen (15) days by publication in The Jackson Sun, the notice to give the location in which the items were abandoned and a brief description of the item and time, place and date of the sale. (Ord. #2008-011, May 2008)

13-303. Release of property to owner. If prior to sale the owner appears and claims same, the item shall be released to the owner upon payment of a fifty dollar (\$50.00) charge for the expenses of such seizure. (Ord. #2008-011, May 2008)

13-304. Disposition of abandoned items if not sold. In the event of no bids being received for the purchase of any abandoned item at the time of the sale hereinabove referred to, such item may be thereupon disposed of by the health and sanitation department in such way as the department may see fit. (Ord. #2008-011, May 2008)

CHAPTER 4

ENVIRONMENTAL COURT

SECTION

13-401. Establishment of the City of Jackson Environmental Court.

13-402. Duties of environmental court.

13-403. Punishment allowed by the court.

13-401. Establishment of the City of Jackson Environmental Court. By private act, the City of Jackson, Tennessee, has established the City of Jackson Environmental Court to hear and decide cases involving alleged violations of city environmental ordinances. (In Private Act HR 3680 passed by the Tennessee General Assembly.) (Ord. #2008-011, May 2008)

13-402. Duties of environmental court. The environmental court is granted the power to issue injunctions, both mandatory and prohibitory, such power to be exercised as provided for in Rule 65 of the Tennessee Rules of Civil Procedure and is empowered to order any defendant found guilty of violating any ordinance relating to health, housing, fire, land subdivision, building or zoning to correct such violation at the defendant's own expense. (Ord. #2008-011, May 2008)

13-403. Punishment allowed by the court. The judge of the City of Jackson Environmental Court shall have the power to punish any person for contempt who, having been ordered to correct a violation of any city ordinance or code section relating to health, animal control, housing, fire, land subdivision, building or zoning, willingly fails to obey such order within the designated day and at the designated time as given by such court order. Each day that any violation of this code or any ordinance continues shall constitute a separate offense.

The punishment for contempt in each case is limited to a fine of fifty dollars (\$50.00) for each separate violation and imprisonment not exceeding ten (10) days for each such violation. (Ord. #2008-011, May 2008, modified)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. AIRPORT ZONING.
4. SIGN CONTROL.
5. EROSION AND STORMWATER CONTROL.
6. DISCHARGES INTO THE STORM SEWER SYSTEM.
7. ENVIRONMENTAL ADVISORY/APPEALS BOARD.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION¹

SECTION

- 14-101. Creation.
- 14-102. Membership.
- 14-103. Organization, rules, staff, etc.
- 14-104. Powers and duties.

14-101. Creation. In order to guide and accomplish a coordinated and harmonious development of the city which will, in accordance with existing and future needs, best promote public health, morals, order, convenience, prosperity, and the general welfare as well as efficiency and economy in the process of development, that the municipal planning commission is hereby created and established as authorized by Tennessee Code Annotated, § 13-4-101, and said commission shall be organized and empowered as follows. (1995 Code, § 14-101)

14-102. Membership. The municipal planning commission shall consist of nine (9) members. One (1) of the members shall be the mayor, one (1) shall be a member of the council selected by the council, and the seven (7) remaining members shall be elected by a majority vote of the council. The terms of the seven (7) appointive members shall be for three (3) years, excepting that in the appointment of the first municipal planning commission, under the terms of this section, two (2) of said seven (7) members shall be appointed for terms of three

¹Municipal code reference

The zoning ordinance, and any amendments, is located in the office of the city recorder.

(3) years, two (2) for terms of two (2) years, and one (1) for a term of one (1) year. Any vacancy in an appointive membership shall be filled for the unexpired term by a majority vote of the council which shall have the authority to remove any appointive member at its pleasure. All members shall serve without compensation. (1995 Code, § 14-102)

14-103. Organization, rules, staff, etc. The municipal planning commission shall elect its chairman from amongst its appointive members. The term of chairman shall be one (1) year with eligibility for re-election. The commission shall adopt rules for the transactions, findings, and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated by the council. (1995 Code, § 14-103)

14-104. Powers and duties. From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules of procedure, then the commission, shall have all powers, duties and responsibilities as set forth in Tennessee Code Annotated, title 13; or other acts relating to the duties and powers of municipal planning commissions adopted subsequent thereto. (1995 Code, § 14-104)

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

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

14-201. Land use to be governed by zoning ordinance. Land use within the City of Jackson, Tennessee is governed by Ordinance Number 67-2, titled "Zoning Ordinance of the City of Jackson" and any amendments thereto.¹ (1995 Code, § 14-201)

¹Ordinance No. 67-2, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

AIRPORT ZONING¹

SECTION

- 14-301. Regulations to limit height and use of property around McKellar Field.
- 14-302. Definitions.
- 14-303. Airport zones.
- 14-304. Airport zone height limitations.
- 14-305. Use restrictions.
- 14-306. Nonconforming uses.
- 14-307. Permits.
- 14-308. Enforcement.

14-301. Regulations to limit height and use of property around McKellar Field. The regulations set forth in this chapter regulate and restrict the height of structures and objects of natural growth, and otherwise regulate use of property, in the vicinity of McKellar Field by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein and referring to the McKellar Field Airport Zoning Map which is incorporated in and made a part of this section. (1995 Code, § 14-301)

14-302. Definitions. For purposes of this chapter, certain terms used herein shall be interpreted as follows:

- (1) "Airport." McKellar Field.
- (2) "Airport elevation." Four hundred thirty-three point five one feet (433.51') above mean sea level.
- (3) "Approach surface." A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in § 14-304. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (4) "Approach, transitional, horizontal and conical zones." These zones are set forth in § 14-303.
- (5) "Conical surface." A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand feet (4,000').

¹Municipal code reference

Regulations governing use of airport: title 20, chapter 1.

(6) "Hazard to air navigation." An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(7) "Height." For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(8) "Horizontal surface." A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

(9) "Larger than utility runway." A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight, and jet-powered aircraft.

(10) "Nonconforming use." Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter.

(11) "Nonprecision, instrument runway." A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

(12) "Obstruction." Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in § 14-304.

(13) "Person." An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

(14) "Precision instrument runway." A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout or any other planning document.

(15) "Primary surface." A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway, for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in § 14-303. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

(16) "Runway." A defined area on an airport prepared for landing and take off of aircraft along its length.

(17) "Structure." An object including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smoke stacks, earth formation and overhead transmission lines.

(18) "Transitional surfaces." These surfaces extend outward at ninety degree (90°) angles to the runway center line and the runway center line extended at a slope of seven feet (7') horizontally for each foot vertically from the

sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces, Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at ninety degree (90°) angles to the extended runway center line.

(19) "Tree." Any object of natural growth.

(20) "Utility runway." A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

(21) "Visual runaway." A runway intended solely for the operation of aircraft using visual approach procedures. (1995 Code, § 14-302)

14-303. Airport zones. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to McKellar Field Airport. Such zones are shown on the McKellar Field Airport Zoning Map, dated September 28, 1978, which is made a part of this chapter. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) Utility runway visual approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty feet (250') wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty feet (1,250') at a horizontal distance of five thousand feet (5,000') from the primary surface. Its center line is the continuation of the center line of the runway.

(2) Runway larger than utility with a visibility minimum as low as three-fourths mile nonprecision instrument approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of four thousand feet (4,000') at a horizontal distance of ten thousand feet (10,000') from the primary surface. Its center line is the continuation of the center line of the runway.

(3) Precision instrument runway approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. Its center line is the continuation of the center line of the runway.

(4) Transitional zones. The transitional zones are the areas beneath the transitional surfaces.

(5) Horizontal zone. The horizontal zone is established by swinging arcs of ten thousand feet (10,000') from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(6) Conical zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom from a horizontal distance of four thousand feet (4,000'). (1995 Code, § 14-303)

14-304. Airport zone height limitations. Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(1) Utility runway visual approach zone. Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway center line.

(2) Runway larger than utility with a visibility minimum as low as three-fourth mile nonprecision instrument approach zone. Slopes thirty-four feet (34') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway center line.

(3) Precision instrument runway approach zone. Slopes fifty feet (50') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway center line; thence slopes upward forty feet (40') horizontally for each foot vertically to an additional horizontal distance of forty thousand feet (40,000') along the extended runway center line.

(4) Transitional zones. Slopes seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet (150') above the airport elevation which is 583.51 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of five thousand feet (5,000') measured at ninety (90°) degree angles to the extended runway center line.

(5) Horizontal zone. Established at one hundred fifty feet (150') above the airport elevation or at a height of 583.51 feet above mean sea level.

(6) Conical zone. Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of 783.51 feet above the airport elevation.

(7) Excepted height limitations. Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty feet (50') above the surface of the land except when the height exceeds the airport zone height limitations established for such zone in this section. (1995 Code, § 14-304)

14-305. Use restrictions. (1) Notwithstanding any other provisions of this chapter no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(2) Adjacent residential zoning shall take into account expected noise levels and their effect on residential development in terms of Federal Housing Programs as set forth in the McKellar Field Airport Master Plan, Land Use Plan Map dated December 5, 1974, prepared by E. R. Dike and Associates and McKellar Field Off-Airport Land Use Study, dated March 1, 1979, prepared by Coloredo Associates, Inc.

(3) The regulations hereinafter set forth in this chapter apply to property located within the airport approach zones for a length of five thousand eighty feet (5,080') beginning two hundred feet (200') outward from the end of the runway, and extending outward, ending at a point five thousand two hundred eighty feet (5,280') from the end of the runway on the extended center line of the runway. A building or premises may be used for any purposes permitted by the use regulations of the zone district in which the property is located except the following:

- (a) Departments;
- (b) Hospitals;
- (c) Hotels;
- (d) Institutions of religious, educational, correctional nature;
- (e) Motels;
- (f) Nursing or convalescent homes;
- (g) Places of public assemblage;
- (h) Radio or television transmitting stations;
- (i) Theaters;

- (j) Town houses;
- (k) Schools. (1995 Code, § 14-305)

14-306. Nonconforming uses. (1) Regulations not retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, of other change or alteration of any structure not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted.

(2) Marking and lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions. Such marker and lights shall be installed, operated and maintained at the expense of the airport authority. (1995 Code, § 14-306)

14-307. Permits. (1) Future uses. Except as specifically provided in subsections (a), (b) and (c) hereunder no material change shall be made in the use of land, no structure shall be erected or otherwise established, in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use structure, would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection (4).

(a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than fifty feet (50') of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than two thousand seven hundred feet (2,700') from each end of the runway, no permit shall be required for any tree or structure less than fifty feet (50') of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

(c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than fifty feet (50') of vertical height above the ground, except when such tree or structure, because of terrain, land

contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this chapter except as set forth in § 14-304(6).

(2) Existing uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, or structure, to become a greater hazard to air navigation than it was on the effective date of this chapter or than it is when the application for such a permit shall be granted.

(3) Nonconforming uses abandoned or destroyed. Whenever the city building official determines that a nonconforming use or structure has been abandoned or more than seventy-five percent (75%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

City of Jackson Zoning Ordinance. When a nonconforming use of a structure, or structure and premises, is discontinued, or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

Zoning Resolution of Jackson, Tennessee Planning Region. When a nonconforming use of any land or building has been discontinued for a period of one (1) year it shall not be reestablished or changed to any use not in conformity with the provisions of the district in which it is located.

Madison County Zoning Resolution Outer Region Abandoned--discontinuance of one (1) year.

(4) Variances. Any person desiring to erect or increase the height of any structure, or use property, not in accordance with the regulations prescribed in this chapter may apply to the board of zoning appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. Additionally, no application for variance to the requirements of this chapter may be considered by the board of zoning appeals unless a copy of the application has been furnished to the Jackson-Madison County Airport Authority for advice as to the aeronautical effects of the variance. If the Jackson-Madison County Airport

Authority does not respond to the application within fifteen (15) days after receipt, the board of zoning appeals may act on its own to grant or deny said application.

(5) Obstruction marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at owner's expense, such markings and lights as may be necessary. If deemed proper by the board of zoning appeals, this condition may be modified to require the owner to permit the airport authority at its own expense, to install, operate, and maintain the necessary markings and lights. (1995 Code, § 14-307)

14-308. Enforcement. It shall be the duty of the city building official to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the city building official upon a form published for that purpose. Applications required by this chapter to be submitted to the city building official shall be promptly considered and granted or denied. Application for action by the board of zoning appeals shall be forthwith transmitted by the city building official. (1995 Code, § 14-308)

CHAPTER 4

SIGN CONTROL¹

SECTION

- 14-401. Title, purpose and scope.
- 14-402. Definitions.
- 14-403. Permits; fees.
- 14-404. Inspection; maintenance, etc.
- 14-405. Permitted use, location of signs by zoning districts.
- 14-406. Regulations and limitations of permitted signs.
- 14-407. Special signs and sign districts.
- 14-408. Exempt signs.
- 14-409. Prohibited signs.
- 14-410. Legal nonconforming signs.
- 14-411. Construction specifications.
- 14-412. Removal and disposition of signs.
- 14-413. Sign code board of appeals.
- 14-414. Administration and enforcement.

14-401. Title, purpose and scope. (1) Title. This code shall be known as the "Sign Code of the City of Jackson" or may be so cited and pleaded and shall be referred to herein as the code.

(2) Purpose. The code creates the legal framework for signage regulations that are intended to facilitate an easy and agreeable communication between people. It recognizes the need to protect the safety and welfare of the public, the need for well maintained and attractive appearance in a community, and the need for adequate business identification and advertising and communication. This code recognizes that aesthetics and design quality cannot be satisfactorily legislated, as individual opinions vary and general public opinions vary from one area to another. It is recognized, however, that a great percentage of that which is unattractive can be eliminated by sensible quality control, through adequate maintenance and inspection and by reasonable guidelines formulated to minimize clutter.

This code authorizes the use of signs visible from public rights-of-way provided the signs are:

- (a) Compatible with their surroundings, pursuant to the objectives of proper design and zoning amenities.

¹Municipal code reference

Regulations governing political signs, handbills, etc: title 11, chapter 7. (Provisions governing political signs are also contained in this chapter.)

(b) Allowing and promoting optimum conditions for meeting the sign user's needs while at the same time promoting the amenable environment desired by the general public.

(c) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.

(d) Legible, readable and viable in the circumstances in which they are used.

(e) Respectful of the reasonable rights of other advertisers whose messages are displayed.

(3) Scope. The provisions of this chapter establish a uniform code relating to signs visible from public rights-of-way; prescribing regulations and standards; establishing a sign code board of appeals; providing for administration and procedures; requiring licenses and the payment of fees; providing for penalties.

The provisions of this chapter shall be effective and shall be applied to the entire area within the city and to any property owned by or under the jurisdiction of the city outside of its corporate limits. (1995 Code, § 14-401, as replaced by Ord. #2015-007, April 2015)

14-402. Definitions. As used in this chapter, the following definitions of terms shall apply:

(1) "Abandoned sign." A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

(2) "Administrator." The building inspector or his designated representative.

(3) "Advertising message." That copy on a sign describing products or services being offered to the public.

(4) "Animated sign." Any sign which includes action or motion. For purposes of this code, this term does not refer to flashing, changing or indexing, all of which are separately defined.

(5) "Architectural projection." Any projection not intended for occupancy which extends beyond the property line, not including signs, canopies or marquees.

(6) "Area of copy." The entire area within a single continuous perimeter which encloses the extreme limits of the advertising message, announcement or decoration on a facia or wall sign.

(7) "Area of sign." The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame, forms and integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled.

(8) "Architectural blade." A roof sign or projection sign with no legs or braces. Designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

(9) "Area of off-premise sign." Where poster panels or bulletins are installed back to back, one (1) face only is considered as area. If there is a difference, the larger face will be counted.

(10) "Awning." A temporary shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

(11) "Background area." The entire area of a sign on which copy could be placed, as opposed to the copy area, when referred to in connection with facia or wall signs.

(12) "Banner sign." A temporary sign composed of lightweight material enclosed or not enclosed in rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

(13) "Billboard." See "off-premise sign," "off-site sign" or "outdoor advertising (posters and bulletins)."

(14) "Building face or wall." All window and wall area of a building in one (1) plane or elevation.

(15) "Building frontage." The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

(16) "Building identification sign." A sign lettered to give the name of a building itself, as opposed to the name of occupants or services.

(17) "Bulletin." See "off-premises signs," "off-site sign" or "outdoor advertising."

(18) "Canopy (or marquee)." A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal or plastic.

(19) "Canopy or marquee sign." Any sign attached to or constructed in or on a canopy or marquee.

(20) "Changeable copy sign (manual)." A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

(21) "Changing sign (automatic)." A sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader-board, where different copy changes are shown on the same lamp bank.

(22) "Comprehensive design plan." Building design and signs integrated into one (1) architectural plan, the comprehensive plan being complete in all other building, structural and electrical requirements.

(23) "Copy (permanent and temporary)." The wording on a sign surface either in permanent or removable letter form.

(24) "Detailed sign." See "freestanding sign" or "ground sign."

(25) "Directional sign." Any sign which serves solely to designate the location or direction of any place or area.

(26) "Directly illuminated sign." Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

(27) "Embellishment." (a) Letters, figures, characters or representations in cutouts or irregular forms or similar ornaments attached to or superimposed upon the sign.

(b) Embellishment (decorative only). A purely decorative embellishment on a freestanding sign.

(28) "Erected." This term shall mean attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.

(29) "Exempt signs." Signs exempted from normal permit requirements.

(30) "Face of sign." The entire area of sign or which copy could be placed.

(31) "Facie sign (or wall sign)." A sign attached to or erected against a wall of a building, with the face horizontally parallel to the building wall.

(32) "Flashing sign." Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled merge centers are classed as "changing signs" not "flashing signs."

(33) "Freestanding signs." See "ground signs" or "detached signs."

(34) "Frontage." The length of the property line of any one premises parallel to and along each public right-of-way it borders.

(35) "Ground sign." A sign erected on a freestanding frame, mast or pole and not attached to any building. (See "detached sign" or "freestanding sign.")

(36) "Height of sign." The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway, which permits the greatest height to the highest point of said sign.

(37) "Identification sign." A sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupation of the person.

(38) "Illuminated sign." Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

(39) "Incidental sign." A sign pertaining to goods, products, services or facilities which are available on the premises where the sign is located.

(40) "Indirectly illuminated sign." Any sign which reflects light from a source intentionally directed upon--for example, by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.

(41) "Individual letter sign." Any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of or below a marquee.

(42) "Maintain." To permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.

(43) "Marquee (or canopy)." See "canopy (or marquee)."

(44) "Marquee sign (or canopy sign)." See "canopy or marquee sign."

(45) "Message." The wording or copy on a sign.

(46) "Mobile illuminated sign." Any sign which emanates light either by means of exposed tubing or lamps on its surface or by means of illumination transmitted through the sign faces and is designed so that it is capable of moving or being moved from one location to another on a temporary basis.

(47) "Multi-prism sign." Signs made with a series of triangular vertical sections that turn and stop, or index, to show three (3) pictures or messages in the same area.

(48) "Nameplate." A nonelectric sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located. If any premises include more than one (1) occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

(49) "Nonconforming sign (legal)." Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the preview of this code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this code, or a nonconforming sign for which a special permit has been issued.

(50) "On-premise sign (business sign)." Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

(51) "Off-premise sign (advertising sign)." This is a third party sign. It is a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is installed.

(52) "Outdoor advertising sign." Outdoor advertising signs which advertise goods, products or services are of three (3) main types:

(a) Poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of pasted paper.

(b) Multi-prism sign -- same as above, and alternating advertising messages on the one (1) display area.

(c) Painted bulletins, where the advertiser's message is painted directly on the background of a wall mounted or freestanding display area.

(53) "Pole sign." See "ground sign" or "freestanding sign."

(54) "Portable sign." The term "portable sign" shall apply to any sign ordinarily but not necessarily supported on a base and in no way attached or affixed to the ground, a building or other structure or object.

(55) "Projecting signs." A sign, other than a wall sign, which is attached to and projects from a structure or building face. The area of double faced projecting signs are calculated on one (1) face of the sign only.

(56) "Public service information sign." Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic, control, etc.

(57) "Real estate sign." Any sign pertaining to the sale, lease or rental of land or buildings.

(58) "Roof sign." Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

(59) "Rotating sign." Any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

(60) "Seasonal or holiday signs." Signs such as Christmas decorations, those used for a historic holiday and installed for a limited period of time.

(61) "Sign." Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also indicate all sign structures.

(62) "Sign structure." Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

(63) "Special purpose sign." Any sign other than a business, non-accessory, identification sign, including but not limited to traffic signs.

(64) "Swinging sign." A sign installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole.

(65) "Temporary sign." Temporary signs shall include any sign banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

(66) "Unlawful sign." A sign which contravenes this code or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment.

(67) "Wall sign (or fascia sign)." See "fascia sign."

(68) "Window sign." A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise

located in a window. (1995 Code, § 14-402, as replaced by Ord. #2015-007, April 2015)

14-403. Permits; fees. (1) Permits required. Except as otherwise provided in this code it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the city, or cause the same to be done, without first obtaining a sign permit for each such sign from the administrator as required by this code. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with the requirements of this code on the date of its adoption unless and until the sign is altered or relocated.

Every sign permit issued by the administrator shall become null and void if work is not commenced within one hundred twenty (120) days from the date of such permit. If work authorized by such permit is suspended or abandoned for one hundred twenty (120) days any time after the work is commenced, a new permit shall be first obtained to do so, and the fee will be one-half (1/2) the amount required for a new permit for such work, provided that no changes have been made in the original plans. Such permit may not be unreasonably withheld, providing that proper application and payment of permit fees is complied with.

(2) Federal or state licenses. Federal or state licenses as applicable. Any sign company seeking to erect, construct, enlarge, alter, repair, move, improve, maintain, convert or manufacture any sign shall demonstrate and register with the city a statement that they have all of the necessary licenses from all other governmental agencies applicable, or shall be represented by a duly licensed agent or subcontractor.

(3) Application for permit. Application for a permit shall be made to the administrator upon a form provided by the administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city, including:

- (a) Name and address of owner of the sign.
- (b) Name and address of owner or the person in possession of the premises where the sign is located or to be located.
- (c) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises.
- (d) Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, materials of the sign and method of attachment and character of structural members to which attachment is to be made. The design, quality, materials and loading shall conform

to the requirements of the International Building Code (IBC)¹ as amended. If required by the administrator, engineering data shall be supplied on plans submitted certified by a duly licensed engineer.

(4) Issuance or denial. The administrator shall issue a permit for the erection, alteration, or relocation of a sign within the city when an application therefor has been properly made and the sign complies with all appropriate laws and regulations of the city.

The administrator may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

(5) Effect of issuance. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

(6) Permit fees. Application for permits shall be filed with the administrator, together with a permit fee as specified in this section for each sign in accordance with the following schedule; provided, however, that the minimum fee for a permit, including any permit costs for electrical components and or connections which shall be no less than one hundred dollars (\$100.00) per connection and sign permit shall be not less than fifteen dollars (\$15.00) for any sign. In addition, when any sign is hereafter erected, placed, installed or otherwise established on any property prior to obtaining permits as required by this section, the fees specified hereunder shall be doubled but the payment of such double fee shall not relieve any person from complying with other provisions of this section or from penalties prescribed herein:

Sign permit fees - Minimum fee \$15.00

On-premise sign - \$1.00 per sq. ft.

Off-premise sign - \$1.00 per sq. ft.

(a) On-premise signs. All on-premise signs visible from a public street shall be calculated at a basis of one dollar (\$1.00) a square foot.

(i) The calculation on a freestanding pole, ground, monument or any similar or roof sign shall be based only on one (1) face of the sign. That calculation shall be based on the largest face of the sign.

(ii) Facia or wall signs. Only the copy area as defined in this code shall be included in the above-mentioned fee.

(b) Off-premise signs. (Billboard) Off-premise signs shall have a fee based at one dollar (\$1.00) per square foot. This fee shall relate to

¹Municipal code reference

International Building Code Adopted: title 12, chapter 2.

only one (1) face of the sign but be calculated on whichever is the largest exposed face of the sign and shall be based on the total changeable copy area of the largest face on the off-premise signs that can be seen at any one given time. Off-premise signs are required to be submitted with engineers stamp and shall be subject to plans review and any fees associated with that review process.

(7) Sign permit appeals. (a) Appeal from denial of permit. Appeal may be taken to the sign code board of appeals from the administrator's denial of a sign permit.

(b) Appeal from failure of administrator to grant permit within ten (10) days. The administrator's failure to either formally grant or deny a sign application within ten (10) days of the date an application meeting the requirements of this code is filed, shall be grounds for appeal to the sign code board of appeals, under the terms of § 14-413(5) of this code.

(8) Notice of change of sign owner or user. Whenever there is a change in the sign user or owner, the sign owner shall forthwith notify the administrator of the change. No new sign permit is required, unless the sign is altered or relocated. (1995 Code, § 14-403, as replaced by Ord. #2015-007, April 2015)

14-404. Inspection; maintenance, etc. The person erecting, altering or relocating a sign shall notify the administrator upon completion of the work for which permits are required.

(1) Inspections. All freestanding signs shall be subject to a footing inspection and all signs to a final electrical inspection by the administrator.

(2) Sign permit renewal and certification. (a) All signs erected shall be inspected every two (2) years to determine that the sign has been maintained in such a manner as to ensure that the sign is in a safely maintained condition as to the electrical, structural and material specifications of this code, and shall be tagged to so signify.

(b) Any sign for which the two (2) year inspection permit has not been secured and the sign duly tagged with date of the appropriate month shall be removed at the owner's expense after thirty (30) days from written notification. The written notification shall come from the administrator.

(c) Fees for the two (2) year inspection permit shall be five dollars (\$5.00) when a licensed sign company shall duly certify and file with the city that the sign meets all of the structural, electrical and material specifications set out in this code, and ten dollars (\$10.00) when the sign is inspected by the city.

(d) All signs shall bear a label provided by the administrator which identifies the permit number under which the sign was constructed. These labels shall indicate month and year of issue.

(e) The biennial tag for the certification that the sign is in a safe condition as to its material, electrical and structural application shall be issued in two (2) alternative methods:

(i) A licensed sign company shall duly certify and file with the city that the sign meets all of the structural, electrical and material specifications set out in this code or the laws or regulations of the city at the time the sign was covered; or

(ii) Alternatively, the city shall send out an inspector and the inspector shall verify that the sign is in a safe condition with respect to its physical characteristics.

(3) Maintenance. Every sign in the city, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in good structural condition at all times. All signs, including those exempted, shall be kept neatly painted, including all metal parts and supports by which these conditions are deteriorating. The administrator shall inspect and have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

(4) Signs declared unlawful. The administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state in writing the reasons of the administrator for stating that the sign constitutes a safety hazard to the general public. Any sign owned, kept, displayed or maintained by any person within the city, the ownership keeping a display which is unlawful pursuant to the provisions of this code, is hereby declared to be in violation of this code. The administrator may declare any such sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this code. (1995 Code, § 14-404, as replaced by Ord. #2015-007, April 2015)

14-405. Permitted use, location of signs by zoning districts.

(1) Residential districts. Within any residential district, signs or nameplates are permitted as follows:

(a) Exempt signs as outlined in § 14-408(2).

(b) A free standing sign not to exceed fifty (50) square feet in area may be permitted as special exceptions as stated in the district regulations of the zoning ordinance. Such signs shall not be located closer than twenty feet (20') to any property line. Said sign shall not exceed fifteen feet (15') in height. However, if a property has five hundred feet (500') or more of lot width, or if it has more than one (1) street providing access, a maximum of two (2) freestanding signs would be allowed.

(c) Signs denoting future development as outlined in § 14-407(1).

(d) Off-premise signs are prohibited.

(2) Commercial districts. Within the commercial districts, signs are permitted as follows:

(a) Exempt signs as outlined in § 14-408(2).

(b) Permitted uses, location of signs by zoning districts.

On-premise signs shall be permitted as incidental or accessory uses in the B-1, B-2, B-3, B-4, B-5 I-O, O-C, O-R and O districts, not to exceed the type and number of signs as regulated within this chapter. In the SC-1 (planned unit commercial development) districts, business signs shall be designed as an integral part of the development and the following standards shall apply:

(i) Within the SC-1 (planned unit commercial development) district, planned commercial centers may have a multi-tenant freestanding sign not to exceed two hundred fifty (250) square feet in area or thirty-five feet (35') in height and shall be located a minimum of fifteen hundred (1,500) linear feet from another multi-tenant freestanding sign. All such signs shall be located at an existing or planned driveway entrance to the center they serve; and

(A) Shopping center signs may be located at driveway locations which serve as primary access to the shopping center, without consideration to the location of the property lines within the development and would not be considered an off-premise sign.

(ii) Within the SC-1 (planned unit commercial development) district, in instances where a planned commercial center has more than one (1) street frontage providing access to the center, one (1) additional freestanding ground sign, not to exceed one hundred fifty (150) square feet in area or twenty-five feet (25') in height, may be erected, provided the additional sign is located on and oriented toward an alternate street providing access to the center; and

(iii) Within the SC-1 (planned unit commercial development) district, out parcels which are approved in conjunction with planned commercial centers or which later platted and approved by the planning commission, may be allowed one (1) freestanding sign not to exceed one hundred fifty (150) square feet in area or twenty-five feet (25') in height.

(iv) Notwithstanding any provision above, no out parcel or single use lot in SC-1 (planned commercial development) district, shall be allowed more than one (1) freestanding ground sign.

(c) Off-premise signs are prohibited in the B-1, B-2, SC-1 (except when approved by planning commission), O-R, O-C and O

districts. In other commercial districts, off-premise signs shall be governed by § 14-406(12).

NOTE: Notwithstanding the provision of § 14-405, the City of Jackson Zoning Ordinance requires all ground signs in a SC-1, O-R, O, and O-C zone to be approved by the planning commission.

(3) Industrial districts. Within the industrial districts signs are permitted as follows:

(a) Exempt signs as outlined in § 14-408(2).

(b) On-premise signs shall be permitted as incidental or accessory uses in the I-0, I-1, I-2, and I-3 districts not to exceed the type and number of signs as regulated within this chapter.

(c) Off-premise signs are permitted in the I-0, I-2 and I-3 districts subject to the provisions of § 14-406(2) of this code. Off-premise directional signs only are permitted in the I-1 district.

(4) Other zoning districts. (a) A-0 Agricultural and open land districts. Same as § 14-405(1).

(b) F-1 (Flood hazard) district signs are allowed, as regulated by the underlying zoning classification.

(c) H-C Historical-cultural district. All signs shall be governed by specific district regulations, subject to approval by the historic zoning commission. (1995 Code, § 14-405, as replaced by Ord. #2015-007, April 2015)

14-406. Regulations and limitations of permitted signs. (1) Area and height of signs. Maximum net area of all on-premise signs and height of on-premises freestanding signs shall not exceed the following:

District	Maximum Size	Maximum Height
B-1	A maximum allowable sign area of two (2) square feet for each linear foot of lot frontage, not to exceed two hundred (200) square feet per sign. However, where there are multiple businesses housed in a building or series of attached buildings, a maximum sign area of three hundred (300) square feet is allowed.	25
B-2		50
B-3		50
B-4		50
B-5		50
I-O		25
O-C		25
O		
O-R	A maximum allowable sign area not to exceed sixteen (16) square feet in area.	5
SC-1	As regulated under § 14-405(2).	

I-1	A maximum sign area of three (3) square feet for	50
I-2	each linear foot of lot frontage, not to exceed three	50
I-3	hundred (300) square feet.	50

Any property zoned B-41 B-5, or SC-1 which is within a one thousand five hundred foot (1,500') radius from the center point of an Interstate 40 interchange may have a height and area bonus for one of its allowable freestanding on-premise signs. This sign shall not exceed fifty feet (50') in height, as measured from the nearest grade of Interstate 40 provided the following conditions are met;

(a) The sign shall not exceed three hundred (300) square feet

(b) The sign is located and oriented toward Interstate 40, and adheres to all other provisions of this ordinance;

(c) The sign's location is one thousand feet (1,000') from any residential developed property or developing property.

(d) The other on premise freestanding signs allowed on the lot be limited to a maximum height of twenty-five feet (25').

(2) Freestanding (ground) signs (on-premise). In any zone (other than SC-1 which is regulated in § 14-405(2) the following shall apply:

(a) One (1) ground sign is permitted for each premises having frontage on a public right-of-way.

(b) Where a parcel has in excess of two hundred feet (200') of frontage, one (1) additional freestanding sign may be erected.

(c) The occupant may elect to combine the allowable area of two (2) freestanding signs, where permitted, into one (1) freestanding ground sign with a maximum allowable area in accordance with § 14-406(1). However where a lot has more than one (1) street frontage, the combination of allowable sign areas is limited to the primary street frontage of the lot with the remaining frontage(s) limited to one (1) sign each, not exceeding two hundred (200) square feet in area.

(d) Where a premises fronts on more than one (1) public right-of-way, or street, excluding alleys and service ways, the provisions of subsection (2)(b) of this section shall apply to each frontage.

(e) Residential proximity. Where premises zoned for commercial or industrial use are within one hundred feet (100') of the nearest boundary of any premises zoned for single-family or multiple-family residential use on the same public right-of-way, freestanding signs and roof signs erected and maintained on the commercial or industrial premises may not exceed twenty-five feet (25') in height. A freestanding sign or roof sign must be set back from the public right-of-way from which it is intended to be viewed, the same distance as any residentially zoned property facing the same public right-of-way within one hundred feet (100') from the sign. This provision

affects only signs on commercial and industrial premises on the same block and on the same right-of-way as residential premises.

(f) **Minimum clearance.** Where a freestanding sign projects over a vehicular traffic area, such as driveway or parking lot aisle, the minimum clearance between the bottom of the sign and the ground shall be fourteen feet (14').

(g) Where there is more than one (1) use housed in a building or series of attached buildings it shall be considered as a planned commercial development. Freestanding signage for such development shall be limited to one (1) sign per street frontage, exclusive of out parcels.

(h) Freestanding signs projecting over public rights-of-ways are prohibited.

(i) All on-premise signs shall be set back a minimum of fifteen feet (15') from the edge of any street curb, or where there is not a curb, then to the edge of the pavement.

(3) **Wall (facia) signs.** (a) **Area limits.** An area equal to twenty-five percent (25%) of the solid wall area of each building elevation may contain wall signage. Twenty-five percent (25%) of the glass area of each building face may contain window signage. The allowable sign area for one side of a building may not be combined with any other elevation allowable sign area.

(b) Where individual mounted letters are used without a sign background, the foregoing percentages will apply, but will be computed on the area of the total facade between the lintel bar and the parapet on a one (1) story building, or between the lintel bar and the floor level of the floor above on a multi-storied building.

(c) The frontage factor is relative to each tenant's building frontage facing on each public right-of-way, excluding alleys and service ways.

(d) Premises fronting on more than one (1) public right-of-way may not combine permissible signs for one (1) frontage with another frontage for the purpose of placing the combined area of signs on one (1) frontage.

(e) Any identification wall signs with non-illuminated letters up to but not exceeding three inches (3") in height nor four (4) square feet in area are not restricted and may be permitted in addition to regulated signage.

(4) **Roof signs.** All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron support structure facing the traffic flow. On all buildings constructed after adoption of this code, roof signs shall be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from

all sides is such that they appear to be a part of the building itself. A roof sign shall not exceed twenty-four feet (24') in height above the roof level.

The allowable area for a wall sign may be utilized instead for the purpose of placing a roof sign on a building. Please see § 14-406(3) for area limits for a wall sign.

(5) Projecting signs. (a) Any one (1) tenant with frontage on a public right-of-way is permitted to have one (1) projecting sign along the public street. The projecting sign may exist instead of, but not in addition to, a freestanding sign or roof sign. Where a premises is allowed two (2) freestanding signs, the occupant may elect to substitute a projecting sign for one (1) of the freestanding signs. If a premises has more than one hundred feet (100') of frontage along any one right-of-way the occupant may have two (2) projecting signs.

(b) Subject to absolute limits of ten feet (10') zero inches from the property line and two feet (2') back from the curb line, projection over public domain is limited to three inches (3") for each linear foot of building front measured from the sign location to the nearest side line of premises. Subject to the same maximum limits, signs on corner properties installed at forty-five degrees (45°) to the corner are permitted a twenty percent (20%) increase on the formula.

(c) No projecting sign may rise more than six feet (6') above the top of a parapet.

(d) Minimum clearance. Projecting signs shall have a minimum clearance of eight and one-half feet (8 1/2') between the bottom of the sign and the ground.

(e) Illumination. Any sign projecting over a public street which utilizes illumination shall be directly illuminated (electric), except for awnings.

(6) Canopy (or marquee) signs. Where canopy signs are allowed such signs shall be subject to the following conditions:

(a) Canopy signs may be attached to, or hung from a canopy (or marquee), and such sign when hung from a canopy shall be at least eight feet (8') at its lowest level above the sidewalk or ground level, and further, no sign shall extend outside the line of such canopy. Canopy signs may be attached to the sides and front of a canopy (or marquee), and such sign may extend the entire length and width of said canopy, provided such sign does not extend more than six feet (6') above, nor one foot (1') below such canopy, but under no circumstances, shall the sign or signs have a vertical dimension greater than eight feet (8').

(b) Area of copy may be three (3) square feet per linear foot of canopy front and sides. Copy area allowed for one (1) facing cannot be added to that allowed for other facings. Subject to the minimum height limit of eight feet (8') from the sidewalk, copy may be installed above, on the face of, or below the canopy proper, provided that where such sign is

installed above or below, copy area will be computed on the total of the sign face and the canopy apron proper.

(c) On places of public entertainment such as theaters, arenas, meeting halls, etc., where one (1) or more changeable copy signs are allowed, the copy area allowance will be five (5) square feet per linear foot of canopy with a maximum total height limit of no more than eight feet (8') at any point.

(d) Signs attached to the underside of a canopy shall have a copy area no greater than six (6) square feet, with a maximum letter height of nine inches (9"), subject to a minimum clearance of eight feet (8') from the sidewalk, and shall be mounted as nearly as possible to right angles of the building face.

(7) Signs on awnings. Signs consisting of one (1) line of letters not exceeding nine inches (9") in height may be painted, placed, or installed upon the hanging border only of any awning erected and maintained in accordance with this code. An identification emblem, insignia, initial or other similar feature not exceeding an area of eight (8) square feet, may be painted, placed or installed elsewhere on any awning provided that any sign, emblem, insignia or other similar item shall comply with all other provisions of this code.

(8) Sloping roof signs. A sign may be attached to the fascia of or located on the sloping roof of a structure but may not be located so as to extend more than four feet (4') above the upper edge of the fascia of said sloping roof, but the top of the sign must be a minimum of one foot (1') below the top roof line. The allowable area for a wall sign may be utilized instead for the purpose of placing a sloping roof sign on a building. Please refer to § 14-406(3) for area limits for a wall sign.

(9) Mobile illuminated signs. A mobile sign may be permitted as a temporary sign in any commercial or industrial district subject to the following conditions:

(a) Mobile illuminating signs shall meet all applicable requirements of the National Electric Code (NEC), chapter 6, as adopted by the City of Jackson.

(b) Signs must be set back a minimum of ten feet (10') from all property lines except that signs may be located no less than fifteen feet (15') from the street or sidewalk (where provided). Mobile signs must not exceed thirty-two (32) square feet in area or a maximum of ten feet (10') in height.

(c) It is the intent of this section to limit a mobile sign for special occasions; therefore within one (1) calendar year a mobile sign may be permitted at one (1) location on two (2) occasions not to exceed thirty (30) days for each occasion.

(d) A mobile sign must meet all requirements as outlined in § 14-403(1).

(10) Other signs. (a) Incidental signs. Up to two (2) incidental signs may be attached to a freestanding sign structure or to a building wall, but may not be attached perpendicular to the wall. Such signs are restricted to trading stamps, credit cards accepted, official notices of services required by law, or trade affiliations. Area of each sign may not exceed five (5) square feet; the total area of all such signs may not exceed ten (10) square feet.

(b) Directional sign. One (1) such sign is permitted near each driveway. Area of each sign may not exceed twelve (12) square feet. Maximum permitted height shall be two and one-half feet (2 1/2').

(c) Manual or automatic changeable copy signs. Any of the types of signs permitted in this code may be permitted as manual or automatic changeable copy signs.

(11) Freestanding signs, decorative embellishments. On freestanding signs the sign structure may extend above the maximum allowable height of the sign for embellishment purposes. Under no circumstances, however may such extension exceed twenty percent (20%) of the maximum allowable height for the sign. Further, such embellishment shall not include thereon any symbol, representation, logogram, insignia, illustration, or other form of advertising message.

(12) Off-premise (outdoor advertising sign). Off-premise (third party or outdoor advertising) signs may be erected on ground or wall locations (and roof locations such as can be done within the regulations and limitations of roof signs) subject to the following conditions:

(a) Off-premise signs shall not be placed within a three-hundred foot (300') radius of another off-premise sign, except where they are along the same side of a street. Off-premise signs on the same side of a controlled access street shall not be placed closer together than one thousand feet (1,000'), measured along the street. Off-premise signs on the same side of all other streets shall not be placed closer than seven hundred feet (750') apart, measured along the street.

(b) Off-site signs can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction. However, double stacked signs are not prohibited.

(c) Off-premise signs located on controlled access streets shall not exceed seven hundred twenty (720) square feet in total area. Off-premise signs located on all other streets shall not exceed four hundred (400) square feet in area.

(d) Structures for off-premise signs shall be of vertical (cantilever) construction and where the back is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance.

(e) The area around off-premise sign structures shall be kept clean and all scrub brush, tall grass, etc., shall be cleared away to a

distance of at least five feet (5') to the rear and sides of structure as well as to the front property line, and if on a corner site to both property lines.

(f) Off-site directional signs shall conform to all the requirements for off-site third party signs. Site directional signs may be permitted in other zoning districts subject to review and approved by the board of review. Real estate signs exclusive to open house events shall be allowed to display as off-site directional signs when the property is located in and or on a secluded area or street.

(g) No part of any off-premise sign structure shall be closer to any street line than the front line of the nearest building within one hundred feet (100') and or the setback shall comply with the minimum setback requirement of § 14-406(2)(i).

(h) When an off-premise sign is erected between two (2) buildings that are within one hundred feet (100') of the structure, no part of said structure shall be erected closer to any street line than a line drawn from the nearest front corner of the two (2) buildings.

(i) No off-premise sign shall exceed fifty feet (50') in height as measured from street grade. (1995 Code, § 14-406, as amended by Ord. #2005-024, Aug. 2005, and replaced by Ord. #2015-007, April 2015)

14-407. Special signs and sign districts. (1) Subdivision development signs. The administrator may issue a special permit for a temporary sign in any zone in anticipation of future development of said premises:

(a) Legend. The sign may contain the name and nature of the proposed development, development firm, contractor, architect, real estate sales firm, and similar information peculiar to the development itself.

(b) Time limit. Such permits may be issued prior to development not to exceed one (1) year. The administrator may renew such permits for additional periods of up to one (1) year for each permit upon written application at least thirty (30) days prior to its expiration.

(c) Location. Any sign denoting future development shall comply with all applicable setback requirements for the zoning district in which the property is located.

(d) Size. Signs referred to in this section shall not exceed thirty-two (32) square feet in area and ten feet (10') in height.

(2) Signs for special events. Temporary signs, not in excess of four (4) square feet in area, may be erected as participation in a public parade, public event or public celebration for a period no to exceed ten (10) days; provided, however, the erection of such sign shall be approved by the administrator.

(3) Nonexempt signs for direction or instruction. Signs in excess of four (4) square feet in area which provide traffic direction or instruction to the public shall be allowed in any zone, provided such signs are located entirely on the property to which they pertain, and do not contain any advertising message.

In addition, the administrator, with the approval of the city traffic engineer, may authorize the placing of directional signs at appropriate street intersections or other locations for the convenience of the motoring public; such signs shall pertain to places of general interest such as schools, hospitals, public buildings, airports, fair grounds and other similar public service facilities. (1995 Code, § 14-407, as replaced by Ord. #2015-007, April 2015)

14-408. Exempt signs. (1) Permits exceptions. The following operations shall not be considered as creating a sign insofar as requiring the issuance of a sign permit, but the signs must be in conformance with all other building, structural and electrical laws and regulations of the city:

(a) Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message center or non-illuminated painted message which are all specifically designed for the use of replaceable copy.

(b) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of the plastic face will be included as an exempt operation, provided that it is due to a change caused by breakage and/or deterioration of the face, but not the substitution of a new or different advertiser.

(c) Changes in the content of show window displays and permitted temporary signs.

(2) Exempt signs. (a) Construction signs. Any sign denoting a construction project, provided that such signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed five (5) days after completion of construction and prior to occupancy. Each construction site shall be limited to one (1) construction sign not to exceed one-hundred (100) square feet in area or fifteen feet (15') in height.

(b) Direction or instruction sign. Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed four (4) square feet in area, signs identifying rest rooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and those of similar nature.

(c) Flags. The flags, emblems, or insignia of any nation or political subdivision or corporate flag.

(d) Governmental signs. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty.

(e) Holiday decorations. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days nor more than sixty (60) days in any one (1) year. Such signs may be of any type, number, area, height, illumination or animation; and shall be set back ten feet (10') from all boundary lines of the lot, provided that a clear area be maintained to a height of seventy-two inches (72"), within fifty-five feet (55') of the intersection of two (2) streets, a railroad and street and a street and driveway.

(f) House numbers and nameplates. House numbers and nameplates not exceeding two (2) square feet in area for each residential building.

(g) Interior signs. Signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater, that are not visible from the public right-of-way. This does not however exempt such signs from the structural, electrical, or material specifications as set out in this code.

(h) Memorial signs. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.

(i) Notice bulletin boards. Notice bulletin boards not over twenty-four (24) square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institution.

(j) No trespassing or no dumping sign. No trespassing or no dumping signs not to exceed two (2) square feet in area per sign and not exceeding four (4) in number per lot, except that special permission may be obtained from the administrator for additional signs under proven special circumstances.

(k) Plaques. Plaques or nameplate signs not more than two and one-half (2 1/2) square feet in area which are fastened directly to the building.

(l) Political and campaign signs.¹ Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:

¹Municipal code reference

Provisions regulating political and other signs, etc.: title 11, chapter 7.

(i) Said signs may be erected not earlier than forty-five (45) days prior to said election and shall be removed within five (5) days following said election.

(ii) No signs shall be located within or over the public right-of-way.

(m) Public notices. Official notices posted by public officers or employees in the performance of their duties.

(n) Public signs. Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute or ordinance under which the signs are erected.

(o) Real estate signs. One (1) real estate sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not directly illuminated. Residential real estate signs shall not exceed eight (8) square feet in area or four feet (4') in height. Real estate signs advertising commercial property shall not exceed thirty-two (32) square feet in area or ten feet (10') in height. These signs shall be removed within seven (7) days after the sale, rental or lease has been accomplished.

(p) Signs in the display window. Signs in the display window of a business use which are incorporated with a display of merchandise or display relating to services offered which comply with subsection (q) herein.

(q) Symbols or insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four (4) square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.

(r) Temporary signs. Temporary signs not exceeding thirty-two (32) square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that said signs are posted only during said drive or no more than thirty (30) days before said event and are removed no more than five (5) days after an event.

(s) Warning signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.

(t) Neighborhood identification sign. In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification,

provided that the legend of such sign or display shall consist only of the neighborhood or tract name.

(u) Petroleum marketing pumps and dispensers.

(v) Banners, search lights, balloons. (i) Up to two (2) banners may be permitted on any nonresidential zoned lot, for sixty (60) days per each occasion provided they are attached to either a permitted freestanding sign or to the face of a building. Said banners shall be subject to the maximum area provided in § 14-406(3) of this code as a part of the wall, window or freestanding sign they are attached to.

(ii) Searchlights, twirling signs, balloons or other gas-filled figures shall not be used on a permanent basis.

(iii) Signs described in (ii) above will be permitted at the opening of a new business or the reopening of an existing business to a commercial or industrial district for a total period not exceeding sixty (60) days.

(iv) Signs described in (ii) above will be permitted for special occasions; therefore within one (1) calendar year a sign(s) may be permitted at one (1) location on two (2) occasions not to exceed thirty (30) days for each occasion. Said signs may only be installed on the premises where advertised services/products are being provided/offered.

(v) All signs described in (i) and (ii) above shall be installed in a safe, secure and orderly manner and they shall be located so as to not obstruct traffic visions, nor block safe egress from any building or space.

(w) Flags (feather/corporate) and pennants. Up to three (3) flags are permitted on any lot denoting any nation, state, political, subdivision, religion, civic or fraternal organization or corporate entity. However, flags for civic or fraternal organizations or corporate flags shall only be allowed on property where said use is located. One (1) pennant and or feather flag (corporate) is allowed for each fifty (50) of street frontage, provided said pennants and or flags do not exceed nine (9) square feet in area or a height of twenty-five feet (25').

(x) Streamers. Streamers shall be permitted in the B-4, B-5 and I-O zoning districts, provided they are placed in a safe, secure and orderly manner; they shall provide a minimum fifteen feet (15') clearance where they are located over traffic areas; they do not obstruct vision to vehicular traffic at intersections, and are setback a minimum of ten feet (10') from any property line.

(y) Holiday decorations are exempt from sign code requirements, provided they are placed in a safe and secure manner and do not interfere with the safe and efficient movement of vehicular of

pedestrian traffic. (1995 Code, § 14-408, as replaced by Ord. #2015-007, April 2015)

14-409. Prohibited signs. The following types of signs are expressly prohibited in all districts, except as otherwise provided by this code:

(1) Animated and intensely lighted signs. No sign shall be permitted which is animated by means of sparkle, scintillating, blinking or travelling lights or any other means unless it is an integral part of a display providing constant illumination (and unless specifically permitted in special sign districts).

(2) Miscellaneous signs and posters. The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, or trees, poles, posts, fences or other structure is prohibited unless otherwise permitted by this code.

(3) Abandoned signs. Such business signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located, shall be prohibited.

(4) Parking of advertising vehicles prohibited. No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.

This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle.

(5) Public areas. No sign shall be permitted which is placed on any curb, sidewalk, post, pole, electrolier, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare except as may otherwise expressly be authorized by this code.

(6) Flags. Flags other than those of any nation, state or political subdivision or corporate flag are prohibited except as set forth in § 14-408(2)(w) of the previous section.

(7) Portable signs. "A" frame or sandwich board, sidewalk or curb signs and other portable type signs are prohibited.

(8) Unclassified signs. The following signs are also prohibited, which:

(a) Bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful;

(b) Are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address; this would not apply to signs not visible from the public rights-of-way;

- (c) Operate or employ any stereopticon or motion picture projection or media in conjunction with any advertisements, or give the illusion of motion except as permitted in this code;
- (d) Emit audible sound, odor, or visible matter;
- (e) Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal, or which bear the words "Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words;
- (f) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic-control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.¹ (1995 Code, § 14-409, as replaced by Ord. #2015-007, April 2015)

14-410. Legal nonconforming signs. (1) Legal nonconforming signs.

(a) Signs eligible for characterization as "legal nonconforming." Any sign located within the city limits on the date of adoption of this code, or located in an area annexed to the city thereafter, which does not conform with the provisions of this code, is eligible for characterization as a "legal nonconforming" sign and is permitted, provided it also meets the following requirements:

(i) The sign was covered by a sign permit or variance on the date of adoption of this code if one was required under applicable law; or

(ii) If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of this code.

(b) Loss of legal nonconforming status. A legal nonconforming sign shall immediately lose its legal nonconforming designation if:

(i) The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance), which makes the sign less in compliance with the requirements of this code than it was before the alteration; or

(ii) The sign is relocated to a position making it less in compliance with the requirements of this code; or

(iii) The sign is replaced; or

(iv) On the happening of any one of (i), (ii), or (iii) the sign shall be immediately brought into compliance with this code with a new permit secured therefor, or shall be removed.

¹Municipal code reference

Similar provisions governing traffic control signs: title 15.

(2) Legal nonconforming sign maintenance and repair. Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this code regarding safety, maintenance and repair of signs, contained in this code, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming, or the sign may lose its legal nonconforming status. (1995 Code, § 14-410, as replaced by Ord. #2015-007, April 2015)

14-411. Construction specifications. (1) Compliance with building code and electrical code.¹ All signs shall comply with the appropriate detailed provisions of the city building code relating to design structural members and connections. Signs shall also comply with the provisions of the applicable electrical code and the additional construction standards hereinafter set forth in this section. Electrical permits shall be required for any and all electrical connections made to an existing or new sign.

(2) Construction of signs; auxiliary specifications. (a) Sign identification tag. Each sign shall have a two by four inch (2" x 4") sticker placed on the sign or on the premises that is clearly visible and acceptable to the administrator. The tag identifies the permit number that was originally issued by the administrator. This sticker shall be renewed on a biennial basis as provided for in this code.

(b) Obstruction to exits. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

(c) Obstruction to ventilation. No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such signs may be erected in front of and may cover transom windows when not in violation of the provision of the building or fire prevention codes.

(d) Clearance from high voltage power lines. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with national electrical code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than twenty-four inches (24") horizontally or vertically from any conductor or public utility guy wire.

(e) Drainage. The roofs of all marquees exceeding forty feet (40') shall be properly drained so that water will not drip or flow onto public sidewalks or streets.

¹Municipal code reference

Building and utility codes adopted: title 12.

(3) Freestanding signs; materials. All freestanding sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated from such materials as may be set forth by the building code.

(4) Electric signs. All electric signs shall comply with the electrical code as adopted. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electric signs shall have a disconnecting switch located in accordance with the provisions of the electrical code.

(5) Glass. When glass is used for sign letters or transparent panels, it shall be at least double strength thickness for sign areas up to and including three hundred (300) square inches. When glass is used for sign letters or transparent panels for sign areas in excess of three hundred (300) square inches at least one-quarter inch (1/4") wire glass shall be used and the maximum span between supports shall be four feet (4'). This does not include neon tubing.

(6) Strength of parapet wall. A parapet wall must be designed for and have sufficient strength to support any sign which is attached thereto. (1995 Code, § 14-411, as replaced by Ord. #2015-007, April 2015)

14-412. Removal and disposition of signs. (1) Maintenance and repair. Every sign including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign. The administrator shall require compliance with all standards of this code. If the sign is not made to comply with adequate safety standards the administrator shall require its removal in accordance with this section.

(2) Abandoned signs. Except as otherwise provided in this code, any sign which is located on property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

(3) Dangerous or defective signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.

(4) Unlawful signs. No person shall erect on any premises owned or controlled by him any sign which does not comply with the provisions of this code.

(5) Removal of signs by the administrator. The administrator shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous, or materially, electrically or structurally defective sign or a sign for which no permit has been issued. The procedure for removal of said signs is as follows:

(a) Permanent, attached signs. The sign administrator all prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days the sign shall be removed in accordance with the provisions of this section.

For all such signs the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.

All notices mailed by the administrator shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail.

Any person having an interest in the sign or the property may appeal the determination of the administrator ordering removal or compliance by filing a written notice of appeal with the sign code board of appeals within ten (10) days after the date of mailing the notice, or ten (10) days after receipt of the notice if the notice was not mailed.

Notwithstanding the above, in cases of emergency, the administrator may cause the immediate removal of a dangerous or defective sign without notice.

(b) Mobile signs, banners pennants, search lights, twirling signs, balloons or other temporary type signs. The administrator shall prepare a notice which shall describe the sign and specify the violation(s) involved and which shall state that if the sign is not removed or the violation is not corrected within seventy-two (72) hours, the sign shall be removed in accordance with the provisions of this section.

The notice shall be delivered in person or by certified mail to the person(s)/company/organization using the sign for advertisement. In the case where the person(s)/company/organization using the sign cannot be identified and/or located, no such notice shall be required.

In case of mobile illuminating signs, the administrator may notify the company which owns the sign in lieu of the sign user and follow the procedure listed below. If the owner of the sign(s) can be determined by the permit information and /or markings on the sign itself, the sign owner shall be notified in one (1) of the following manners:

- (i) By telephone (including fax)
- (ii) In person. Said notice shall be given within twelve (12) department working hours. If three attempts to notify the sign owner have failed, no such notice shall be required.

In addition to the above notice, said signs shall be marked with a notice. The notice shall state the sign is in violation of the City of Jackson sign code and will be removed in seventy-two (72) hours if violations are not corrected. The notice shall identify the time and date the notice was posted and include the phone number to contact the administrator or his agent to identify violations. Unauthorized removal of said notice shall be unlawful.

(c) Notwithstanding the above, in cases of emergency, the administrator may cause the immediate removal of a dangerous or defective sign without notice.

(6) Disposal of signs; fees. Any sign removed by the administrator pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall be considered a debt owed to the city by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the city or by assessment against the property as hereinafter provided. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

(a) If it shall be necessary for the administrator to remove a sign pursuant to the provisions hereof, the administrator shall certify to the city recorder the description of the property upon which the work was done, together with the name of the owner thereof, as shown by the city tax rolls, together with a statement of work performed, the date of performance and the cost thereof.

(b) Upon receipt of such statement, the city recorder shall mail a notice to the owner of said premises as shown by the tax rolls, at the address shown upon the tax rolls, by certified mail, postage prepaid, notifying such owner that the work has been performed pursuant to this code, stating the date of performance of the work, the nature of the work, and the demanding payments of the costs thereof (as certified by the administrator), together with five percent (5%) for the inspection and the other incidental costs in connection therewith. Such notice shall state that if said amount is not paid within thirty (30) days of mailing the notice, it shall become an assessment upon and a lien against the property of said owner, describing the same, and will be certified as an assessment against the property, together with a ten percent (10%) penalty, for collection in the same manner as the real estate upon the property.

(c) If the city recorder shall not receive payment within a period of thirty (30) days following the mailing of such notice, the recorder shall

inform the city council of such fact and the council shall thereupon enact a resolution assessing the whole cost of such work, including five percent (5%) for inspection and other incidental costs in connection therewith upon the lots and tracts of land from which the sign has been removed, together with a ten percent (10%) penalty for the cost of collection.

(d) Following passage of such resolution, the city recorder shall collect the assessment in the same manner as other taxes are collected. (1995 Code, § 14-412, as replaced by Ord. #2015-007, April 2015)

14-413. Sign code board of appeals. (1) Sign code board of appeals created. There is hereby created a sign code board of appeals (hereinafter referred to as the "board") to review decisions of the administrator, to grant variances from the requirements of this code, to make suggestions for the amendment of this code, and to advise the administrator.

(2) Membership of board. The membership of the board of zoning appeals shall also serve as the sign code board of appeals. The board shall consist of five (5) voting members and two (2) nonvoting members all of whom shall be appointed by the mayor and confirmed by the city council. Each member shall serve without compensation and for a term of three (3) years, or until his successor is appointed after the expiration of his term. First appointees to the board shall, however, serve staggered terms of: One (1) for one (1) year; two (2) for two (2) years, and two (2) for three (3) years, respectively. Vacancies on the board shall be filled by appointment of the city council for the unexpired term of the vacating member.

(a) Identity of voting members. The five (5) voting members of the board shall represent the interests of the city as a whole. No voting member shall be a city employee or have any financial interest in the sign industry.

(b) Identity of nonvoting members. Of the two (2) nonvoting members of the board, one (1) shall be or have been actively employed in or by the sign industry, and the other shall be or have been active in groups or organizations principally interested in environmental beautification or betterment.

(3) Board jurisdiction and power. The board shall have the power and duty to:

(a) Hear and decide appeals by the sign permit applicant from a decision of the administrator denying, or failing to grant a sign permit within ten (10) days of application;

(b) Grant variances from the requirements of this code as part of the disposition of an appeal from action of the administrator denying or failing to grant a sign permit;

(c) Hear and decide appeals of a determination by the administrator that a sign must be removed for noncompliance with this code; or

(d) Make recommendations to the city council for changes to this code;

(e) Give advice to the sign code administrator.

(4) Criteria for board decision. (a) Appeals without petition for variance. In appeals to the board from decisions of the administrator denying a sign permit in connection with which no petition for variance has been filed, the board's scope of review shall be limited to determining whether or not the administrator's decision is in accordance with the requirements of this code and accordingly, affirm or reverse his decision. No variance from the requirements of this code shall be granted or allowed. If the administrator's decision is reversed, the board shall direct the administrator to issue the permit in accordance with its decision. If the administrator fails to do so for five (5) days from receipt of the direction from the board, the board may issue the permit.

In appeals from failure of the administrator to grant a permit within ten (10) days of application, the board shall determine whether the sign and the application meet the requirements of this code. If so, the board shall grant the permit; if not, the board shall deny the permit. No variance from the requirements of the code shall be granted or allowed.

(b) Apply with petition for variance. In appeals from decisions of the administrator denying or refusing to grant a sign permit in connection with which the appealing party or any other interested party has filed a petition for variance, the board shall have the power and duty to hear, decide and grant or deny the requested variance from the provisions or requirements of this code. The board may grant a variance from the provisions or requirements of this code only where:

(i) The literal interpretation and strict application of the provisions and requirements of this code would cause undue and unnecessary hardship to the sign user because of unique or unusual conditions pertaining to the specific building or parcel or property in question; and

(ii) The granting of the requested variance would not materially be detrimental to the property owners in the vicinity; and

(iii) The unusual conditions applying to the specific property do not apply generally to other properties in the city; and

(iv) The granting of the variance will not be contrary to the general objective of this code of moderating the size, number and obtrusive placement of signs and the reduction of clutter. Where there is insufficient evidence, in the opinion of the board, to support a finding of "undue and unnecessary hardship" under § 14-413(4)(b)(i) above, but some hardship does exist, the board may consider the requirement fulfilled if:

(A) The proposed signing is of particularly good design and in particularly good taste; and

(B) The entire site has been or will be particularly well landscaped. In granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this code in the public interest.

(5) Perfection of appeal. An appeal with or without petition for variance may be considered by the board only if:

(a) Written notice of appeal, with or without petition for variance, is filed with the board:

(i) Within ten (10) days of the decision of the administrator denying a sign permit;

(ii) Within twenty (20) days of the submission of a sign permit application which the administrator has neither granted or denied within ten (10) days.

(b) The notice of appeal is accompanied by a fee of one hundred dollars (\$100.00) this fee shall be paid at the time of the petition.

(c) The application shall be completed and received by the administrator at least twenty-one (21) days prior to the meeting date at which the petition is to be considered. The board shall, on its own motion, or on the motion of any interested party, dismiss an appeal for failure of the appellant to meet any of the requirements of this section or for failure of the appellant to otherwise diligently prosecute the appeal, or if the board finds the appellant has made any knowingly false or misleading statements or representations in his sign application or appeal.

(6) Board procedure. (a) General. The voting members of the board shall choose a chairman from among their number who shall serve a term of one (1) year. The board shall adopt rules and regulations for its own government. The presence of at least three (3) of the five (5) voting members of the board and an affirmative vote of a majority of those present at any meeting shall be required for any board decision or action.

(b) Procedure upon appeal; delivery of sign application to board. Notice of appeal shall be filed with the administrator for delivery to the board. The administrator shall promptly transmit to the sign code board of appeals, the appropriate application for a sign permit, the written notice of denial with reasons therefor, together with all plans, specifications and other papers pertaining to the application. When the appeal is from failure of the administrator to grant a permit within ten (10) days, the administrator shall, in addition to the foregoing, furnish the board with a brief written statement of the reasons for the failure.

(c) Statement in support of administrator's position. Upon any appeal, the administrator may, in his discretion, furnish the board with

a written statement of his position on the appeal and may therein reply to the position of the appellant. Such statements must be filed with the board of appeals at least five (5) days in advance of the hearing on the appeal.

(d) Administrator's appearance at the hearing. The administrator shall attend and state his position at any appeal or variance hearing.

(e) Frequency of meeting. The board shall meet at least once every thirty (30) days, unless canceled on recommendation of the administrator.

(7) Advice from board of appeals. The administrator may seek the advice of the board of appeals on novel or difficult situations, signs, or questions that arise under this code. However, such advice given shall not bind the administrator.

(8) Board hearings. (a) Notice of hearings. The board shall hear and decide appeals within thirty (30) days of the filing of the notice of appeal. Prior to taking action on an appeal the board shall hold a public hearing. It shall give at least ten (10) days public notice of the time and place of hearing, with said notice being published in a newspaper of general circulation within the city.

(b) Hearings. All hearings of the board shall be open to the public, and those in attendance shall be afforded an opportunity, the length and conditions of which shall be prescribed by the board, to address the board on issues to be determined. The appellant and the administrator shall be afforded an opportunity to address the board on any matter at issue. Any party or interested person may be represented by another at the hearing.

(c) Hearing minutes and decision. The board shall keep minutes of its proceedings, on any appeal together with its findings of fact in support of that decision, all of which shall be open to public inspection.

(9) City review of board decisions by city council. Review or appeal of any board decision may be taken by any interested person to the city council.

(a) The petition for review must be served on the city council within fifteen (15) days of the board's decision.

(b) The record transmitted by the board shall include the minutes of the hearing in its approved form.

(10) Clerical assistance for board. The office of the building department shall furnish the board with the clerical and administrative assistance that it requires. (1995 Code, § 14-413, as replaced by Ord. #2015-007, April 2015)

14-414. Administration and enforcement. (1) Appointment of code administrator; authority generally. The administrator shall be appointed by the mayor and shall serve at the pleasure of the city council. The administrator is hereby authorized and directed to enforce and carry out all provisions of this

code, both in letter and spirit, with vigilance and with all due speed. The administrator is authorized to promulgate regulations and procedures consistent with the purpose of this code, toward that end. The administrator is further empowered to delegate the duties and powers granted to any imposed upon him under this code. As used in this code, "administrator" shall include his authorized representative.

(2) Inspection by administrator. The administrator is hereby empowered to enter or inspect any building, structure, or premises in the city upon which, or in connection with which a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections, and to insure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.

(3) Code violations and enforcement. The remedies provided in this section, for violations of or failure to comply with provisions of this code, whether civil, criminal, or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law.

(4) Civil remedies. The violation of or failure to comply with any of the provisions of this code, or the erection, use or display of any sign not in compliance with all of the provisions of this code shall be and hereby is declared to be unlawful.

(5) Injunction and abatement. The city, through its authorized agents, including the administrator as defined in this code, may initiate injunction or abatement proceedings or other appropriate action in a court of competent jurisdiction against any person who violates or fails to comply with any provision of this code or the erector, owner or user of an unlawful sign or owner of the property on which an unlawful sign is located, to prevent, enjoin, abate or terminate violations of this code and/or the erection, use or display of an unlawful sign.

(6) Criminal penalty. The violation of or failure to comply with any of the provisions of this code or the erection, use, or display of any sign not in compliance with all of the provisions of this code shall be and hereby is declared to be a misdemeanor.

Upon conviction, any person in violation of or failure to comply with any of the provisions of this code or the owner or user of an unlawful sign or the owner of the property upon which an unlawful sign is located, shall be punished according to the general penalty provision of this code of ordinances. Provided, however, that the owner of property on which an unlawful sign is located, who is not also the owner or user of the unlawful sign, shall be subject to the said misdemeanor penalties only if demand for removal or alteration of the unlawful sign shall have been mailed by registered mail, return receipt requested, to said owner and the demand has remained uncomplished with for more than thirty (30) days.

(7) Assurance of discontinuance. The administrator shall obtain an assurance of discontinuance of any act or practice deemed in violation of this code or of any rule or regulation adopted pursuant hereto, from any person engaging in, or who has engaged in such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facia proof of a violation of this code or any rule or regulation adopted pursuant hereto or order issued pursuant thereto, which make the alleged act or practice unlawful for the purpose of securing any injunctive relief from a court of competent jurisdiction. (1995 Code, § 14-414, as replaced by Ord. #2015-007, April 2015)

CHAPTER 5**EROSION AND STORMWATER CONTROL****SECTION**

- 14-501. Purpose.
- 14-502. Permit required.
- 14-503. Exemption.
- 14-504. Procedure.
- 14-505. Appeals.
- 14-506. Variances.
- 14-507. Remedies and penalties for violation.

14-501. Purpose. Within the City of Jackson, soil erosion and stormwater from construction sites contribute to the impairment of the flood plain, increased street maintenance cost, clogging of storm sewers, degradation of land surfaces and streams, flooding and dusty conditions. This chapter is to authorize the establishment of procedures to reduce erosion and sediment problems resulting from the development process of land within the City of Jackson and the increase in urban runoff from developed land. (1995 Code, § 14-501)

14-502. Permit required. Except as exempted in § 14-503 of this chapter, whenever development will involve any clearing, grading, any form of land disturbance caused by movement of earth or increase in stormwater runoff due to the decrease of soil permeability, no land shall be disturbed within the City of Jackson unless a grading permit therefor has been issued by the city engineer. The city engineer shall collect a fee for each grading permit issued which amount shall go to the general fund of the city. Said fee shall be in accordance with a fee schedule established by the environmental advisory/appeals board. (1995 Code, § 14-502, as amended by Ord. #2003-027, Sept. 2003)

14-503. Exemption. No grading permit shall be required for any "farm operation" as defined in the "Tennessee Right to Farm Act."¹ (1995 Code, § 14-503)

14-504. Procedure. Within ninety (90) days from the date of final adoption of this code, the city engineer shall promulgate rules and regulations governing the issuance of grading permits. The city engineer shall submit such

¹State law reference

Tennessee Code Annotated, § 43-26-101, et seq.

rules and regulations to the Jackson-Madison County Regional Planning Commission for review and approval at a regular or special meeting of the commission. Upon such approval becoming final, the city engineer shall cause the rules and regulations to be published and made available to the public in the engineering office without charge. Such rules and regulations shall be based upon sound principles of engineering, hydrology, geology, and urban planning, shall be consistent with the rules and regulations governing the construction of subdivisions, and shall contain appropriate provisions for the enforcement of this code and the rules and regulations, including provision for the revocation of any issued permit and the issuance of stop work orders by the city engineer. Amendments to these rules and regulations shall be made by the environmental advisory/appeals board as needed to conform to federal and state environmental policies and regulations. These amendments shall become part of the rules and regulations upon adoption by the board. (1995 Code, § 14-504, as amended by Ord. #2003-027, Sept. 2003)

14-505. Appeals. Whenever the city engineer shall revoke or refuse to issue a grading permit for any reason, including an interpretation of the rules and regulations, any person affected by such refusal or revocation, or their duly authorized agent, may appeal from the decision of the city engineer to the environmental advisory/appeals board. Notice of appeals shall be in writing and filed with the city engineer within thirty (30) days after the decision of the city engineer. Appeals shall be on forms provided by the city engineer. (1995 Code, § 14-505, as amended by Ord. #2003-027, Sept. 2003)

14-506. Variances. Variances shall not violate any federal, state or local ordinance. The environmental advisory/appeals board, when appealed to and after hearing, may vary the provisions of the rules and regulations in respect to a particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this code, or public interest, or when, in its opinion, the interpretation of the rules and regulations by the city engineer should be modified or reversed. The board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. Every decision of the environmental advisory/appeals board shall be final, subject however to such remedy as any aggrieved party might have at law or equity. (Ord. #2003-027, Sept. 2003)

14-507. Remedies and penalties for violation. Any person, firm, or corporation violating any of the provisions of the rules and regulations shall be required to take remedial actions and be subject to civil penalties as follows:

(1) If construction activities begin prior to obtaining a permit, the cost of the development permit shall double.

(2) The city shall have the right to recover the lesser of four hundred fifty dollars (\$450.00) per day for each day that the violation exists or all damages proximately caused by the violation to the municipality, which may include any reasonable expenses incurred in

(3) In addition to the above remedial measures, any person, firm or corporation guilty of violating any of the provisions of this chapter shall be subject a fine of up to fifty dollars (\$50.00) per day for each day the violation exists, beginning the first day of the violation and continuing each day thereafter until the violation is corrected. Each day that a violation of this chapter exists shall constitute a separate offense. In addition to the city fine, the violator may be subject to state and federal penalties.

(4) In addition to the remedies and civil penalties set forth above, the City of Jackson may bring legal action to enjoin continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such action.

(5) The remedies and penalties set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted. (Ord. #2003-027, Sept. 2003)

CHAPTER 6**DISCHARGES INTO THE STORM SEWER SYSTEM****SECTION**

- 14-601. Purpose.
- 14-602. Objectives.
- 14-603. Permits.
- 14-604. Procedure.
- 14-605. Remedies and penalties for violation.
- 14-606. Appeals.
- 14-607. Variances.

14-601. Purpose. The uncontrolled discharge of pollutants into the stormwater system has an adverse impact upon the water quality of the receiving waters.

(1) The 1987 amendments to the Federal Water Pollution Control Act, commonly known as the "Clean Water Act," established the National Pollutant Discharge Elimination System (NPDES) program, which requires permits for discharges from municipal stormwater systems into the waters of the United States. The Environmental Protection Agency has promulgated regulations implementing the NPDES Program, Phase 2.

(2) The NPDES Phase 2 regulations for stormwater discharges require certain municipalities, including the City of Jackson, to:

- (a) Prohibit through ordinance or other regulatory mechanism, illicit discharges to the municipal stormwater system;
- (b) Control through ordinance or other regulatory mechanism, discharges to municipal stormwater system of spills, dumping or disposal of materials other than stormwater;
- (c) Require compliance with conditions in ordinances, permits, contracts or orders; and
- (d) Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions, including the prohibition of illicit discharges to the municipal stormwater system. (Ord. #2001-050, Nov. 2001)

14-602. Objectives. This chapter and the related regulations are a part of the city stormwater management program to prevent certain non-stormwater discharges to, and improper disposal of substances in, the stormwater system, as to reduce, to the maximum extent practicable, pollutants that may be present in discharges from the stormwater system. (Ord. #2001-050, Nov. 2001)

14-603. Permits. Stormwater discharges in the City of Jackson will be covered under a permit issued by the Tennessee Department of Environment

and Conservation. The city will not require individual permits for stormwater discharges except for those dischargers found to be in violation of this chapter, by the city engineer or his designee. Those found to be in violation will be required to apply for a special stormwater permit issued by the city engineer. (Ord. #2001-050, Nov. 2001)

14-604. Procedure. Within ninety (90) days from the date of final adoption of this chapter; the city engineer shall promulgate rules and regulations regarding illicit discharges and illicit dumping into the stormwater system. The city engineer shall submit such rules and regulations to the Jackson-Madison County Regional Planning Commission for review and approval at a regular or special meeting of the commission. Upon such approval becoming final, the city engineer shall cause the rules and regulations to be published and made available to the public in his office without charge. Such rules and regulations shall be based upon sound principles of engineering, biology, and ecology, shall be consistent with the rules and regulations by the Environmental Protection Agency's stormwater program, the National Pollution Discharge Elimination System (NPDES) Phase 2 Rule. The rules and regulations written by the city engineer shall contain appropriate provisions for the enforcement of this code and the rules and regulations, including provisions requiring offenders to obtain a special permit for stormwater discharges and for issuing a cease and desist order for illicit discharges. (Ord. #2001-050, Nov. 2001)

14-605. Remedies and penalties for violation. Any person, firm, or corporation violating any of the provisions the rules and regulations shall be required to take the remedial actions and be subject to civil penalties as follows:

(1) If found to be in violation of the City of Jackson's General Stormwater Permit by discharging illicit or improper materials into the city storm sewers, the offender shall be required to obtain a special permit for connection to the city storm sewer network.

(2) The city shall have the right to recover the lesser of four hundred fifty dollars (\$450.00) day for each day that the violation exists or all damages proximately caused by the violation to the municipality, which may include any reasonable expenses incurred in investigating violations, expenses involved in rectifying any damages, costs and attorney fees incurred by the city as the result of enforcing this chapter.

(3) In addition to the above remedial measures, any person, firm or corporation guilty of violating any of the provisions of this chapter shall be subject to a fine of up to fifty dollars (\$50.00) per day for each day the violation exists, beginning the first day of the violation and continuing each day thereafter until the violation is corrected. Each day that a violation of this chapter exists shall constitute a separate offense.

(4) In addition to the remedies and civil penalties set forth above, the City of Jackson may bring legal action to enjoin the continuing violation of this chapter and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(5) The remedies and penalties set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted. (Ord. #2001-050, Nov. 2001)

14-606. Appeals. Whenever the city engineer shall issue a cease and desist order or require a special discharge permit for any reason, including an interpretation of the rules and regulations, any person affected by such order or special permit requirement, or his duly authorized agent, may appeal the decision of the city engineer to the environmental advisory/appeals board. Notice of appeals shall be in writing and filed with the city engineer within thirty (30) days after the decision of the city engineer. Appeals shall be on forms provided by the city engineer. (Ord. #2001-050, Nov. 2001)

14-607. Variances. Variances shall not violate any federal, state or local ordinance. The environmental advisory/appeals board, when appealed to and after hearing, may vary the provisions of the rules and regulations in respect to a particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this code, or public interest, or when, in its opinion, the interpretation of the rules and regulations by the city engineer should be modified or reversed. The board shall, in every case, reach a decision without unreasonable or unnecessary delay. In reaching a decision the board must consider the specific requirements of state and federal law. If a decision of the board reverses or modifies an order or special permit requirement by the city engineer or varies the application of any provision of this code, the minutes of the meeting of the board must be specific as to the reasons for the reversal, modification or change in application by the board. The city engineer shall immediately take action in accordance with such a decision. Every decision of the environmental advisory/appeals board shall be final subject however to such remedy as any aggrieved party might have at law or equity. (Ord. #2001-050, Nov. 2001)

CHAPTER 7

ENVIRONMENTAL ADVISORY/APPEALS BOARD

SECTION

- 14-701. Board established.
- 14-702. Qualifications of members.
- 14-703. Board expanded under intergovernmental agreement.
- 14-704. Terms of office.
- 14-705. Quorum.
- 14-706. Secretary of board.
- 14-707. Procedure.
- 14-708. Other duties.
- 14-709. Procedure for appeal.

14-701. Board established. There is hereby established a board to be called the "environmental advisory/appeals board," which shall consist of six (6) voting and two (2) nonvoting members. The environmental advisory/appeals board shall have all powers and duties as prescribed in the codes adopted in this title and as otherwise described. (Ord. #2001-049, Nov. 2001)

14-702. Qualifications of members. The environmental advisory/appeals board shall be appointed by the mayor and shall be composed of individuals with the following qualifications:

- (1) One (1) state licensed general contractor;
- (2) One (1) industry representative;
- (3) One (1) environmental advocate;
- (4) One (1) state licensed engineer/architect/landscape architect;
- (5) One (1) attorney;
- (6) One (1) Jackson energy authority representative;
- (7) One (1) fire department representative (non-voting);
- (8) One (1) Jackson stormwater management representative (non-voting). (Ord. #2001-049, Nov. 2001)

14-703. Board expanded under intergovernmental agreement. Upon the making and duration of an intergovernmental agreement between the City of Jackson, Tennessee and Madison County, Tennessee for the Jackson Stormwater Management to administer the Phase II stormwater program for Madison County duly authorized and approved by their respective governing bodies, the environmental advisory/appeals board shall be expanded to seven (7) voting and two (2) non-voting members for the duration of the agreement. The seventh (7th) voting board member shall be designated the Madison County representative and shall be appointed by the county mayor of Madison County

for a term of four (4) years or until the intergovernmental agreement is terminated. (Ord. #2001-049, Nov. 2001)

14-704. Terms of office. Of voting members first appointed, two (2) shall be appointed for a term of two (2) years, two (2) for a term of three (3) years, two (2) for a term of four (4) years and hereafter they shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the board shall, at the discretion of the mayor, render any such member liable to immediate removal from office. (Ord. #2001-049, Nov. 2001)

14-705. Quorum. Three (3) voting members of the board shall constitute a quorum. In varying the application of any provisions of any adopted code or in modifying an order of any official, affirmative votes of the majority present, shall be required. A board member shall not act in a case in which he/she has a personal interest. (Ord. #2001-049, Nov. 2001)

14-706. Secretary of board. The Jackson stormwater management representative shall serve as secretary to the board. The secretary shall make a detailed record of all its proceeding, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote. (Ord. #2001-049, Nov. 2001)

14-707. Procedure. The board shall adopt by-laws necessary to the conduct of its affairs not inconsistent with the provisions of this code. Every decision of the board shall be promptly filed in the office of the city engineer and shall be open to inspection. All decisions of the board are final, subject however to such remedy as any aggrieved party might have at law or in equity. (Ord. #2001-049, Nov. 2001)

14-708. Other duties. The environmental advisory/appeals board shall have the responsibility to review and recommend environmental related codes for presentation to the city council for adoption and to hear and decide appeals made by the citizens of the City of Jackson arising from or related to the provisions of any environmental codes of the city, including but not limited to the erosion and stormwater control chapter and other provisions of the municipal code of the City of Jackson. (Ord. #2001-049, Nov. 2001)

14-709. Procedure for appeal. An aggrieved citizen shall have the right to file an appeal of any action taken by the City of Jackson arising from or related to the compliance or enforcement of any environmental codes of the city. Upon receipt by the city engineer's office of a notice of appeal and the appeal fee, a hearing shall be held at the next regularly scheduled meeting of the

environmental advisory/appeals board. All appeals for a given meeting must be received ten (10) working days prior to the meeting. A public notice of each meeting shall be made a minimum of seven (7) days prior to the board meeting. Upon such appeal, the board shall grant the appeal of any aggrieved citizen upon a finding that:

(1) The applicable provisions of any environmental code in question do not apply; or

(2) The true intent and meaning of this code has been misinterpreted by the official.

The city engineer's office shall prepare a standard notice of appeal form for use by the board. (Ord. #2001-049, Nov. 2001)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. ADMINISTRATION, ENFORCEMENT, ETC.
2. TRUCK AND COMMERCIAL VEHICLE REGULATION, ETC.
3. EMERGENCY VEHICLES.
4. MISCELLANEOUS RULES OF OPERATION.
5. SPEED LIMITS.
6. TURNING MOVEMENTS.
7. STOPPING AND YIELDING.
8. PARKING.
9. PARKING METERS.
10. PEDESTRIANS.
11. MOTORCYCLES, MOTOR-DRIVEN CYCLES, MOTORIZED BICYCLES, BICYCLES.
12. REGISTRATION OF VEHICLES.
13. TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM.

CHAPTER 1

ADMINISTRATION, ENFORCEMENT, ETC.

SECTION

- 15-101. Application of title.
- 15-102. Definitions.
- 15-103. Authority of police, fire and school patrol officers.
- 15-104. General requirements for traffic control signs, etc.
- 15-105. Unauthorized traffic control signs, etc.
- 15-106. Presumption with respect to traffic control signs, etc.
- 15-107. Operators to obey directions, signals, signs and devices.
- 15-108. City traffic engineer.
- 15-109. Temporary traffic control regulations; testing traffic control devices.
- 15-110. Citations and arrests for traffic violations.
- 15-111. Forms, records of traffic citations and arrests.
- 15-112. Illegal parking citations.

¹Municipal code references

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

Streets, sidewalks and other public ways and places: title 16.

Traffic regulation in public parks: title 20, chapter 2.

- 15-113. Records of traffic violations.
- 15-114. Impounding of motor vehicles.
- 15-115. Disposal of abandoned motor vehicles.

15-101. Application of title. (1) The provisions of this title shall apply to every driver of any vehicle, including any vehicle owned or used in the service of the United States Government, any state or any political subdivision, and it shall be unlawful for any driver to violate any provisions of this title, except as otherwise permitted in this chapter or by state or federal statute.

(2) Every person propelling any pushcart or riding an animal upon a roadway, and every person driving an animal-drawn vehicle shall be subject to the provisions of this title, except those provisions which by their very nature can have no application. (1995 Code, § 15-101)

15-102. Definitions. The following words and phrases when used in this chapter shall for the purposes of said chapter have the meanings respectively ascribed to them in this section. Whenever any words and phrases used herein are not defined herein but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein.

(1) "Authorized emergency vehicle." Fire department vehicles, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police.

(2) "Bicycle." Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty (20) inches in diameter.

(3) "Business district." The territory contiguous to and including a highway when within any six hundred feet (600') along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred feet (300') of frontage on one side or three hundred feet (300') collectively on both sides of the highway.

(4) "Commercial vehicle." Every vehicle designed, maintained or used primarily for the transportation of property.

(5) "Controlled-access highway." Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons having no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(6) "Crosswalk." (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(7) "Curb loading zone." A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(8) "Double parking." The standing of a vehicle alongside and parallel to another vehicle which is parked parallel with the curb or the standing of a vehicle at the rear of another vehicle which is parked at an angle with the curb.

(9) "Driver." Every person who drives or is in actual physical control of a vehicle.

(10) "Freight curb loading zone." A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

(11) "Highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The terms "street" and "highway" are synonymous and interchangeable.

(12) "Intersection." (a) The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

(13) "Laned roadway." A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(14) "Motor vehicle." Every vehicle which is self-propelled.

(15) "Motorcycle, motor driven cycle, motorized bicycle."

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

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

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

maximum design speed of no more than thirty (30) miles per hours on level ground.

(16) "Official time standard." Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this city.

(17) "Official traffic control devices." All signs, signals, markings and devices not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(18) "Park, parking." The standing of a vehicle, whether occupied or not, otherwise then temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers, or in obedience of traffic regulations.

(19) "Passenger curbloading zone." A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(20) "Pedestrian." Any person afoot.

(21) "Person." Every natural person, firm, copartnership, association or corporation.

(22) "Police officer." Every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(23) "Private road or driveway." Every way or place in private ownership and used for vehicular travel by the owner and those having expressed or implied permission from the owner, but not by other persons.

(24) "Railroad." A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

(25) "Railroad train." A steam engine, electric or other, motor vehicle, with or without cars coupled thereto, operated upon rails, except streetcars.

(26) "Residence district." The territory contiguous to and including a highway not comprising a business district.

(27) "Right-of-way." The privilege of the immediate use of the roadway.

(28) "Roadway." That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(29) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(30) "School hours." School hours are from ninety (90) minutes prior to the opening of any school in the city on a school day until ninety (90) minutes after the opening of any school in the city on a school day, and from one (1) hour

preceding the closing of any school in the city on any school day until one (1) hour after the closing of any such school.¹

(31) "School patrol." School patrol members are those boys and or girls designated by a school principal or a school teacher or persons employed by the city, to assist in safeguarding school children when crossing the streets.

(32) "School zone." Streets adjacent to the grounds of schools and for a distance of fifty feet (50') beyond such grounds.

(33) "Sidewalk." That portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(34) "Stand, standing." The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while engaged in receiving or discharging passengers.

(35) "Stop." When required means complete cessation of movement.

(36) "Stopping." When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

(37) "Street, highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel. The terms "street" and "highway" are synonymous and interchangeable.

(38) "Through highway." Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this chapter.

(39) "Traffic." Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

(40) "Traffic control signal." Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(41) "Traffic division." The traffic division of the police department of this city. In the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the police department of this city.

(42) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices

¹Municipal code reference

Speed limits in school zones: § 15-503.

moved by human power or used exclusively upon stationary rails or tracks. (1995 Code, § 15-102)

15-103. Authority of police, fire, school patrol officers. (1) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city.

(2) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct traffic by voice, hand or signal in conformance with traffic laws, provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

(3) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(4) During the period of time between 7:15 A.M. and 3:45 P.M. on days when the public schools are in session members of school patrols, when wearing or displaying a badge, symbol or flag furnished or approved by the police department may halt traffic at street intersections and at crosswalks where school children are crossing or appear ready to or about to cross a street.

(5) No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer, fire department official or school patrol member. (1995 Code, § 15-103)

15-104. General requirements for traffic control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,¹ published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the city. (1995 Code, § 15-104, modified)

15-105. Unauthorized traffic control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any

¹This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.

official traffic control sign, signal, marking, or device or any railroad sign or signal. (1995 Code, § 15-105)¹

15-106. Presumption with respect to traffic control signs, etc.

When a traffic control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. (1995 Code, § 15-106)

15-107. Operators to obey directions, signals, signs and devices.

Drivers or operators of vehicles and pedestrians shall observe and obey all directions, orders and signals given by every official or other person lawfully engaged in directing or controlling traffic upon any street or other public place in this city, and shall likewise observe and comply with all signals, signs, guides and devices provided for in this chapter or lawfully installed or placed for the purpose of directing or controlling traffic parking.

The direction or instruction of a police officer or other person lawfully directing traffic shall supersede the other provisions of this chapter regulating traffic. (1995 Code, § 15-107)

15-108. City traffic engineer. (1) Chief of police may serve. The office of city traffic engineer is hereby established. In the absence of a full-time traffic engineer the chief of police shall serve as city traffic engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this chapter.

(2) Duties. It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions, to plan the operation of traffic on the streets and highways of this city and to cooperate with other city officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by ordinances of this city. (1995 Code, § 15-108)

15-109. Temporary traffic regulations; testing traffic control devices.

(1) Authority of chief of police; limitation. The chief of police is hereby empowered to make regulations necessary to make effective the provisions of the traffic laws of this city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

¹Municipal code reference

Similar provisions governing traffic signs: title 14, chapter 4.

(2) Authority of traffic engineer. The city traffic engineer may test traffic control devices under actual conditions of traffic. (1995 Code, § 15-109)

15-110. Citations and arrests for traffic violations. (1) Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of the person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address.

(2) Arrests. (a) Any person arrested by a police officer for violating a traffic law shall be taken before a judge of the city court or before a clerk of such court for the posting of an appearance bond guaranteeing the appearance of such person before the city court to answer the charge for which arrested.

(b) The arresting officer in all cases will deliver to the person arrested a citation on a form provided by the city recorder setting forth the violation for which the arrest was made and citing the arrested party to appear and answer the charge against him in the city court of the City of Jackson at a time at least forty-eight (48) hours after the alleged violation specified in the citation.

(3) Deposit of driver license in lieu of bail. (a) Deposit allowed. Whenever any person lawfully possessing a classified drivers license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, the violation of which calls for the mandatory revocation of a drivers license for any period of time, such person shall have the option of depositing his drivers license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court in answer to such charge before said court.

(b) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety.

¹State law reference

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

(c) Failure to appear -- disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with provisions of Tennessee Code Annotated, § 55-50-803, et seq. (1995 Code, § 15-110)

15-111. Forms, records of traffic citations and arrests.

(1) Issuance to officers. (a) The city recorder shall provide books to include traffic citation forms for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances in the city court. The books shall include serially numbered sets of citations in quadruplicate in the form prescribed and approved jointly by the mayor and the chief of police.

(b) The city recorder shall issue such books to the chief of police or his duly authorized agent and shall maintain a record of every book so issued and shall require a written receipt for every such book.

(c) The chief of police shall be responsible for the issuance of such books to individual members of the police department. The chief of police shall require a written receipt for every book and each set of citations contained therein.

(2) Disposition of forms, records of traffic citations and arrests.

(a) Disposition of original, duplicate citations. Every police officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic laws of this city shall deposit the original and a duplicate copy of the citation with his immediate superior officer, who shall cause the original to be delivered to the city court of this city and the duplicate copy to the central records section of the police department. The second duplicate copy of the citation shall be retained in the traffic citation book and shall be delivered by such superior officer to the city recorder together with such book when all traffic citations therein have been used.

(b) Trial. Upon the filing of such original citation in the city court, the citation may be disposed of only by trial in the court or by other official action of the court.

(c) Copies to chief of police. The chief of police shall require the return to him of each traffic citation and all copies thereof, except that copy required to be retained in the book as provided herein, which has been spoiled or upon which any entry has been made and has not been issued to an alleged violator.

(d) Record of disposition. The chief of police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the police department a record of the disposition of the charge by the city court or its traffic violations bureau.

(e) Record of warrants. The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the city judge or by any other court on the traffic violation charges and which are delivered to the police department for service, and of the final disposition of all such warrants.

(f) Altering, defacing documents. It shall be unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter, deface, or cancel a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint or warrant, in a manner other than as required in this section. (1972 Code, §§ 18-56, 18-57)

15-112. Illegal parking citations. (1) Issuance of citations. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by ordinance or by state law the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the city recorder, for the driver to answer to the charge against him within forty-eight (48) hours at a place specified in the citation.

(2) Failure to obey citation. If a violator of the restrictions on stopping, standing or parking under the traffic laws of the State of Tennessee or the traffic ordinances of the City of Jackson does not appear in response to a citation affixed to such motor vehicle within a period of forty-eight (48) hours, the city recorder will ensure a letter is sent to the owner of the motor vehicle to which the traffic citation was affixed informing him/her of the violation. Such letter will also provide notice to the owner of the motor vehicle that failure to respond to the traffic or parking citation within thirty (30) days will result in the initiation of all legal efforts by the city to enforce the citation, including but not limited to, the utilization of the services of a collection agency for the purpose of recovering the fine(s) and cost(s) owed.

(3) Presumption. (a) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(b) The foregoing presumption shall apply only when the procedure prescribed in this section has been followed. (1995 Code, § 15-112, as amended by Ord. #2013-003, June 2013)

15-113. Records of traffic violations. (1) Police department. The police department shall keep a record of all violations of the traffic laws of this city or of the state vehicle laws with which any person has been charged, together with a record of the final deposition of all such alleged offenses.

(2) Contents. Such record shall be so maintained as to show all types of violations and the total of each.

(3) To be five-year records. The record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

(4) Records to be numbered. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(5) Records to be public. All such records and reports shall be public records. (1995 Code, § 15-113)

15-114. Impounding of motor vehicles. (1) Who may impound. Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department or otherwise maintained by the city under the circumstances hereinafter enumerated:

(a) When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

(b) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are physically incapacitated to such an extent as to be unable to provide for its custody or removal.

(c) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(d) Any vehicle left in any parking space on the streets of the city for a period of ten (10) days without being moved.

(2) Notice. Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the officer shall immediately give or cause to be given notice in writing to the owner of the fact of the removal and the reasons therefor and of the place to which the vehicle has been removed. In the event any the vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of the garage.

(3) Report to state. Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the

owner as hereinabove provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then the officer shall immediately send or cause to be sent a written report of such removal by mail to the motor vehicle division of the state department of finance and taxation, and shall file a copy of the notice with the proprietor of any public garage in which the vehicle may be stored. The notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for the removal and the name of the garage or place where the vehicle is stored. (1995 Code, § 15-114)

15-115. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1995 Code, § 15-115)

CHAPTER 2

TRUCK AND COMMERCIAL VEHICLE REGULATION, ETC.

SECTION

- 15-201. Height, width regulations for vehicles.
- 15-202. Maximum load limits.
- 15-203. Limits on truck traffic on certain streets.
- 15-204. Truck routes.
- 15-205. Commercial vehicles prohibited from using certain streets.

15-201. Height, width regulations for vehicles. It shall be unlawful for any person to operate upon any street or alley of the city any vehicle whose -width or whose height exceeds the width and height provisions of Tennessee Code Annotated, § 55-7-202, unless he shall first obtain a permit from the chief of police of the City of Jackson. The chief shall issue such a permit only upon a written application which reasonably establishes that such an operation can and probably will be accomplished without injury or damage to any person or property. The application must be submitted at least three (3) days in advance of the contemplated operation, must be in such form as prescribed by the chief of police, and must be accompanied by an indemnity bond in the amount of one thousand dollars (\$1,000.00), which indemnity bond shall inure to the benefit of any person who suffers personal injury or property damage as a result of such vehicle's operation and for which the permittee is found to be liable. (1995 Code, § 15-201, modified)

15-202. Maximum load limits. The city engineer is hereby authorized to determine the maximum load limit allowable on the city streets, such maximum load limit to mean the gross weight of any vehicle including its load. In establishing such limits, the city engineer will determine the maximum gross weight which may be moved upon a city street without damage to that street and shall consider all pertinent factors including age of street, subgrade, base, surfacing, drainage, culverts, bridges and similar factors. When, in the opinion of the engineer, it is necessary to establish a maximum load limit for the protection of a street, a clearly marked sign shall be erected at both ends of such street setting forth (1) the maximum permissible weight on the street and (2) the fact that the use of the street by vehicles of greater gross weight is prohibited. Following the erection of such sign, it shall be unlawful for any vehicle of a greater gross weight to use such city street. (1995 Code, § 15-202)

15-203. Limits on truck traffic on certain streets. The city council, with the approval of the Jackson planning commission, may, and is hereby authorized, to designate by resolution such city streets as, in their opinion,

require the limiting of truck traffic thereon and meet the criteria established below for the limiting of truck traffic on such streets.

In determining a need for such limitation, the city council may consider all pertinent factors thereto, including traffic, neighborhood use, alternate available routes, safety of persons, especially children, property values, esthetic values of neighborhood property, necessity of such use by trucks, and other factors. The limitation imposed upon any city street may include limitations as to size of vehicle, as to nature of service offered through the use of such vehicle, hours of use permitted or prohibited for trucks, day or days prohibited or permitted for such use.

Each such street so limited shall be marked by a clearly visible sign on either end of such street which shall clearly and accurately set forth the limitations applicable to such street. Following the posting of such signs and the passage of such resolution it shall be unlawful for any vehicle to which limitations are applicable to use such street in violation of the limitations. (1995 Code, § 15-203)

15-204. Truck routes. (1) Designation. The traffic department shall recommend to the city council such truck routes as are necessary and proper for the quick, safe and efficient movement of through truck traffic through the city and such routes may be so established by resolution of the council. Upon the passage of such resolution the routes so established shall be properly and clearly marked by visible signs indicating "truck route" and the identification of the highway route. A proper sign, clearly visible, shall be placed at each entrance to the city informing travelers that city ordinances requires trucks to follow routes while passing through the city. Thereafter all trucks en route through the city will follow such routes and will not enter upon the streets of the city.

(2) Compliance by trucks. All motor vehicles which are reasonably described as "trucks," including but not limited to pick-up trucks, tank trucks, dump trucks, trailer trucks, trucks of the Armed Forces (state and federal), and special purpose trucks, shall observe and follow marked truck routes while traveling in or through this city. When signs designating truck routes are erected it shall be a misdemeanor for any person to drive, park or tow any vehicle described herein on any street, alley or highway not marked as a truck route unless the person has legal and reasonable business which reasonably necessitates his using such vehicle on such unauthorized street, alley or highway. (1995 Code, § 15-204)

15-205. Commercial vehicles prohibited from using certain streets. When signs are erected giving notice hereof, no person shall operate any commercial vehicle exceeding the posted weight at any time upon any of the streets or parts of streets where such signs are posted, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest

the destination of the vehicle and proceeding therefrom no farther than the nearest intersection thereafter. (1995 Code, § 15-205)

CHAPTER 3**EMERGENCY VEHICLES****SECTION**

15-301. Operation of authorized emergency vehicles.

15-302. Following emergency vehicles.

15-303. Running over fire hoses, etc.

15-301. Operation of authorized emergency vehicles.¹ (1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1995 Code, § 15-301)

15-302. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1995 Code, § 15-302)

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-701.

15-303. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1995 Code, § 15-303)

CHAPTER 4

MISCELLANEOUS RULES OF OPERATION

SECTION

- 15-401. Motor vehicle requirements.
- 15-402. Driving on streets closed for repairs, etc.
- 15-403. Reckless driving.
- 15-404. Driving under the influence.
- 15-405. One-way streets.
- 15-406. Unlaned streets.
- 15-407. Laned streets.
- 15-408. Yellow lines.
- 15-409. Driving in and through processions.
- 15-410. Riding on outside of vehicles.
- 15-411. Backing vehicles.
- 15-412. Causing unnecessary noise.
- 15-413. Vehicles and operators to be licensed.
- 15-414. Passing.
- 15-415. Delivery of vehicle to unlicensed driver, etc.
- 15-416. Driving on sidewalks, business property, etc., prohibited.
- 15-417. Boarding, alighting from moving vehicles.
- 15-418. Opening, closing vehicle doors.
- 15-419. Seating arrangements restricted.
- 15-420. Projecting loads.
- 15-421. Restriction on tractors and cleated vehicles.
- 15-422. Emblem on license plates.
- 15-423. Child passenger restraint system.
- 15-424. Following too closely.

15-401. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1995 Code, § 15-401)

15-402. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1995 Code, § 15-402)

15-403. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in

willful or wanton disregard for the safety of persons or property. (1995 Code, § 15-403)

15-404. Driving under the influence. It is unlawful for any person to operate, or be in control of, any motor vehicle while under the influence of an intoxicant or drug. (See Tennessee Code Annotated, §§ 55-10-401, 55-10-303, and 55-10-307). (1995 Code, § 15-404, modified)

15-405. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1995 Code, § 15-405)

15-406. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

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

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

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

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1995 Code, § 15-406)

15-407. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1995 Code, § 15-407)

15-408. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1995 Code, § 15-408)

15-409. Driving in and through processions. (1) Through processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated.

(2) In processions. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe. (1995 Code, § 15-409)

15-410. Riding on outside of vehicles. (1) Generally. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks.

(2) "Hitching" rides. No person riding upon any bicycle, coaster, roller skate, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. (1995 Code, § 15-410)

15-411. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. Before backing any vehicle, ample warning shall be given and due care exercised by the driver of such vehicle so as to avoid injury to other vehicles or pedestrians. (1995 Code, § 15-411)

15-412. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle.

15-413. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Classified and Commercial Drivers Act." [Tennessee Code Annotated, § 55-50-101, et seq.] (1995 Code, § 15-413, modified)

15-414. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the

overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1995 Code, § 15-414)

15-415. Delivery of vehicle to unlicensed driver, etc.

(1) Definitions. (a) "Adult" shall mean any person eighteen (18) years of age or older.

(b) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(e) "Juvenile" as used in this chapter shall mean a person less than eighteen (18) years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the City of Jackson unless such

person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the city in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the city. (1995 Code, § 15-415)

15-416. Driving on sidewalks, business property, etc., prohibited.

The driver of a vehicle shall not:

(1) Drive within any sidewalk area, except at a permanent or temporary driveway.

(2) Drive a vehicle from a street or alley across premises on which a filling station, store or other business concern is located, or across public property for the sole purpose of passing from one street or alley to another. (1995 Code, § 15-416)

15-417. Boarding, alighting from moving vehicles. No person shall board or alight from any vehicle while such vehicle is in motion. (1995 Code, § 15-417)

15-418. Opening, closing vehicle doors. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (1995 Code, § 15-418)

15-419. Seating arrangements restricted. (1) Occupancy of front seat. No person shall drive or operate a vehicle if more than two (2) additional persons are on the front seat.

(2) "Lap" driving. While a vehicle is in motion, the operator of the vehicle shall not have in his lap any other person, adult or minor, nor shall the operator be seated in the lap of another person. (1995 Code, § 15-419)

15-420. Projecting loads. (1) Maximum width of load on passenger vehicle. No passenger vehicle shall be used for carrying any load extending beyond the left extremity of such vehicle nor extending more than six inches (6") beyond the right extremity thereof.

(2) Flags, lights at end of projecting load. Whenever the load of any vehicle is extended more than four feet (4') beyond the rear of the bed or body thereof, the vehicle operator shall see that there is displayed at the end of such load, in such position as to be clearly visible at all times from the rear of such vehicle, a red flag not less than twelve inches (12") in width and length.

Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise there shall be displayed at the end of such load a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (1995 Code, § 15-420)

15-421. Restriction on tractors and cleated vehicles. No one shall drive or operate a tractor, or a cleated vehicle, or any other vehicle upon a street, pavement or sidewalk unless the wheels are properly equipped with rubber tires or otherwise so protected that the street, highway or pavement will not be damaged. (1995 Code, § 15-421)

15-422. Emblems on license plates. No emblem or medallion or device of any kind, including but not limited to physicians emblems, shall obscure the number or any other writing on a state automobile license plate. (1995 Code, § 15-422)

15-423. Child passenger restraint system. Pursuant to the authority granted in Tennessee Code Annotated, § 16-18-302, and Tennessee Code Annotated, § 55-10-307, the city hereby adopts by reference the provisions of Tennessee Code Annotated, § 55-9-602, governing the use of child seats and child passenger restraint systems. All drivers operating vehicles with children as passengers are subject to the requirements of Tennessee Code Annotated, § 55-9-602, and will be cited to city court if found to be in violation of the law.

15-424. Following too closely. The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of other vehicles and for other traffic and road conditions. (1995 Code, § 15-424)

CHAPTER 5

SPEED LIMITS

SECTION

15-501. Speed limits established.

15-502. At intersections.

15-503. In congested areas.

15-504. In school zones.

15-501. Speed limits established. (1) Signs posted. It shall be unlawful for any person to operate or drive a motor vehicle upon any of the highways and streets of the city upon which signs to restrict speed have been erected, in excess of the maximum speed limit indicated by such sign.

(2) Signs not posted. It shall be unlawful for any person to operate or drive a motor vehicle upon any of the highways and streets of the city upon which signs to restrict speed have not been erected, in excess of thirty (30) miles per hour.

(3) Additional restrictions. The maximum speed limits prescribed in subsections (1) and (2) shall not apply at intersections, in school zones and congested areas where other maximum speed limits are prescribed. (1995 Code, § 115-501)

15-502. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a through street or on one regulated by traffic control signals or signs which stop or require traffic to yield on the intersecting streets. (1995 Code, § 15-502)

15-503. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by the chief of police. (1995 Code, § 15-503)

15-504. In school zones. Pursuant to Tennessee Code Annotated, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the city council has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when

a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1995 Code, § 15-503)

CHAPTER 6

TURNING MOVEMENTS

SECTION

15-601. Generally.

15-602. Right turns.

15-603. Left turns on two-way roadways.

15-604. Left turns on other than two-way roadways.

15-605. U-turns.

15-601. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1995 Code, § 15-601)

15-602. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1995 Code, § 15-602)

15-603. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two (2) roadways. (1995 Code, § 15-603)

15-604. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1995 Code, § 15-604)

15-605. U-turns. U-turns are prohibited upon any streets of the city. (1995 Code, § 15-605)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 7**STOPPING AND YIELDING****SECTION**

- 15-701. Upon approach of authorized emergency vehicles.
- 15-702. When emerging from alleys, etc.
- 15-703. To prevent obstructing an intersection.
- 15-704. At railroad crossings.
- 15-705. At "stop" signs.
- 15-706. At "yield" signs.
- 15-707. At traffic control signals generally.
- 15-708. At flashing traffic control signals.
- 15-709. At pedestrian control signals.
- 15-710. Stops to be signaled.
- 15-711. Obstructing intersections prohibited.

15-701. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1995 Code, § 15-701)

15-702. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1995 Code, § 15-702)

15-703. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1995 Code, § 15-703)

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 3.

15-704. At railroad crossings. (1) Stop required. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

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

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

(c) A railroad train is approaching within approximately one thousand five hundred feet (1,500') of the highway crossing and is emitting an audible signal indicating its approach.

(d) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(2) Driving under or around barriers. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed. (1995 Code, § 15-704)

15-705. At "stop" signs. (1) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a "stop" intersection indicated by a "stop" sign shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(2) Such driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard, but the driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding. (1995 Code, § 15-705)

15-706. At "yield" signs. (1) The driver of a vehicle approaching a "yield" sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. The driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding; provided, however, that a driver who enters a "yield" intersection without stopping and has or causes a collision with a pedestrian in a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The foregoing shall not relieve the drivers of other vehicles approaching the intersection at

such distance as not to constitute an immediate hazard from the duty to drive with due care to avoid a collision.

(2) The driver of a vehicle approaching a "yield" sign if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. (1995 Code, § 15-706)

15-707. At traffic control signals generally. Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

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

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

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

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

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1995 Code, § 15-707)

15-708. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-704 of this code. (1995 Code, § 15-708)

15-709. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1995 Code, § 15-709)

15-710. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1995 Code, § 15-710)

15-711. Obstructing intersections prohibited. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed (1995 Code, § 15-711)

¹State law reference
Tennessee Code Annotated, § 55-8-142(b).

CHAPTER 8

PARKING

SECTION

- 15-801. Unattended vehicles.
- 15-802. Angle parking.
- 15-803. Occupancy of more than one space.
- 15-804. Where prohibited.
- 15-805. Loading and unloading zones.
- 15-806. On one way roadways.
- 15-807. On and in narrow streets and alleys.
- 15-808. Parking vehicle for display or repair.
- 15-809. Buses, taxicabs.
- 15-810. Loading, unloading passengers and materials at bus and taxicab stands and passenger and freight loading areas restricted.
- 15-811. Lights on parked vehicles.
- 15-812. Parking truck and trailers in certain areas restricted.
- 15-813. Presumption with respect to illegal parking.
- 15-814. Enforcement of disabled parking laws by volunteers.
- 15-815. Downtown parking permit.

15-801. Unattended vehicles. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street. (1995 Code, § 15-801)

15-802. Angle parking. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings with the front of the vehicle nearest to the curb. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (Ord. #2007-015, April 2007)

15-803. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1995 Code, § 15-803)

15-804. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, except as provided by § 15-814.

- (1) On a sidewalk or between the curb and adjacent sideway; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic.
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within twenty feet (20') of a crosswalk at an intersection;
- (7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (8) Within fifty feet (50') of the nearest rail of a railroad crossing;
- (9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (13) On any street or alley where, on account of its width or on account of a previously parked vehicle or other obstruction, such stopping or parking would interfere with the free and easy passage of other vehicles through such street or alley.
- (14) In a "no parking" zone.
- (15) In a bus stop, except buses.
- (16) In a taxi stand, except taxis for which it is reserved.
- (17) In a safety zone, or between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
- (18) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, title 55, chapter 21.
- (19) Blocking traffic lane;
- (20) Within eight feet (8') of a mailbox Monday through Saturday, 7:00 A.M. until 5:00 P.M., except on federal holidays;
- (21) More than twelve inches (12") from the curb. (Ord. #2001-051, Nov. 2001, as amended by Ord. #2007-014, April 2007)

15-805. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or

unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (1995 Code, § 15-805)

15-806. On one way roadways. On streets and highways within the city where traffic is restricted to one (1) direction, no person shall stand or park a vehicle upon the left-hand side of such one-way street or highway, unless signs have been erected that permit such standing or parking.

This section shall apply to streets and highways that include two (2) or more separate roadways upon which traffic is designated to travel in opposite directions, whether or not such streets or highways are divided. (1995 Code, § 15-806)

15-807. On and in narrow streets and alleys. No person shall park any vehicle on a street or within an alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway or alley for the free movement of vehicular traffic. (1995 Code, § 15-807)

15-808. Parking vehicle for display or repair. No person shall park a vehicle upon a roadway for the principal purpose of:

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency. (1995 Code, § 15-808)

15-809. Buses, taxicabs. (1) Buses. (a) Bus stands. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

(b) Passenger loading zones, bus stops. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their luggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

(c) Entry into bus stops, bus stands, passenger zones. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches (18") from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(2) Taxicabs. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking

regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. (1995 Code, § 15-809)

15-810. Loading, unloading passengers and materials at bus and taxicab stands and passenger and freight loading areas restricted.

(1) At bus, taxicab stands. No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

(2) At passenger curb loading zones. No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

(3) At freight curb loading zones. (a) Vehicles generally. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

(b) Passenger vehicles. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor used for the transportation of materials which is waiting to enter or about to enter such zone. (1995 Code, § 15-810)

15-811. Lights on parked vehicles. (1) To be dimmed. Any lighted headlights upon a parked vehicle shall be dimmed or depressed.

(2) Parking lights for non-motor vehicles. Every non-motor vehicle operating or standing in the streets shall, being parked as required herein, during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred feet (200'), be equipped with a light visible from both the front and rear of such vehicle. This light shall be on the side of the vehicle that is nearest to the center of the street. (1995 Code, § 15-811)

15-812. Parking trucks and trailers in certain areas restricted. No truck larger in size than a panel truck shall be parked or left standing on

any sidewalk, street, alley or other public area within the City of Jackson except for the period of time necessary for the loading and unloading of such vehicle and the transaction of business incident thereto. It shall be the duty of the operator and of the owner of such prohibited vehicle to park such vehicle when not in use upon privately provided off-street parking areas.

No trailer shall be parked or left standing on any sidewalk, street, alley, or other public place within the City of Jackson unless such trailer is attached or fastened to a tractor, truck, automobile or other motor vehicle with sufficient motive power to easily and quickly move and haul it away. (1995 Code, § 15-812)

15-813. Presumption with respect to illegal parking. Whenever a person is arrested for the violation of a parking ordinance or regulation of the city, proof of the registration of the motor-propelled vehicle involved in the name of the person shall be prima facie evidence of the ownership of such motor-propelled vehicle by the person in whose name the vehicle is registered. This proof of registration shall likewise be prima facie evidence that the motor vehicle was parked by the owner. (1995 Code, § 15-803)

15-814. Enforcement of disabled parking laws by volunteers. The chief of police, pursuant to the provisions of Tennessee Code Annotated, § 55-21-110 is authorized to appoint volunteers to issue citations for violations of the disabled parking laws of Tennessee Code Annotated, § 55-21-108 and § 15-804(18) of this code. (Ord. #1998-006, Feb. 1998)

15-815. Downtown parking permit. (1) Residency required. Each lessee of an apartment in a building where the principal use is residential may be issued parking permits for use on the lessee's personal vehicle.

Each permit holder may park in the downtown on street parking spaces without adhering to the one (1) hour, or longer, parking restrictions imposed by signage.

(2) Issuance of city permit. The Jackson Police Department shall be the issuing authority. Each lessee requesting permits must be registered in a book prepared for this purpose. Each vehicle so registered shall be assigned an individual number, listing lessee's name, address, apartment number, vehicle make, model, color and license number.

(3) Display of permit. Each permit issued shall be affixed to the registered vehicle on the inside of the rear windshield, in the lower right side so as to be clearly visible from the rear of said vehicle. Each permit shall be permanently affixed to the vehicle for which issued and shall not be covered by any means.

(4) Term of permit. Each parking permit so issued shall expire when the Jackson city sticker on the license plate expires.

Effective November 6, 2001, each lessee applying for the issuance of a parking permit must present a valid receipt for the current license plate and Jackson city sticker for the vehicle for which permit is requested.

A photocopy will be made of receipt and attached to permit form and placed on file at the Jackson Police Department.

(5) Permit not transferable. Downtown apartments parking permits shall not be transferable. (Ord. #2001-052, Nov. 2001, as amended by Ord. #2016-006, May 2016)

CHAPTER 9

PARKING METERS

SECTION

- 15-901. Parking meter zones established.
- 15-902. Installation of meters.
- 15-903. Parking spaces.
- 15-904. Operation of meters.
- 15-905. Time limits.
- 15-906. Presumption of unlawful parking when meter expired.
- 15-907. Tampering with meters; slugs.
- 15-908. Parking in space after time has expired.
- 15-909. Use of meter revenue.
- 15-910. Designation of new areas.
- 15-911. Official parking meter tokens.

15-901. Parking meter zones established. The following are hereby declared to be parking meter zones within the city, and for the privilege of parking therein the charges as set forth are hereby levied.

Zone 1

Within zone 1, for the privilege of parking, there is established a charge of five cents (\$0.05) for each thirty (30) minutes, ten cents (\$0.10) for one (1) hour with a maximum of two (2) hours.

The following streets are hereby established and declared to be within zone 1 as set forth above:

The east and west sides of Highland Avenue from the north margin of Baltimore Street north to the south margin of College Street.

The east and west sides of Liberty Street from the north margin of Baltimore Street north to the south margin of College Street.

The east and west sides of Church Street from the north margin of Baltimore Street to the south margin of College Street.

The north side of College Street from the east margin of the College Street-Highland Avenue Parking Garage property east to the west margin of Church Street.

The north and south sides of Lafayette Street from the east margin of Shannon Street to the west margin of Cumberland Street.

The north and south sides of Main Street from the east margin of Shannon Street to the west margin of Cumberland Street.

Zone 2

Within zone 2, for the privilege of parking, there is established a charge of five cents (\$0.05) for each thirty (30) minutes, ten cents (\$0.10) for one (1) hour with a maximum of two (2) hours.

The following streets are hereby established and declared to be within zone 2 as set forth above:

The north side of College Street from the east margin of Church Street to the west margin of Cumberland Street.

The north and south sides of Lafayette Street from the Illinois Central Railroad to the west margin of Shannon Street.

The north and south sides of Main Street from the east margin of West Alley to the west margin of Shannon Street.

The north and south sides of Baltimore Street from the east margin of West Alley to the west margin of Cumberland Street.

The east and west sides of Shannon Street from the north margin of Chester Street to the south margin of College Street.

The east and west sides of Market Street from the north margin of Chester Street to the south margin of Baltimore Street.

The east and west sides of Liberty Street from the north margin of Chester Street to the south margin of Baltimore Street.

The east and west sides of Church Street from the north margin of Chester Street to the south margin of Baltimore Street.

Zone 3

Within zone 3, for the privilege of parking, there is established a charge of ten cents (\$0.10) for one (1) hour with a maximum of two (2) hours.

The following streets are hereby established and declared to be within zone 3 as set forth above:

The north and south sides of Chester Street from the east margin of West Alley to the west margin of Church Street.

The north side of Chester Street from the east margin of Church Street to the west margin of Cumberland Street.

The east and west sides of Shannon Street from the south margin of Chester Street to the north margin of Sycamore Street.

The east and west sides of Highland Avenue from the south margin of Chester Street to the north margin of Sycamore Street.

The east and west sides of Liberty Street from the south margin of Chester Street to the north margin of Sycamore Street.

The east and west sides of Church Street from the south margin of Chester Street to the north margin of Sycamore Street.

Zone 4

Within zone 4 for the privilege of parking, there is established a charge of five cents (\$0.05) for one (1) hour with a maximum of ten (10) hours.

The following streets are hereby established and declared to be within zone 4 as set forth above:

All of the city parking lot located at the intersection of College Street and Highland Avenue.

Zone 5

Within zone 5 for the privilege of parking, there is established a charge of fifteen cents (\$0.15) for the first hour and five cents (\$0.05) for each additional hour.

The following streets are hereby established and declared to be within zone 5 as set forth above:

Zone 5 shall consist of all parking areas within the area bounded on the south by East Main Street, on the north by East Lafayette Street; on the east by the property of South Central Bell Telephone Company and on the west by the property of Larry Casey; all parking areas within the area bounded on the south by West Baltimore Street, on the north by West Main Street, and on the west by the drive-in branch of the First American National Bank, and on the east by Walker's Service Center. (1995 Code, § 15-901)

15-902. Installation of meters. (1) In each parking meter zone, parking meters shall be installed for the purpose of, and in such numbers and at such places as in the judgment of the city council may be necessary for the regulation, control and inspection of the parking of vehicles therein, including the reservation of loading zones for commercial vehicles.

(2) Parking meters shall be installed within or near the curb line immediately adjacent to the individual parking meter spaces hereinafter described and each parking meter shall be so constructed and adjusted as to show when properly operated a signal which shall clearly indicate whether the time limit during which parking in that space is permitted has expired. (1995 Code, § 15-902)

15-903. Parking spaces. The mayor shall have lines or markings painted upon the curb or street adjacent to each parking meter, designating the parking space for which the meter is to be used and each vehicle parked adjacent to any parking meter shall park within such lines or markings. It shall be unlawful to park any vehicle across any such line or marking or to park the vehicle in such a position that it shall not be entirely within the space designated by such lines, or markings. (1995 Code, § 15-903)

15-904. Operation of meters. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name or operated or controlled by him to be upon any street within a parking meter zone in any space adjacent to which a parking meter is installed at any time during which the meter is showing a signal indicating that such space is illegally in use, other than such time as is necessary to operate the meter to show legal parking, between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and the following national holidays: January 1, February 22, May 30, July 4, the 1st Monday in September, November 11, the fourth Thursday in November, and December 25. (1995 Code, § 15-904)

15-905. Time limits. For the privilege of parking in a properly designated parking space within the various zones any person operating said vehicle and parking same shall deposit the specified amounts in proper coin or coins or official parking meter token issued by the city in the parking meter applicable to such space and any person, firm or corporation parking a vehicle in a duly designated parking space who fails to deposit the proper coin or coins as specified shall be guilty of a misdemeanor. (1995 Code, § 15-905)

15-906. Presumption of unlawful parking when meter expired. The fact that the timing device on any parking meter is not in operation shall be presumptive evidence as to a parked vehicle when found in the parking meter space regulated by such parking meter that the owner or driver failed to deposit or to cause to be deposited the required coin or coins or official parking meter tokens issued by the city in the meter and the mechanical indication by such meter of a "violation" shall be presumptive evidence of unlawful parking. (1995 Code, § 15-906)

15-907. Tampering with meters; slugs. (1) It shall be unlawful for any unauthorized person to open, or for any reason to deface, injure, tamper with, or willfully break, destroy, or impair the usefulness of any parking meter installed pursuant to this chapter, or to hitch any animals thereto.

(2) It shall be unlawful to deposit or cause to be deposited in any parking meter any slug, device or substitute for coin of the United States, except official parking meter coins issued by the city. (1995 Code, § 15-907)

15-908. Parking in space after time has expired. No vehicle shall remain in a parking space longer than the maximum time established for the respective zone regardless of whether or not the parking meter indicates violation or not. (1995 Code, § 15-908)

15-909. Use of meter revenue. The revenue received from such parking meters for the privilege of parking shall be used for paying the costs of meters, the control and supervision of parking for the improvement of traffic and

in any other way determined by the city council to be in the public interest in the providing of additional parking in aid of traffic control. (1995 Code, § 15-909)

15-910. Designation of new areas. Upon a determination by the mayor that a particular area is exceptionally congested by short-time parking, such area may be designated by the mayor as an exceptionally congested area and same shall constitute a congested area zone for which a charge of five cents (\$0.05) for thirty (30) minutes parking is hereby established with a thirty (30) minute maximum parking time in said zone. (1995 Code, § 15-910)

15-911. Official parking meter tokens. The use of official parking meter tokens within the parking meters of the city is hereby authorized, such tokens to have a comparable value for the coin of comparable size. These tokens shall have stamped thereon the seal of the city and the words: "City of Jackson, Tennessee," and only tokens bearing this seal and wording shall be lawful parking meter tokens within the city. All such tokens shall remain the property of the city and when deposited in a parking meter the same shall revert to the ownership of the city as well as the possession of the city. Parking meter tokens may be purchased from the city recorder at the same price which said tokens represent in United States coins. (1995 Code, § 15-911)

CHAPTER 10**PEDESTRIANS****SECTION**

- 15-1001. Subject to traffic control signals.
- 15-1002. Right-of-way in crosswalks.
- 15-1003. Pedestrians to use right half of crosswalks.
- 15-1004. Congregating on streets.
- 15-1005. "Jaywalking" regulated.
- 15-1006. When pedestrian does not have right-of-way.
- 15-1007. Certain crossings prohibited.
- 15-1008. Obedience to railroad signals.
- 15-1009. Walking along roadways.
- 15-1010. Soliciting rides or business.
- 15-1011. Drivers to exercise due care.

15-1001. Subject to traffic control signals. Pedestrians shall be subject to traffic control signals provided for in §§ 15-705 through 15-710 in this code. At all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter. (1995 Code, § 15-1001)

15-1002. Right-of-way in crosswalks. (1) Duty of vehicle operator. When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(2) Duty of pedestrian. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(3) When provisions apply. Subsection (1) shall not apply under the conditions stated in of § 15-1006(2).

(4) Approaching vehicles. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (1995 Code, § 15-1002)

15-1003. Pedestrians to use right half of crosswalks. Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (1995 Code, § 15-1003)

15-1004. Congregating on streets. People shall not congregate on a street, street corner, or sidewalk so as to interfere with the progress of either vehicular or pedestrian traffic. (1995 Code, § 15-1004)

15-1005. "Jaywalking" regulated. No pedestrians shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk. However, at intersections where traffic control signals have traffic stopped in all directions these provisions shall not apply to pedestrians crossing within the area common to both intersecting roadways. (1995 Code, § 15-1005)

15-1006. When pedestrian does not have right-of-way. (1) Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) The foregoing rules in this section have no application under the conditions stated in § 15-1007 when pedestrians are prohibited from crossing at certain designated places. (1995 Code, § 15-1006)

15-1007. Certain crossings prohibited. (1) Adjacent intersections with traffic signals. Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

(2) Business district. No pedestrians shall cross a roadway other than in a crosswalk in any business district. (1995 Code, § 15-1007)

15-1008. Obedience to railroad signals. No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. (1995 Code, § 15-1008)

15-1009. Walking along roadways. (1) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(2) Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. (1995 Code, § 15-1009)

15-1010. Soliciting rides or business. (1) No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

(2) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (1995 Code, § 15-1010)

15-1011. Drivers to exercise due care. Notwithstanding the foregoing provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. (1995 Code, § 15-1011)

CHAPTER 11

**MOTORCYCLES, MOTOR-DRIVEN CYCLES, MOTORIZED
BICYCLES, BICYCLES****SECTION**

- 15-1101. Traffic laws apply to riders of motorcycles, motor-driven cycles, motorized bicycles and bicycles.
- 15-1102. Restrictions on carrying passengers, etc.
- 15-1103. Equipment.
- 15-1104. Riding bicycles on roadways, bicycle paths and sidewalks, etc.
- 15-1105. Riding motorcycles, motor-driven cycles and motorized bicycles on sidewalks prohibited.
- 15-1106. Bicycle speed.
- 15-1107. Violation.

15-1101. Traffic laws apply to riders of motorcycles, motor-driven cycles, motorized bicycles and bicycles. Every person riding or operating a bicycle, motorcycle, motor-driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles. (1995 Code, § 15-1101)

15-1102. Restrictions on carrying passengers, etc. (1) No person operating or riding a bicycle, motorcycle, motor-driven cycle or motorized bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

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

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

(4) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon the motor vehicle. (1995 Code, § 15-1102)

15-1103. Equipment. (1) Motorcycle, motor-driven cycle, motorized bicycle. (a) Each driver of a motorcycle, motor-driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

(b) Every motorcycle, motor-driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor-driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(2) Bicycle. (a) Lamps, reflectors. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty feet (50') to three hundred feet (300') to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.

(b) Bell or horn. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet (100'), except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(c) Brake. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement. (1995 Code, § 15-1103)

15-1104. Riding bicycles on roadways, bicycle paths and sidewalks, etc. (1) Riding on right side. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Riding abreast. Persons riding a bicycle upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(3) Use of bicycle paths. Whenever a usable path for bicycles has been provided adjacent to a roadway bicycle riders shall use such path and shall not use the roadway.

(4) On sidewalks. (a) No person shall ride a bicycle upon a sidewalk within the business district.

(b) No person fifteen (15) or more years of age shall ride a bicycle upon any sidewalk in any district.

(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (1995 Code, § 15-1104)

15-1105. Riding motorcycles, motor-driven cycles and motorized bicycles on sidewalks prohibited. No person shall ride a motorcycle, motor-driven cycle or motorized bicycle upon any sidewalk in the city. (1995 Code, § 15-1105)

15-1106. Bicycle speed. No person shall operate a bicycle upon any street or sidewalk, bike path or any other place in the city at a speed greater than is reasonable and prudent under the circumstances. (1995 Code, § 15-1106)

15-1107. Violation. It shall be unlawful for any person to operate or ride on any vehicle in violation of this chapter, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor-driven cycle or motorized bicycle in violation of this section. (1995 Code, § 15-1107)

CHAPTER 12**REGISTRATION OF VEHICLES**¹**SECTION**

- 15-1201. Required.
- 15-1202. Issuance of permit.
- 15-1203. Display of permit.
- 15-1204. Term.
- 15-1205. Registration fee.
- 15-1206. Compliance required.
- 15-1207. Penalty for violation.

15-1201. Required. No automobile, truck, motorcycle, other self-propelled vehicle, vehicle defined in TCA 55-1-104E, or trailer-type vehicle defined in TCA 55-1-105 shall be operated upon the city streets, alleys and avenues of the City of Jackson until said vehicle and its city resident owner or lessee and his or her address have been registered at the Madison County Clerk's office. Each vehicle so required shall be assigned an individual number in said register and a registration permit bearing such number shall be issued therefor as provided below. Exemptions to the above requirement include City of Jackson government and Madison County government vehicles, JEA vehicles, JTA vehicles, WTHC vehicles, SWHRA vehicles, SWTDD vehicles, vehicles owned by one hundred percent (100%) Disabled Veterans (by VA standards), and vehicles owned by wheelchair-bound handicapped individuals. (1995 Code, § 15-1201, as amended by Ord. #2017-009, August 2017)

15-1202. Issuance of permit. At the time of registration there shall be issued for each vehicle a registration permit bearing the number of registration of such vehicle, such registration permit to be of heavy gummed paper so as to be readily and easily affixed as provided below, bearing the expiration date of such permit and such other pertinent information as may be determined to be necessary by the city council. (1995 Code, § 15-1202)

15-1203. Display of permit. Each registration permit so issued, in the case of automobiles and trucks, shall be affixed by the owner of said vehicle to the license plate thereof, and in such manner as to be clearly visible from the rear of said vehicle. Each such permit shall be permanently affixed to the vehicle for which issued and shall not be obliterated or covered over by any means. Each permit so issued, in the case of motorcycles and motor scooters,

¹State law reference

Tennessee Code Annotated, § 6-55-501, et seq.

shall be affixed in a prominent manner to the vehicle for which issued in such manner as to be clearly visible from the rear of said vehicle. Permits shall not be transferable. The owner of each vehicle so registered under the provisions of this chapter shall remove all expired registration permits from his vehicle prior to affixing the current registration permit. (1995 Code, § 15-1203)

15-1204. Term. Each permit so issued under the provisions of this chapter shall be valid only up to and including the expiration date shown thereon. (1995 Code, § 15-1204, modified, as amended by Ord. #2017-009, August 2017)

15-1205. Registration fee. For the issuance of such permits and the maintaining of the registration books provided herein, there is hereby levied a fee or charge for each such registration as follows:

- (1) Automobiles and trucks: twenty-five dollars (\$25.00) per annum.
- (2) Motorcycles and motor scooters: twenty-five dollars (\$25.00) per annum. (Ord. #2005-027, Sept. 2005)

15-1206. Compliance required. It shall be unlawful for any resident person, firm or corporation to operate any vehicle, or to permit the operation of any vehicle owned by them, upon or over the streets, alleys, or avenues of the City of Jackson without first registering such vehicle and paying the fee herein provided. It shall be unlawful for any person, firm, or corporation to drive any vehicle or permit anyone else to drive any vehicle owned by them, over the streets, alleys, or avenues of the City of Jackson without displaying in the manner provided the permit required for each vehicle. (1995 Code, § 15-1206)

15-1207. Penalty for violation. Any person, firm or corporation violating any of the provisions of this chapter is hereby declared to be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifteen dollars (\$15.00) nor more than fifty dollars (\$50.00). (1995 Code, § 15-1207)

CHAPTER 13**TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM****SECTION**

- 15-1301. Definitions.
- 15-1302. Administration.
- 15-1303. Offense.
- 15-1304. Procedure.
- 15-1305. Penalty.

15-1301. Definitions. The following words, terms and phrases, when used herein, shall have ascribed to them the following meanings, except where the context clearly indicates a different meaning.

(1) "Citations and warning notices" shall mean the documents of notice of violation and shall include:

- (a) The name and address of the registered owner of the vehicle;
- (b) The registration plate number of the motor vehicle involved in the violation;
- (c) The violation charged;
- (d) The location of the violation;
- (e) The date and time of the violation;
- (f) A copy of the recorded image;
- (g) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;
- (h) A sworn statement signed by an officer or contractor of the Jackson police department that based on inspection, the subject motor vehicle was being operated in violation of the applicable enumerated section(s) of the Jackson city code; and
- (i) Information advising the person alleged to be liable for violations of the enumerated section(s) of the Jackson City Code of the manner and time in which the liability alleged in the citation may be contested in city court, and warning that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

(2) "Recorded images" means images recorded by a traffic control photographic system.

- (a) On a photograph, microphotograph, electronic image, videotape, or any other medium; and
- (b) At least one (1) image or portion of tape, clearly identifying the registration plate number, or other identifying designation of the license plate, on the motor vehicle.

(3) "System location" is the approach to an intersection toward which a traffic control photographic system device, including but not limited to a photographic, video, or electronic camera, is directed and is in operation.

(4) "Traffic control photographic system" is an electronic system consisting of a photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control sign, signal or device, and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control sign, signal, device or speed limit.

(5) "Vehicle owner" is the person identified on records maintained by the State of Tennessee and other states, departments of safety, as the registered owner of a motor vehicle. (Ord. #2005-041, Dec. 2005)

15-1302. Administration. (1) The Jackson police department shall administer the traffic control photographic and video system and shall maintain a list of all system locations where traffic control photographic systems are installed. The city may contract with third parties to perform administrative and clerical functions.

(2) No third party contractor shall have the authority to issue citations and no citations shall issue except upon review of the photographs, digital and/or video images by the Jackson Police Department. Upon review of such images by the Jackson Police Department, on each case, and upon express approval for the issuance of a citation by the Jackson Police Department, a third party contractor may perform the ministerial functions of preparing, mailing, serving and/or processing citations.

(3) Signs to indicate the use of the traffic control photographic and video system may be clearly posted in the discretion of the Jackson Police Department.

(4) All fines paid and/or collected shall be paid to the City of Jackson.

(5) The City of Jackson shall have all necessary power and authority to contractually provide for the purchase, lease, rental, acquisition and/or to enter service contracts so as to fully and necessarily implement the provisions of the traffic control photographic system authorized herein. (Ord. #2005-041, Dec. 2005)

15-1303. Offense. (1) It shall be unlawful for a vehicle to cross the stop line at a system location, in disregard or disobedience of the traffic control sign, signal or device at such location, or to otherwise violate any section of the Jackson City Code with respect to obedience to traffic lights, stop signs or traffic signals.

(2) It shall be unlawful for any vehicle to travel through a system location at a rate of speed in excess of that rate of speed established or posted for any such system location. (Ord. #2005-041, Dec. 2005)

15-1304. Procedure. (1) The city shall adopt procedures for the issuance of uniform citations and, if deemed appropriate, warning notices hereunder. Such system may include the use of third party contractors to perform ministerial tasks.

(2) A citation or warning notice so issued, alleging an offense hereunder in violation of § 15-1303 of the Jackson City Code, which is sworn to or affirmed by an official of the Jackson Police Department based on inspection of recorded images produced by the traffic control photographic system, and which includes copies of such recorded images, shall be prima facie evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation hereunder.

The citation or warning notice shall be forwarded by first-class mail, postmarked not later than thirty (30) days after the date of the alleged violation, to the vehicle owner's address as given on the motor vehicle registration records maintained by the State of Tennessee Department of Safety and other states' motor vehicle registration departments. Personal delivery to or personal service of process on the owner of the vehicle is not be required.

(3) A person who receives a citation or warning notice may:

(a) Pay the civil penalty, in accordance with instructions on the citation or warning notice, directly to the city court clerk; or

(b) Elect to contest the citation for the alleged violation.

(4) Liability hereunder shall be determined based upon a preponderance of the evidence. Admission into evidence of a citation or warning notice, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that such owner of the vehicle was the driver of the vehicle at the time of the alleged violation. Such an inference may be rebutted if the owner of the vehicle:

(a) Testifies under oath in open court that he or she was not the operator of the vehicle at the time of the alleged violation; and

(b) Presents to the court prior to the return date established on the citation and warning notice a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation; or

(c) Submits to the court prior to the return date established on the citation and warning notice the owner's sworn notarized statement that the vehicle was in the care, custody or control of another person or entity at the time of the violation and accurately identifying the name and accurately stating the current address and relationship to or affiliation with the owner, of the person or entity who leased, rented or otherwise had such possession of the vehicle at the time of the alleged violation. (Ord. #2005-041, Dec. 2005)

15-1305. Penalty. (1) Any offense hereunder shall be deemed a non-criminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed. Failure to pay the civil penalty or appear in court to contest the citation or warning notice on the designated date, shall result in the imposition of the stated fine by default and assessment of court costs as otherwise provided for by the city code.

The city will establish procedures for the trial of those that elect to contest the citation and the collection of all civil penalties and court costs resulting from contested cases in which a violation is found or those from default assessments, in the nature of a debt as otherwise provided by law.

(2) All revenues generated from penalties and assessments associated with the enforcement of this ordinance shall go into the city's general fund, provided however that the mayor shall be expressly authorized to pay such administration costs as are necessarily incurred and by contract authorized in order to implement and administer this system(s) herein authorized.

(3) A violation for which a civil penalty is imposed hereunder shall not be considered a moving violation and may not be recorded by the Jackson Police Department or the Tennessee Department of Safety on the driving record of the owner or driver of the vehicle and may not be considered in the provision of motor vehicle insurance coverage.

(4) All recorded images generated by the traffic control photographic system, including, but not limited to photographs, electronic images, and videotape, shall be solely owned by the City of Jackson. (Ord. #2005-041, Dec. 2005)

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

1. STREET NAMES.
2. GENERAL REGULATIONS.
3. SIDEWALK MAINTENANCE AND RECONSTRUCTION.
4. CURB CUTS.
5. EXCAVATIONS.
6. DRAINAGE DITCHES.

CHAPTER 1**STREET NAMES****SECTION**

- 16-101. Street names--official map.
16-102. Change of street names.
16-103. New streets.

16-101. Street names--official map. There is hereby established an official system of street names in the city as shown on the map entitled "Street Name Map," dated 25 March, 1952, which is incorporated by reference in this chapter as is fully set out herein. (1995 Code, § 16-101)

16-102. Change of street names. Names of streets in the city shall remain as shown on this map unless officially changed by specific ordinance passed subsequent to this date. (1995 Code, § 16-102)

16-103. New streets. No new street shall be accepted by the city nor municipal improvements made therein until such streets have been named; if they are extensions of existing streets, the existing names shall be continued, and if not extensions, names recorded shall not duplicate or closely approximate street names already assigned. (1995 Code, § 16-103)

CHAPTER 2

GENERAL REGULATIONS¹

SECTION

16-201. Blocking or obstructing streets, etc. prohibited.

16-202. Building materials not to obstruct streets and sidewalk; exception.

16-203. Decorative projections restricted.

16-204. Obstruction of drainage ditches.

16-201. Blocking or obstructing streets, etc., prohibited. No person shall obstruct or block any city alley, sidewalk, walkway, street, parkway or other public property, or permit same to be obstructed, by placing thereon any merchandise, refuse, fixtures, obstructions, crates, packing or any other object or substance.

However, persons engaged in unloading trucks or vans may obstruct such premises for the purpose of unloading but only for such time as absolutely necessary and reasonable for such unloading and all such obstructions shall be forthwith removed from such public property. (1995 Code, § 16-201)

16-202. Building materials not to obstruct streets and sidewalk; exception. It is unlawful for any person to place or pile in the streets or on the sidewalks any building material, such as lumber, brick, stone, plaster, cement or other obstruction, except when a permit to do so has been obtained from the building inspector.

Such permit may be issued only in connection with the construction, remodeling or repair of a building or other structure only when the building site does not reasonably permit the storage of building materials and no other alternative storage site is reasonably available.

However, no materials or other obstruction shall be so placed in the streets as to obstruct the sidewalks or the gutter and waterways adjacent to and adjoining sidewalks. All materials so placed or piled in the streets shall be surrounded by temporary walls, constructed in such way as to protect pedestrians and vehicles from any and all danger on account thereof, such walls to be erected in a manner satisfactory to the building inspector. A red warning light must be placed on these walls at night in a conspicuous place by the party in charge of the materials. No material shall be piled so as to occupy more than

¹Municipal code references

Signs projecting over streets and other public rights-of-way: title 14, chapter 4.

Trees obstructing intersections, etc.: § 2-309.

Trees projecting over streets, into powerlines, etc.: § 2-309.

one-fourth (1/4) of the right-of-way of any street, measuring from the outer edge of the sidewalk on the side of the street on which the material is placed. No material shall remain in the street for a longer time than is necessary to complete the work and in no case for more than twenty (20) days, and the permit shall so state; provided, however, that the permit may be extended, if necessary, in order to complete the work for which the material is being used. (1995 Code, § 16-202)

16-203. Decorative projections restricted. (1) Cornices, belt courses, sills, pilasters, water tables or any decorative features may project over public property within the Central Business District as indicated on the official zoning map of the City of Jackson after approval of the director of city planning. The city planner shall give prime consideration to the following factors:

(a) The projection should not create a hazard either to pedestrian or vehicular traffic by location or construction. The projection shall not interfere with the free flow of traffic, either pedestrian or vehicular.

(b) The projection shall be compatible with the exterior architectural features of the rest of the structure and to the surrounding area.

(c) Any other factor, including aesthetics, which it deems to be pertinent.

(2) Jurisdiction of the above projections shall be placed in the director of city planning. Anyone who may be aggrieved by any final order or judgment of the city planner may have the order or judgment reviewed by the City Council of the City of Jackson.

(3) Containers of approved material and construction shall not exceed forty-eight inches (48") by forty-eight inches (48") or forty-eight inches (48") diameter within the Central Business District as indicated on the official zoning map of the City of Jackson upon approval of the director of city planning. The city planner shall give prime consideration to the following factors:

(a) The projection should not create a hazard either to pedestrian or vehicular traffic by location or construction. The projection shall not interfere with the free flow of traffic, either pedestrian or vehicular.

(b) The projection shall be compatible with the exterior architectural features of the rest of the structure and to the surrounding area.

(c) Any other factor, including aesthetics, which he deems to be pertinent.

(4) Jurisdiction of the above shall be placed in the director of city planning. Anyone who may be aggrieved by any final order of judgment of the city planner may have said order or judgment reviewed by the City Council of the City of Jackson.

(5) The director of city planning may set up the procedures to be followed by an applicant in obtaining approval for such structures and should especially consider the relationship of the particular structure to the area as a whole. (1995 Code, § 16-203)

16-204. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch or gutter in any public right of way. (1995 Code, § 16-204)

CHAPTER 3

SIDEWALK MAINTENANCE AND RECONSTRUCTION

SECTION

16-301. Maintenance of sidewalks is duty of abutting property owner.

16-302. Procedure for maintenance.

16-303. Notice to land owner.

16-301. Maintenance of sidewalks is duty of abutting property owner. Maintenance of sidewalks is the duty of the abutting property owner. The city engineer shall make periodic inspections of all sidewalks in the city and whenever he determines that repairs or reconstruction is necessary, he shall notify the abutting property holder in writing as prescribed below. (1995 Code, § 16-301)

16-302. Procedure for maintenance. (1) It shall be the duty of the abutting property owner to provide all material required for sidewalk repair or reconstruction.

(2) When the property owner receives notice from the city engineer that the sidewalks require maintenance, he shall contact the engineer to determine the amount and type of material required.

(3) The city engineer shall provide this information and shall set a date when the repairs are to be made.

(4) The city shall provide the necessary labor to make all necessary repairs or reconstruction. (1995 Code, § 16-302)

16-303. Notice to land owner. (1) The notice required in § 16-301 shall notify the property owner that repairs are necessary to the sidewalk abutting his property. The notice shall state that if the property owner has not made definite arrangements with the city engineer within twenty (20) days of the date of the notice, the city shall make the necessary repairs, the entire cost of which shall constitute a levy on the described property.

(2) This notice shall be posted by first class mail to the last known address of the property owner of the described property.

(3) The city is hereby granted the authority to levy on property for the cost of sidewalk repairs where the owner of such property fails to provide materials for the repairs in the manner required by this chapter. (1995 Code, § 16-303)

CHAPTER 4

CURB CUTS

SECTION

- 16-401. Definitions.
- 16-402. Permit.
- 16-403. Specifications.
- 16-404. Approval of city engineer required.
- 16-405. Variances.

16-401. Definitions. For the purpose of this chapter, the following definitions shall apply to these words.

(1) "Driveway." A place on private property for the operation of automobile and other vehicles.

(2) "Driveway approach." Any area, construction, or facility between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to something definite on private property, such as a parking area, a driveway, or a door at least seven feet (7') wide intended and used for the entrance of vehicles into a building.

(3) "Outside sidewalk line." A line parallel to the property line lying along the edge of the sidewalk nearest the street roadway or curb, or where no sidewalk exists, a line in the street right-of-way parallel to and five feet (5') from the line of the private property.

(4) "Corner." The point of intersection of the property line nearest right-of-way paralleling the streets which intersect.

(5) "Curb raised safety zone." A length of curb equal to eight feet (8') for the protection of pedestrians.

(6) "Parcel of land." A lot, or lots, of a tract officially registered under one ownership.

(7) "Curb return." That portion of a curb next to a driveway approach which includes the radius or curvature, or the ramp-type lug on commercial or industrial type pavements and which connects the driveway approach to the street curb. (1995 Code, § 16-401)

16-402. Permit. (1) It is unlawful for any person to break, repair, alter, construct, or extend any curb along a street or alley or any driveway approach without first obtaining a permit therefor from the city engineer.

(2) Any person desiring to make any cut or change in any curb or driveway approach shall first submit an application to the city engineer, on forms provided by the city, stating the location of the cut or change desired to be made, the type of installation on private property to be served by the driveway approach together with such plans and specifications as may be necessary to clearly indicate to the city engineer the nature of the work to be

performed. This application shall be accompanied by a permit fee issued on the following table:

<u>Width of Driveway Approach</u>	<u>Permit Fee</u>
Twelve feet (12') or less	\$5.00
For each additional ten feet (10') or portion thereof	\$1.00

(3) The requirements of this chapter shall be subject to limitations established by the State Highway Department's control over state routes. (1995 Code, § 16-402)

16-403. Specifications. Any alteration or change or new construction to any curb in the city or of any driveway approach shall conform to the following specifications:

(1) Width and location of driveway approach. No driveway approach shall exceed seventy feet (70') in width as measured along the outside sidewalk line. Where more than one (1) driveway approach on a street front serves a single parcel of land, there shall be at least one (1) curb-raised safety zone at least eight feet (8') in length between driveway approaches. The sides, edges or curbs of driveway approaches shall be at right angles to the street curb.

(2) Driveway approach at street intersections. No portion of a driveway approach shall be constructed within fifteen feet (15') of the property lines extended at intersecting streets.

(3) Distance between curb return of a driveway approach and interior property line. No portion of a curb return shall be less than two feet (2') away from the property line not located at an intersection.

(4) A curb return radius for driveways. The radius of curvature of the curb return shall not exceed the distance between the curb and the outside sidewalk line.

(5) Street structures. No driveway approach shall interfere with municipal facilities such as street-lighting poles, traffic signal standards, signs, catch basins, hydrants, crosswalks, bus-loading zones, utility poles, underground pipe or ducts or other necessary street structures and the city engineer is authorized to order and effect the removal or construction of any driveway approach which now conflicts with street structures. The cost of removing or reconstructing or relocating such driveway approaches shall be at the expense of the abutting property owners. (1995 Code, § 16-403)

16-404. Approval of city engineer required. Any plan submitted to the city building inspector for a residential or commercial building permit, which includes or involves curb or driveway approach problems, shall be referred to the city engineer for approval and issuance of permit under this chapter before a building permit is issued. The city engineer shall establish the size of culvert to

be inserted under any driveway prior to issuance of the permit. (1995 Code, § 16-404)

16-405. Variances. The city engineer is hereby authorized to grant in writing variances from the strict application of the provisions of this chapter provided he first determines that the following conditions are present:

(1) The exception or variance desired arises from peculiar physical conditions not ordinarily existing in similar districts in the city or is due to the nature of the business or operation on the abutting property.

(2) That the exception or variance desired is not against the public safety and convenience.

(3) That the granting of the permit for the exception or variance will not adversely affect the rights of adjacent property owners or tenants. (1995 Code, § 16-405)

CHAPTER 5

EXCAVATIONS

SECTION

- 16-501. Permit required.
- 16-502. Restoration of streets.
- 16-503. Safety precautions.

16-501. Permit required. (1) It is unlawful for any person to make an opening in any city street, sidewalk, alley or public way or to disturb in any way the surface or sub-surface, including boring of any city street, sidewalk, alley, or public way without having first received a permit therefor from the city engineer, except as provided hereafter in case of emergency.

(2) Such permit shall be issued by the city engineer upon the receipt of a written application filed by the applicant on forms provided by the city. At the time of application the applicant shall pay a permit fee as follows:

For an opening of five square feet (5') or less:	Twenty-five dollars (\$25.00).
For an opening exceeding five square feet (5'):	Two dollars (\$2.00) for each additional square foot.
Subsurface boring shall be:	Two dollars (\$2.00) per square foot (diameter x length of boring).

(3) Separate permits will be required where there are multiple openings, or where one continuous opening exceeds one (1) block in length, including intersection.

(4) In addition to the permit fee the applicant shall pay the city for the restoration of the streets.

(5) Except in emergency situations, described below, the cost of the permit and restoration cost may be doubled if work begins prior to obtaining a permit.

(6) The application and permit shall give the location and dimension of the proposed opening, the purpose for which the opening is to be made, the kind of pavement or surface to be opened and the approximate date that the opening will be tamped and the surface temporarily restored.

(7) The city engineer may limit the time that the cut may be open, giving due regard to the size of the opening and the nature of work to be performed. If the work is not completed within the time designated on the permit, the permit may be canceled.

(8) If canceled, a cancellation charge of ten dollars (\$10.00) plus any accrued restoration charge by the city shall be paid by the permittee. Before the

work can proceed a new permit must be secured under the same procedure as required in starting a new excavation.

(9) All applications for mains, conduits, manholes and other subsurface structures including street borings should be accompanied by a plan and typical cross section showing as nearly as possible from records the location of existing underground structures and the location of the proposed structures. Plans shall be submitted in duplicate. The issuance of a permit will be based on the approved plans and no work, which deviates from the approved plan, shall be performed unless and until an approval of the change of plan has been secured from the city engineer.

(10) In the event of a leak in a gas main or break in an electric duct, or failure in communication line or cable, or other serious accident, which requires immediate action for the protection of the public safety or convenience, an opening may be made to correct same without obtaining a permit prior to beginning work, but a permit number shall be obtained from the City of Jackson Engineering Department office during normal business hours on the following business day and the full permit shall be obtained within five (5) working days thereafter. Failure to comply may subject the permittee to the penalty provisions. (Ord. #2000-041, Oct. 2000)

16-502. Restoration of streets. (1) In addition to the fee, which shall accompany the application, the applicant shall pay to the City of Jackson for the restoration of the city streets.

(2) The permittee must temporarily backfill with material removed from the excavation and tamp to a density of ninety-five percent (95%) as measured by the Standard Proctor method to the level of the subgrade. If material removed from the excavation is unsuitable for compaction, it shall be removed from the site and chert or crushed limestone used to the level of the subgrade. The base shall be of the same material and shall be replaced to the same depth as existing but not less than six inches (6") in depth.

(3) The City of Jackson will remove the temporary repairs to the depth and extent necessary and will make final restoration by contract or with city maintenance personnel to the established standards and the permittee will be billed for actual cost of repairs.

(4) The permittee shall make complete restoration of all cuts in unimproved (gravel) and in concrete sidewalks. Concrete sidewalks shall be repaired with the same materials and finished with the same appearance as the original sidewalk. (Ord. #2000-041, Oct. 2000)

16-503. Safety precautions. (1) The permittee shall carry on the work authorized by the permit in such manner as to cause minimum of interference with traffic. He shall provide adequate warning signs and devices to warn and guide traffic, and shall place the signs and warning devices in a position of maximum effectiveness in accordance with the Manual on Uniform Traffic

Control Devices. No road or street shall be closed to through traffic during repairs unless approval has been received from the city engineer.

(2) Where the city engineer or permittee determines that difficult or potentially hazardous conditions exist, a competent flagman shall be provided to effect a safe and orderly movement of traffic. Where insufficient traffic lanes exist because of street openings, adequate bridging shall be supplied by the permittee. When traffic congestion occurs in spite of all precautions, the permittee shall be responsible for requesting police assistance and permittee shall pay for such police assistance at rates determined by the city council.

(3) On main thoroughfares and in congested districts, sufficient traffic lanes shall be kept open at all times to permit substantial normal traffic flow, except when emergency conditions require otherwise. Unless this can be accomplished, work shall be done only during the period between 9:00 A.M. and 4:00 P.M., or between midnight and 7:00 A.M. as the city engineer may designate.

(4) In the case of emergency occurring in any important thoroughfare, the permittee shall notify the police and the fire department immediately. (Ord. #2000-041, Oct. 2000)

CHAPTER 6

DRAINAGE DITCHES

SECTION

16-601. Deposits prohibited in drainage ditches.

16-602. Responsibility of persons owning property adjacent to drainage ditch.

16-603. Declared public nuisance.

16-604. Erosion, etc., of property by waters flowing within drainage ditch.

16-601. Deposits prohibited in drainage ditches. It shall be unlawful to drop, dump, throw, deposit, or otherwise place in natural surface water drainage ditches within the City of Jackson any residue, trash, junk equipment, industrial residue or other substance. (1995 Code, § 16-601)

16-602. Responsibility of persons owning property adjacent to drainage ditch. No person, firm or corporation owning property adjacent to a natural drainage ditch carrying surface water within the City of Jackson shall suffer, condone or permit others to use their property for the purpose of dropping, dumping, depositing, throwing, or otherwise placing any residue, trash, junk equipment, industrial residue or other substance in such drainage ditches. (1995 Code, § 16-602)

16-603. Declared public nuisance. Dropping, dumping, depositing, throwing or otherwise placing any residue, trash, junk equipment, industrial residue or other substance in natural drainage ditches carrying surface water within the City of Jackson is hereby declared to be a public nuisance, dangerous to the health and welfare of the citizens of the City of Jackson. (1995 Code, § 16-603)

16-604. Erosion, etc., of property by waters flowing within drainage ditch. Notwithstanding the provisions of this chapter any owner of property which is located adjacent to any such drainage ditch within the City of Jackson, whose property is being eroded, caved, or washed by the waters flowing within such drainage ditch, may take protective measures to prevent such eroding, caving, or washing provided, however, that such property owner shall first submit, in writing, to the City Engineer of the City of Jackson a detailed plan and drawing showing the protective measures desired to be taken and shall have obtained the approval of the city engineer, in writing, before any such protective measures be undertaken. (1995 Code, § 16-604)

TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER

1. MUNICIPAL COLLECTION SYSTEM.
2. STORAGE, CONTAINERS, COLLECTION, ETC.
3. SCHEDULE OF CHARGES AND COSTS.

CHAPTER 1

MUNICIPAL COLLECTION SYSTEM

SECTION

- 17-101. Definitions.
- 17-102. Garbage and refuse collection required.
- 17-103. Collection--to be made by city; exception.
- 17-104. To be supervised by director.
- 17-105. Special requirements.
- 17-106. By actual producers and outside collectors.
- 17-107. Inspections.

17-101. Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Apartment-condominium." Structure located within the City of Jackson, housing more than two (2) family units.

(2) "City." The City of Jackson, Tennessee.

(3) "Commercial business." All places of business located within the City of Jackson, Tennessee, except manufacturing plants, including trailer courts consisting of eight (8) or more units, apartments and condominiums, served by containers of not less than two (2) cubic yards.

(4) "Director of health and sanitation" or "director." The director of health and sanitation of the city.

(5) "Garbage." Food waste products, ashes, residue from fires, and refuse, waste paper, rags, castoff clothing, crockery, bottles, tin cans, yard trimmings, weeds, leaves and similar materials that may be broken up and placed in waste receptacles so that the cover may be tightly closed, excluding trash and radioactive, pathological, volatile, hazardous waste or other waste which cannot be lawfully disposed of in a landfill.

(6) "Municipal disposal grounds." Any area owned or controlled by the City of Jackson designated by the city council as the area for disposal of garbage, refuse and rubbish collected within the City of Jackson.

(7) "Plastic bag." A bag made of plastic approximately two feet (2') in diameter and four feet (4') in length and of sufficient strength to contain the weight of the contents without splitting. Such bags must be securely tied.

(8) "Refuse." Any combination of garbage, ashes and rubbish.

(9) "Residence." Structure located within the City of Jackson, housing not more than two (2) family units.

(10) "Special waste receptacle." A square or round-type container with a swing-type cover and removable inner container.

(11) "Standard container." A water-tight receptacle or metal container with handles or bails with tight-fitting cover having a capacity of more than twenty (20) gallons and less than fifty (50) gallons and which will not weigh more than seventy-five (75) pounds when filled.

(12) "Trash and bulky waste." Loose brush, loose limbs, furniture, appliances, large machines, construction material and similar items. Professional tree trimmers, landlords, and contractors will be required by city ordinance to pick up their own trash and bulky waste and dispose of same in accordance with city ordinance. (1995 Code, § 17-101, as amended by Ord. #2016-001, Jan. 2016, and Ord. #2019-010, May 2019)

17-102. Garbage and refuse collection required. Every residence, industry, commercial business, apartment-condominium or structure or activity within the City of Jackson which causes or creates on its premises garbage and/or refuse shall provide to same the garbage and/or refuse collection service established under the provisions of this chapter. (1995 Code, § 17-102, as amended by Ord. #2019-010, May 2019)

17-103. Collection--to be made by city; exception. All garbage and/or refuse, trash and bulky waste shall be collected, conveyed and disposed of by the city. The city may contract for the collection of such garbage and/or refuse and trash and bulky waste or any part thereof. No person shall convey over any of the streets or alleys of the city, or dispose of any refuse accumulated in the city, except as noted hereafter:

(1) Exception for actual producers. This chapter shall not prohibit the actual producer of garbage, refuse, trash or bulky waste, the employees of the actual producer, or the owners or legal occupants of the premises upon which the garbage, refuse, trash or bulky waste has accumulated, from personally collecting, conveying and disposing of same. The actual producer of the waste, the employees of the actual producer, and the owners or legal occupants of the premises may personally transfer such garbage, refuse, trash or bulky waste and dispose of same in the city landfill without the necessity of the permit.

(2) Exception for trash and bulky waste. Any producer of trash and bulky waste, as defined in this chapter, may personally transfer such trash and bulky waste and dispose of same in the city landfill without the necessity of the permit required in subparagraph (1) above.

(3) Exception for outside collectors. This chapter shall not prohibit collectors of garbage, refuse and trash and bulky waste collected outside of the city from hauling such trash and bulky waste over city streets; provided such collectors are hauling same in containers and vehicles of an approved type under the provisions of this chapter. (1995 Code, § 17-103, as amended by Ord. #2019-010, May 2019)

17-104. To be supervised by director. (1) All garbage, refuse and trash and bulky waste accumulated in the city shall be collected, conveyed and disposed of by the city under the supervision of the director of health and sanitation. The director shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance and disposal as are necessary, and to change and modify the same, provided that such regulations are not contrary to the provisions of this chapter.

(2) Any person aggrieved by a regulation or charge of the director, shall have the right to appeal to the city council which shall have the authority to confirm, modify or revoke any such regulation or charge, such decision to be final. (1995 Code, § 17-104, as amended by Ord. #2019-010, May 2019)

17-105. Special requirements. (1) Generally. All garbage and refuse shall be removed from private residences twice each week or as often as is deemed necessary by the director. All garbage must be bagged. Garbage and refuse shall be removed from commercial business, industry and apartment-condominium locations as often as is deemed necessary by the director.

(2) Contagious disease garbage and refuse. The removal of wearing apparel, mattresses, other bedding or other garbage and refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision of the director. Such garbage and refuse shall not be placed in containers for regular collection.

(3) Inflammable or explosive garbage and refuse. Highly inflammable or explosive materials, poisons, acids and caustics shall not be placed in containers for regular collection but shall be disposed of at the expense of the owner or possessor as directed by the director of health and sanitation.

(4) Construction garbage and refuse. Quantities of garbage and refuse materials resulting from the repair, excavation, construction or destruction of buildings, such as, but not limited to, broken concrete, dirt, sand, gravel, trees, tree limbs, woolen wastes or any other nonputrescible materials, shall be

removed and disposed of by the licensed contractor, or the property owner or legal occupant of the property by a method allowable under this Ordinance.

(5) Industrial wastes. Solid wastes resulting from industrial processes shall be disposed of by the owner or possessor thereof under methods outlined by the director.

(6) Dead animals. Dead animals shall not be placed in garbage containers for regular collection. Such animals will be removed by special pickup on call to the sanitation department.

(7) Materials not prepared in accordance with this chapter. Unless garbage and refuse shall be prepared for collection as provided in this chapter, it will be considered not acceptable for collection. (1995 Code, § 17-105, as amended by Ord. #2016-001, Jan. 2016 and Ord. #2019-010, May 2019)

17-106. By actual producers and outside collectors.

(1) Requirements for vehicles. The actual producers of garbage and refuse, or the owners of premises upon which garbage and refuse is accumulated, who desire to dispose of waste material not included in the definition of garbage and refuse, and collectors of garbage and refuse from outside the city who desire to haul over the streets of the city, shall use a vehicle or container provided with a cover so to prevent offensive odors escaping therefrom and refuse or liquid from being blown, dropped or spilled.

(2) Disposal. Disposal of garbage and refuse by persons so permitted under paragraph (1) of this section shall be made at the city landfill unless otherwise authorized by the director. The use of the city landfill by outside collectors shall be subject to the appropriate charge for such privilege.

(3) Other requirements. The director shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the handling of garbage and refuse over city streets as may be necessary, subject to the right of appeal as set forth in § 17-104.

(4) Garbage and refuse property of city. Ownership of garbage and refuse material set out for collection and/or deposited at the municipal disposal grounds shall be the property of the city; and scavenging, scattering, collection and pilfering the garbage and refuse in any way is prohibited except by written permission from the director. (1995 Code, § 17-106, as amended by Ord. #2019-010, May 2019)

17-107. Inspections. The director of health and sanitation or his authorized agent is hereby directed to make all necessary inspections and investigations of any and all premises to see that the terms of this chapter are complied with. (1995 Code, § 17-107, as amended by Ord. #2019-010, May 2019)

CHAPTER 2**STORAGE, CONTAINERS, COLLECTION, ETC.****SECTION**

17-201. Preparation.

17-202. Collection points.

17-203. Containers.

17-204. Storing of garbage and refuse restricted.

17-201. Preparation. All garbage and refuse before being placed in garbage cans or bags for collection shall have drained from it all free liquids. Garbage placed in a can shall be wrapped in paper or other equivalent material. (1995 Code, § 17-201, as amended by Ord. #2019-010, May 2019)

17-202. Collection points. Garbage and refuse containers shall be placed for collection at ground level on the property not within the right-of-way of a street or alley, and shall be accessible to and not more than forty feet (40') from the side of the street or alley from which collection is made, provided that containers may be placed for collection at other than ground level and at a distance of more than forty feet (40') when approved by the director. (1995 Code, § 17-202, as amended by Ord. #2019-010, May 2019)

17-203. Containers. (1) Residential. (a) Duty to provide and maintain in sanitary condition. Garbage and refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Garbage and refuse containers shall be maintained in good order and repair. Any container that may have jagged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be properly replaced upon notice. The director shall have the authority to refuse collection services for failure to comply herewith. All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes or other insects or rodents.

(b) Garbage containers. Garbage containers shall be only a standard container, a plastic bag or a special waste receptacle, as defined in § 17-101.

(2) Industrial and commercial. Containers for use by industrial and commercial customers shall be those furnished by the City of Jackson or its contractors, and only approved containers may be used by commercial and industrial activities in every instance where same is practicable as determined by the city. Any industrial and commercial activity may furnish its own containers or containers provided same is of an approved type established by the city. It shall be the duty of the person, firm or corporation furnishing such

container to keep same clean and free from accumulation of any substance on the inside or the outside which would attract or breed flies, mosquitoes or other insects or rodents and free of noxious odors. The person, firm or corporation furnishing such container shall likewise have the duty of keeping same in a good and safe condition and repair. Any commercial or industrial activity so located that the use of the standard dumpster type container of two (2) cubic yards or more is impracticable in the opinion of the city shall furnish a container or containers as provided above for residential use. (1995 Code, § 17-203, as amended by Ord. #2019-010, May 2019)

17-204. Storing of garbage and refuse restricted. (1) Public places. No person shall place any garbage and refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the city except it be in proper containers for collection or under express approval granted by the director. Nor shall any person throw or deposit any garbage and refuse in any stream or other body of water in the city.

(2) Scattering of garbage and refuse. No person shall cast, place, sweep or deposit anywhere within the city any garbage and refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or unoccupied vacant lot or other public place, or into any occupied premises within the city. (1995 Code, § 17-204, as amended by Ord. #2019-010, May 2019)

CHAPTER 3**SCHEDULE OF CHARGES AND COSTS****SECTION**

- 17-301. Charges for use of landfill.
 17-302. Charges for garbage collection.
 17-303. Increases in charges.
 17-304. Fuel surcharges.
 17-305. Failure to pay for garbage service.

17-301. Charges for use of landfill. (1) Any person, firm or corporation disposing of garbage and refuse as provided in § 17-106 of this code shall pay any and all fees to Allied/BFI, owner and operator of the former city-owned landfill. This charge shall not apply to any person, firm or corporation depositing garbage and refuse in the city landfill under a lawful contract with the City of Jackson.

(2) Any person, firm or corporation disposing of demolition material as provided in § 17-106 of this code shall pay any and all fees to Allied/BFI, owner and operator of the former city-owned landfill. This charge shall not apply to any person, firm or corporation depositing demolition material in the city landfill under a lawful contract with the City of Jackson. (Ord. #2006-031, Aug. 2006)

17-302. Charges for garbage collection. (1) For services rendered each private family, the following charges shall be made: residential collection-seventeen dollars and eighty-four cents (\$17.84) per month.

(2) For service rendered each commercial activity, business, industry, apartment, condominium and trailer courts, consisting of six (6) or more units the following charges shall be made:

(a) For commercial activities and industries where the use of containers is impracticable and hand-loading is required, the following charges based on volume will be paid:

1/2 CY	\$ 31.58
1 CY	\$ 63.13
1.5 CY	\$ 94.68
2 CY	\$ 126.30
2.5 CY	\$ 157.88
3.0 CY	\$ 182.60

(b) For commercial activities and industries using containers, the following charges based on volume will be paid:

SIZE	1X	2X	3X	4X	5X	6X	EXTRA
2YD	105.13	183.27	261.36	339.46	417.57	495.66	18.03
3YD	116.57	202.47	292.56	374.32	460.23	546.14	19.85
4YD	138.80	232.51	326.24	419.95	513.69	607.43	21.63
6YD	182.64	307.63	432.58	557.56	682.54	807.47	28.85
8YD	210.89	351.49	492.07	632.65	773.25	913.85	32.46
2YD CMP	621.39						
3YD CMP			564.21				
6YD CMP	648.51		1149.03		1726.21		
8YD CMP	719.41				2158.21		2877.61
						<u>ROLL OFF</u>	
		HAUL				RENT	
20YD OT			350.91				250.71
30YD OT			367.62				261.85
40YD OT			419.62				272.99
40YD CP			501.31				

A charge for four dollars (\$4.00) per customer per month will be paid to cover the cost of inspection and billing.

(3) The charges for garbage collection shall be subject to an annual cost-of-living increase based on the Consumer Price Index, as calculated by the Federal Bureau of Labor Statistics. The annual increase (or decrease) shall be rounded to the nearest one-tenth of a percent and shall be based on the CPI-U reported in July (for the twelve (12) month period ending in June) of each year. The effective date of the increase or decrease shall be the July service period.

(4) The city will review on a semi-annual basis any/all fuel surcharge initiated by the contracted hauler, Waste Management. The city reserves the right to pass on these charges to its customers in the form of a "fuel surcharge

adder," depending upon the significance and longevity of subject charges, if/when they are in fact incurred, and as approved by city council. (Ord. #2008-030, Oct. 2008, as replaced by Ord. #2012-007, June 2012)

17-303. Increases in charges. The charges for garbage collection shall be subject to an annual cost-of-living increase based on the Consumer Price Index, as calculated by the Federal Bureau of Labor Statistics. The annual increase (or decrease) shall be rounded to the nearest one-tenth of a percent (0.1%) and shall be based on the CPI-U reported in July (for the twelve (12) month period ending in June) of each year. The effective date of the increase or decrease shall be the October service period. (Ord. #2008-030, Oct. 2008)

17-304. Fuel surcharges. The city will review on a semi-annual basis any and all fuel surcharge initiated by the contracted hauler, Waste Management. The city reserves the right to pass on these charges to its customers in the form of a "fuel surcharge adder," depending upon the significance and longevity of subject charges, if/when they are in fact incurred, and as approved by city council. (Ord. #2008-030, Oct. 2008)

17-305. Failure to pay for garbage service. (1) Delinquent accounts. All accounts shall be considered delinquent if not paid within ten (10) days from the date of bill. All delinquent accounts are subject to stoppage of service without notice. If a delinquent account is not paid within thirty (30) days from date of bill, the director shall cease all refuse collection for that account unless otherwise directed by the city council.

(2) Legal remedy. The stoppage of service herein before authorized for nonpayment of collection charges, shall be in addition to the right of the city to proceed for the collection of such unpaid charges. (1995 Code, § 17-303)

TITLE 18**WATER AND SEWERS****CHAPTER**

1. IN GENERAL.
2. WASTEWATER SYSTEM.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. FLUORIDATION OF WATER.

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

- 18-101. Approval of utilities division rules and regulations; rates.
18-102. Connections to public water and/or sewer system.
18-103. Extension of sanitary sewer system.

18-101. Approval of utilities division rules and regulations; rates.

The City Council of the City of Jackson, Tennessee, hereby approves all of the rules and regulations of the utilities division of the city.

The city council expressly reserves the right to study and approve or disapprove any rates for the use of water, sewers, electricity and gas by residents of the city as such rates are proposed by the utilities division. (1995 Code, § 18-101)

18-102. Connections to public water and/or sewer system. In order to protect the public health, the owner or owners of any structure within the City of Jackson which has available to it the public water and/or sewer system of the City of Jackson shall connect such structure to the water system and/or sewer system within thirty (30) days of the service becoming available, provided, however, that the owner or owners of any structure not used or occupied by humans and to which the public is not invited may apply to the Jackson Utility Division for an exemption from this requirement; that upon a satisfactory showing that such structure or building is not used by humans and is not one to which the public is invited, such exemption may be issued. (1995 Code, § 18-102)

18-103. Extension of sanitary sewer system. (1) The owner(s) of property who petition for connection to the city's sewer system to serve their property shall at that time consent to, petition and request the annexation of such property by the City of Jackson, such annexation to take place at such time as the city may deem appropriate, consistent with state law. Until such time as

annexation occurs, the owner(s) shall agree not to seek incorporation as a separate entity nor annexation to any other incorporated area.

(2) The consent to annexation shall be incorporated as part of the City of Jackson land development plan and/or sewer contract between owner(s) and the city acting through Jackson Utility Division. At the time the sewer/land development contract is entered into, the property owner shall submit his petition for annexation to the city.

(3) The above-described consent to annexation by the City of Jackson shall be made a restrictive covenant imposed by the property owner(s) upon the property, which shall run with the land and shall be binding upon all heirs, successors and assigns. Such covenant shall be recorded in the Office of the Madison County Register, and it shall be the duty of the original property owner and all subsequent property owners to disclose the existence of said covenant to any parties to whom the property or a portion thereof is conveyed. Reference to such recorded covenant shall be evidenced on any final plat or plan of development prior to the recordation of said plat or plan of the Office of the Madison County Register. It shall be the responsibility of the planning department of the city and Jackson Utility Division to ensure that the signed petition for annexation is submitted by the property owner and that the covenant appears on the plat or plan prior to signing and recordation of said final plat or plan. (Ord. #1998-003, Jan. 1998)

CHAPTER 2

WASTEWATER SYSTEM

SECTION

18-201. Operation and management.

18-202. Promulgation of rules and regulations.

18-203. Authority of board of utility commissioners to institute court proceedings and to recover damages.

18-204. Violations.

18-201. Operation and management. The board of utility commissioners of the Jackson Utility Division shall be and is hereby authorized and directed to operate, manage and maintain the wastewater system (POTW) of the city, in accordance with all applicable state and federal laws, including, but not limited to, the Clean Water Act of 1977 (P.L. 95-217), as amended; the General Pretreatment Regulations (40 CFR Part 403); the Solid Waste Disposal Act, as amended; the Clean Air Act, as amended; the Toxic Substances Control Act, as amended; laws of the State of Tennessee promulgated pursuant to any federal law or for any applicable state purpose; and rules and regulations of the United States Environmental Protection Agency as amended from time to time, and to otherwise use its best engineering judgment in such management so as to:

(1) Prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) Prevent the introduction of pollutants into the wastewater system which will pass through the waste water system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the wastewater system;

(3) Improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater system;

(4) Provide for equitable distribution of the costs attributable to the wastewater system as required by the charter of the city;

(5) Regulate users of the wastewater system through the issuance of permits to users and through enforcement of general requirements;

(6) Authorize monitoring and enforcement activities;

(7) Require user reporting;

(8) Assure that existing users' capacities will not be preempted; and

(9) Provide for the setting of fees for the equitable distribution of costs.

(1995 Code, § 18-201)

18-202. Promulgation of rules and regulations. The board of utility commissioners of the Jackson Utility Division shall be and is hereby authorized

and directed to promulgate such rules and regulations as may be necessary for the operation of the wastewater system and for the control of the use of the wastewater system in conformity to the guidelines hereby established and to amend same from time to time as, in the good judgment of the board of utility commissioners, may be necessary; that such rules and regulations, and any amendments thereto, be adopted by the board of utility commissioners in public meeting duly called, provided, however, that any amendment involving an increase in rates be subject to the provisions of section 67 of the Official Charter of The City of Jackson, Tennessee. (1995 Code, § 18-202)

18-203. Authority of board of utility commissioners to institute court proceedings and to recover damages. The board of utility commissioners shall be and is hereby authorized to institute proceedings in any court of competent jurisdiction where same is necessary to enforce this chapter, rules and regulations and amendments thereto promulgated, or conditions of permits issued under these rules and regulations seeking appropriate relief, including injunctive relief and collection of civil penalty, and/or injunctive relief and collection of civil penalty, and/or recover damages caused by the failure of any user to comply with this chapter or the rules and regulations promulgated under the same. (1995 Code, § 18-204)

18-204. Violations. The violation of the provisions of this chapter or of the rules and regulations promulgated under the authority of this chapter by the board of utility commissioners or conditions of permits issued under such rules and regulations are subject to civil penalties up to ten thousand dollars (\$10,000.00) for each violation to be assessed in accordance with applicable state law. (1995 Code, § 18-203)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.

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

(1) "Public water supply." The waterworks system furnishing water to the city for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(2) "Cross connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections;

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

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

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

¹Municipal code reference

Plumbing and related codes: title 12.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or county. (1995 Code, § 18-301)

18-302. Standards. The municipal public water supply is to comply with Tennessee Code Annotated, §§ 68-221-101, et seq., as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1995 Code, § 18-302, modified)

18-303. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the general manager of the Jackson Utility Division or his representative. (1995 Code, § 18-303)

18-304. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the general manager of the Jackson Utility Division a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1995 Code, § 18-304)

18-305. Inspections required. It shall be the duty of the Jackson Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the general manager of the Jackson Utility Division and as approved by the Tennessee Department of Environment and Conservation. (1995 Code, § 18-305)

18-306. Right of entry for inspections. The general manager of the Jackson Utility Division or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems

therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1995 Code, § 18-306)

18-307. Correction of existing violations. (1) Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the general manager of the Jackson Utility Division.

(2) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the general manager of the Jackson Utility Division shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the general manager of the Jackson Utility Division shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

(3) Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1995 Code, § 18-307)

18-308. Use of protective devices. (1) Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (a) Impractical to provide an effective air-gap separation;
- (b) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply;
- (c) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;
- (d) There is a likelihood that protective measures may be subverted, altered, or disconnected, the general manager of the Jackson

Utility Division or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the general manager of the Jackson Utility Division prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

(2) Personnel of the municipal public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the general manager of the Jackson Utility Division or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

(3) Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one (1) unit has been installed and the continuance of service is critical, the general manager of the Jackson Utility Division shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The general manager of the Jackson Utility Division shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the general manager of the Jackson Utility Division.

(4) The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the general manager of the Jackson Utility Division. (1995 Code, § 18-308)

18-309. Unpotable water to be labeled. In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

The minimum acceptable sign shall have black letters at least one (1) inch high located on a red background. (1995 Code, § 18-309)

18-310. Violations. The requirements contained herein shall apply to all premises served by the city water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances. In addition, the general manager of the Jackson Utility Division of the City of Jackson shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, bypass or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, bypass or interconnection has been discontinued. (1995 Code, § 18-310)

CHAPTER 4**FLUORIDATION OF WATER****SECTION**

18-401. Authorization to fluoridate.

18-402. Cost to be borne by water department.

18-401. Authorization to fluoridate. The division of public utilities is hereby authorized and instructed to make plans for the controlled fluoridation of the water supply of the city to maintain an optimum concentration of one (1) part of fluoride per million parts of water in the water supply; to submit such plans to the Tennessee Department of Environment and Conservation for its approval, and upon approval to install the necessary equipment and add the necessary chemicals to the water supply in accord with such approval as will adequately provide for the controlled fluoridation of said water supply. (1995 Code, § 18-401, modified)

18-402. Cost to be borne by water department. The cost of such controlled fluoridation will be borne by the revenues of the water department of the division of public utilities of the city. (1995 Code, § 18-402)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

CHAPTER

1. AIRPORTS AND AIRCRAFT--GENERAL.
2. PARKS AND RECREATION.

CHAPTER 1

AIRPORTS AND AIRCRAFT--GENERAL¹

SECTION

- 20-101. Driving on runways, etc.
- 20-102. Operation of aircraft on ground in dangerous manner.
- 20-103. Damage to airport property.
- 20-104. Airport operations manual--violation of rules and regulations therein.

20-101. Driving on runways, etc. It is unlawful for any person to drive, operate or permit an automobile or other ground vehicle, other than a duly authorized airport service and emergency vehicle, to go upon any apron, taxiway or runway of McKellar Field or upon any other portion of McKellar Field other than roads and parking area provided for such vehicles. (1995 Code, § 20-101)

20-102. Operation of aircraft on ground in dangerous manner. It is unlawful for any person to operate any aircraft while upon the ground in such a manner as to endanger life or property. The landing or taking off of an aircraft from any area on McKellar Field except duly designated runways is hereby declared to be dangerous to life and property and is expressly prohibited. The operation of any aircraft upon the ground in violation of any rule or regulation propounded by the Civil Aeronautics Administration Commission, is likewise declared to be dangerous to life and property, is prohibited. (1995 Code, § 20-102)

20-103. Damage to airport property. It is unlawful for any person to damage, deface, remove or in any other manner tamper with or injure any building, hangar, lighting equipment, or structure of any and all types located upon such McKellar Field. (1995 Code, § 20-103)

¹Municipal code reference

Airport zoning regulations: title 14, chapter 3.

20-104. Airport operations manual--violation of rules and regulations therein. (1) The rules, regulations and requirements set forth and published in the Airport Operations Manual prepared for McKellar Airport by the Jackson-Madison County Airport Authority, and amendments thereto, shall be the rules, regulations and requirements for the operation and use of McKellar Airport.

(2) All persons, firms, association or corporations using any portion of McKellar Airport whether as passenger, pilot, operator, lessee, invitee, tenant, or licensee are hereby charged and required to comply with the terms of those regulations.

(3) Any person, firm or corporation violating the provisions of the rules and regulations contained in the Airport Operations Manual, with amendments thereto, shall be guilty of a misdemeanor and, upon conviction, shall be subject to punishment according to the general penalty provision of this municipal code of ordinances. (1995 Code, § 20-104)

CHAPTER 2

PARKS AND RECREATION

SECTION

- 20-201. Definitions.
- 20-202. Persons invited to use city parks; park hours.
- 20-203. Unlawful activities generally.
- 20-204. Sanitation.
- 20-205. Alcoholic beverages and/or controlled substances.
- 20-206. Traffic.
- 20-207. Recreational activities.
- 20-208. Certain behavior declared unlawful.
- 20-209. Merchandising, advertising and signs.
- 20-210. Park operating policy.
- 20-211. Enforcement.
- 20-212. Additional rules and regulations.

20-201. Definitions. For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Jackson, Tennessee.
- (2) "Director" is the director of recreation and parks of the City of Jackson, the person immediately in charge of all park area and its activities, and to whom all park attendants in such area are responsible
- (3) "Park" is all city-owned parks.
- (4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (5) "Vehicle" is any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city parks. (1995 Code, § 20-201)

20-202. Persons invited to use city parks; park hours. (1) All persons who will comply with the terms of this chapter and such rules and regulations as may be promulgated hereunder governing the use of city parks are invited to use city parks and the facilities therein.

- (2) City parks will be open to use by the public invited thereto between the hour of 7:00 A.M. and 11:00 P.M. (1995 Code, § 20-202)

20-203. Unlawful activities generally. It shall be unlawful for any person within city parks to commit any of the offenses enumerated below:

(1) Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, garbage or trash cans, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(2) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.

(3) Dig or remove any beach sand, whether submerged or not, or any soil, rock stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(4) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(5) Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(6) Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences, or gun carriages or upon any other property not designated or customarily used for such purposes.

(7) Tie or hitch a horse or other animal to any tree or plant.

(8) Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird; nor shall he collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle-snakes, moccasins, coral snakes or other deadly reptiles may be killed on sight.

(9) Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

(10) Stand or loiter on the pedestrian walkway over North Parkway or throw missiles or other objects or substances therefrom. (1995 Code, § 20-203)

20-204. Sanitation. It shall be unlawful for any person within city parks to:

(1) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Have brought in or dump, deposit or leave any bottles, broken glass, ashes, papers, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided all such rubbish or waste shall be carried away from the park by the persons responsible for its presence, and properly disposed of elsewhere. (1995 Code, § 20-204)

20-205. Alcoholic beverages and/or controlled substances.¹ It shall be unlawful for any person to bring controlled substances, as defined in the statutes of the State of Tennessee, and/or alcoholic beverages into any park or recreational area, stadium, playground, tennis courts, baseball, softball, or other sports arena operated by any department of the City of Jackson, or to drink alcoholic beverages or imbibe controlled substances at any time while therein. It shall likewise be unlawful for any person to enter any area described above while under the influence of controlled substances and/or alcoholic beverages, or be under the influence of controlled substances and/or alcoholic beverages while within the areas described above. (1995 Code, § 20-205)

20-206. Traffic. It shall be unlawful for any person within city parks to:

(1) Fail to comply with all applicable provisions of the state motor vehicle traffic laws and the traffic ordinances of the City of Jackson in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.

(2) Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the director.

(3) Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.

¹Municipal code reference

Comprehensive alcohol regulations: title 8.

(4) Ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles an hour, except upon such roads as the director may designate, by posted signs, for speedier travel.

(5) Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the director.

(6) Park or leave a vehicle in the places or conditions as follows:

(a) To park in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present.

(b) Full-park on the road or driveway at any time.

(c) Leave any vehicle anywhere in the park with one or more wheels chained, or with motor set in gears and doors locked, or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand.

(d) Leave a vehicle standing or parked at night without lights clearly visible for at least one hundred feet (100') from both front and rear on any driveway or road area except legally established parking areas.

(e) Double park any vehicle on any road or parkway unless directed by a park official.

(7) Fail to immediately notify, an attendant of an emergency in the nature of a breakdown requiring the assistance of a tow truck, mechanic or other person.

(8) Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

(9) Leave a vehicle within the boundaries of the park after park hours unless such vehicle be disabled and is reported by the driver to a park attendant. Any vehicle remaining in the park after closing hours, except as is excepted herein, will be towed away and stored at the expense of the owner.

(10) Operate bicycles and motorcycles as follows:

(a) Ride a bicycle or motorcycle on other than a paved vehicular road.

(b) Ride a bicycle or motorcycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles and motorcycles shall be kept in single file when two (2) or more are operating as a group. Bicyclists and motorcyclists shall, at all times, operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking and pass to the right of any vehicles they may be meeting. No motorcycles shall be operated in the park unless equipped with a properly functioning muffler adequate to suppress motor noises to a comfortable level of sound.

(c) Carry any other person on a bicycle.

(d) Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(e) Leave a bicycle or motorcycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

(f) Ride a bicycle or motorcycle on any road within the park between thirty (30) minutes after sunset or thirty (30) minutes before sunrise without an attached headlight plainly visible at least two hundred feet (200') in front of, and without a red taillight or red reflector plainly visible from at least one hundred feet (100') from the rear of such bicycle or motorcycle. (1995 Code, § 20-206)

20-207. Recreational activities. It shall be unlawful for any person within a city park to:

(1) Swim, bathe or wade in any waters or waterways in or adjacent to such park.

(2) Bring into or operate any boat, raft or other watercraft, whether motor-powered or not, upon any waters in such park.

(3) Hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms, other than those authorized to carry handguns pursuant to Tennessee Code Annotated, § 39-17-1351, of any description, or air-rifles, spring-guns, bow-and-arrows, slings or any other form of weapon potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

(4) Picnic for lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(5) Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first served."

(6) Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

(7) Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(8) Except as specifically set out below, to set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer,

camp-trailer, camp-wagon or the like. Overnight "pup tent" camping by organized groups sponsored by recognized youth development agencies is permissible by special permit of the director obtained in accordance with § 20-210(3).

(9) Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes, except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except on the fields and courts or areas provided therefor. (1995 Code, § 20-207, modified)

20-208. Certain behavior declared unlawful. It shall be unlawful for any person within a city park to:

(1) Bring controlled substances and/or alcoholic beverages into the park or to drink alcoholic beverages at any time in the park.

(2) Have entered the park while under the influence of controlled substances and/or intoxicating beverages, or be under the influence of controlled substances and/or intoxicating liquor while within the park.

(3) Bring, or have in his possession, or set off or otherwise cause to explode or discharge or burn any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

(4) Have a dog, or be responsible for the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in This Area." Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than five feet (5') in length.

(5) Occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section thereof which may be reserved and designated by the board for the use of the opposite sex. Exception is made for children under six (6) years of age.

(6) Appear at any place in other than proper clothing.

(7) Solicit alms or contributions for any purpose, whether public or private.

(8) Build or attempt to build a fire except in such areas and under such regulations as may be designated by the director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area on any highway, road or street abutting or contiguous thereto.

(9) Enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices.

(10) Gamble or participate in or abet any game of chance.

(11) Go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.

(12) Sleep or protractedly lounge on the seats or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(13) Fail to produce and exhibit any permit from the director he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or regulation.

(14) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit. (1995 Code, § 20-208)

20-209. Merchandising, advertising and signs. No person in a city park shall:

(1) Expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the director, and those conducting activities under a permit where such permit permits the sale of articles or things.

(2) Announce, advertise or call the public attention in any way to any article or service for sale or hire.

(3) Paste, glue, tack or otherwise post any signs, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a city park. (1995 Code, § 20-209)

20-210. Park operating policy. (1) Closed areas. Any sign or part of a city park may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary.

(2) Lost and found articles. The finding of lost articles by park attendants shall be reported to the director who shall make every reasonable effort to locate the owners. The director shall make every reasonable effort to find articles reported as lost.

(3) Permit. A permit shall be obtained from the director before participating in the following park activity: Overnight "pup tent" type camping by organized groups under the sponsorship of recognized youth development agencies; sale of articles or things by a permittee.

(a) Application. A person seeking issuance of a permit hereunder shall file an application with the appropriate director. The application shall state:

- (i) The name and address of the applicant;
- (ii) The name and address of the person, persons, corporation or association sponsoring the activity, if any;
- (iii) The day and hours for which the permit is desired;
- (iv) The park or portion thereof for which such permit is desired;
- (v) An estimate of the anticipated attendance; and
- (vi) Other information which the director shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.

(b) Standards for issuance. The director shall issue a permit hereunder when he finds:

- (i) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (ii) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- (iii) That the proposed activity or use is not unreasonably anticipated to incite violence, crime or disorderly conduct;
- (iv) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the city; and
- (v) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(c) Appeal. Within twenty-four (24) hours after receipt of an application, the director shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within two (2) days to the city council, which shall consider the application under the standards set forth in subsection (3)(b) hereof and sustain or overrule the director's decision within twenty-four (24) hours. The decision of the city council shall be final.

(d) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(e) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(f) **Revocation.** The director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown. (1995 Code, § 20-210)

20-211. Enforcement. (1) Officials. The director and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(2) Ejectment. The director shall have the authority to eject from the parks any person acting in violation of this chapter or rules and regulations promulgated hereunder. (1995 Code, § 20-211)

20-212. Additional rules and regulations. The director shall have the authority to promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter and to assure an impartial, fair and safe use and enjoyment of city parks by those persons lawfully using the parks. The director shall have the authority to schedule the use of tennis courts and ballfields under this section. Regulations pertaining to specific activities shall be displayed in a prominent and public location at the point of the activity controlled. Rules and regulations pertaining to the parks as a whole shall be publicly and prominently displayed at each entrance to city parks. Rules and regulations adopted in accordance with this section shall have the same force and effect as if copied herein verbatim. (1995 Code, § 20-212)

Appendix A

1. Campaign finance.

All candidates for the chief administrative office (mayor), any candidates who spend more than \$500, and candidates for other offices that pay at least \$100 a month are required to file campaign financial disclosure reports. Civil penalties of \$25 per day are authorized for late filings. Penalties up to the greater of \$10,000 or 15 percent of the amount in controversy may be levied for filings more than 35 days late. It is a Class E felony for a multicandidate political campaign committee with a prior assessment record to intentionally fail to file a required campaign financial report. Further, the treasurer of such a committee may be personally liable for any penalty levied by the Registry of Election Finance (T.C.A. § 2-10-101–118).

Contributions to political campaigns for municipal candidates are limited to:

- a. \$1,000 from any person (including corporations and other organizations);
- b. \$5,000 from a multicandidate political campaign committee;
- c. \$20,000 from the candidate;
- d. \$20,000 from a political party; and
- e. \$75,000 from multicandidate political campaign committees.

The Registry of Election Finance may impose a maximum penalty of \$10,000 or 115 percent of the amount of all contributions made or accepted in excess of these limits, whichever is greater (T.C.A. § 2-10-301–310).

Each candidate for local public office must prepare a report of contributions that includes the receipt date of each contribution and a political campaign committee's statement indicating the date of each expenditure (T.C.A. § 2-10-105, 107).

Candidates are prohibited from converting leftover campaign funds to personal use. The funds must be returned to contributors, put in the volunteer public education trust fund, or transferred to another political campaign fund, a political party, a charitable or civic organization, educational institution, or an organization described in 26 U.S.C. 170(c) (T.C.A. § 2-10-114).

2. Conflicts of Interest.

Municipal officers and employees are permitted to have an "indirect interest" in contracts with their municipality if the officers or employees publicly acknowledge their interest. An indirect interest is any interest that is not "direct," except it includes a direct interest if the officer is the only supplier of

goods or services in a municipality. A “direct interest” is any contract with the official himself or with any business of which the official is the sole proprietor, a partner, or owner of the largest number of outstanding shares held by any individual or corporation. Except as noted, direct interests are absolutely prohibited (T.C.A. § 6-2-402, T.C.A. § 6-20-205, T.C.A. § 6-54-107–108, T.C.A. § 12-4-101–102).

3. Disclosure conflict of interests.

Conflict of interest disclosure reports by any candidate or appointee to a local public office are required under T.C.A. §§ 8-50-501 *et seq.* Detailed financial information is required, including the names of corporations or organizations in which the official or one immediate family member has an investment of over \$10,000 or 5 percent of the total capital. This must be filed no later than 30 days after the last day legally allowed for qualifying as a candidate. As long as an elected official holds office, he or she must file an amended statement with the Tennessee Ethics Commission or inform that office in writing that an amended statement is not necessary because nothing has changed. The amended statement must be filed no later than January 31 of each year (T.C.A. § 8-50-504).

4. Consulting fee prohibition for elected municipal officials.

Any member or member-elect of a municipal governing body is prohibited under T.C.A. § 2-10-124 from “knowingly” receiving any form of compensation for “consulting services” other than compensation paid by the state, county, or municipality. Violations are punishable as Class C felonies if the conduct constitutes bribery under T.C.A. § 39-16-102. Other violations are prosecuted as Class A misdemeanors. A conviction under either statute disqualifies the offender from holding any office under the laws or Constitution of the State of Tennessee.

“Consulting services” under T.C.A. § 2-10-122 means “services to advise or assist a person or entity in influencing legislative or administrative action, as that term is defined in § 3-6-301, relative to the municipality or county represented by that official.” “Consulting services” also means services to advise or assist a person or entity in maintaining, applying for, soliciting or entering into a contract with the municipality represented by that official. “Consulting services” does not mean the practice or business of law in connection with representation of clients by a licensed attorney in a contested case action, administrative proceeding or rule making procedure;

"Compensation" does not include an "honorarium" under T.C.A. § 2-10-116, or certain gifts under T.C.A. § 3-6-305(b), which are defined and prohibited under those statutes.

The attorney general construes "Consulting services" to include advertising or other informational services that directly promote specific legislation or specifically target legislators or state executive officials. Advertising aimed at the general public that does not promote or otherwise attempt to influence specific legislative or administrative action is not prohibited. Op. Atty.Gen. No. 05-096, June 17, 2005.

5. Bribery offenses.

a. A person who is convicted of bribery of a public servant, as defined in T.C.A. § 39-16-102, or a public servant who is convicted of accepting a bribe under the statute, commits a Class B felony.

b. Under T.C.A. § 39-16-103, a person convicted of bribery is disqualified from ever holding office again in the state. Conviction while in office will not end the person's term of office under this statute, but a person may be removed from office pursuant to any law providing for removal or expulsion existing prior to the conviction.

c. A public servant who requests a pecuniary benefit for performing an act the person would have had to perform without the benefit or for a lesser fee, may be convicted of a Class E felony for solicitation of unlawful compensation under T.C.A. § 39-16-104.

d. A public servant convicted of "buying and selling in regard to offices" under T.C.A. § 39-16-105, may be found guilty of a Class C felony. Offenses under this statute relevant to public officials are selling, resigning, vacating, or refusing to qualify and enter upon the duties of the office for pecuniary gain, or entering into any kind of borrowing or selling for anything of value with regard to the office.

e. Exceptions to 1, 3, and 4, above include lawful contributions to political campaigns, and a "trivial benefit" that is "incidental to personal, professional, or business contacts" in which there is no danger of undermining an official's impartiality.

6. Official misconduct, official oppression, misuse of official information.

a. Public misconduct offenses under Tennessee Code Annotated § 39-16-401 through § 39-16-404 apply to officers, elected officials, employees,

candidates for nomination or election to public office, and persons performing a governmental function under claim of right even though not qualified to do so.

b. Official misconduct under Tennessee Code Annotated § 39-16-402 pertains to acts related to a public servant's office or employment committed with an intent to obtain a benefit or to harm another. Acts constituting an offense include the unauthorized exercise of official power, acts exceeding one's official power, failure to perform a duty required by law, and receiving a benefit not authorized by law. Offenses under this section constitute a Class E felony.

c. Under Tennessee Code Annotated § 39-16-403, "Official oppression," a public servant acting in an official capacity who intentionally arrests, detains, frisks, etc., or intentionally prevents another from enjoying a right or privilege commits a Class E felony.

d. Tennessee Code Annotated § 39-16-404 prohibits a public servant's use of information attained in an official capacity, to attain a benefit or aid another which has not been made public. Offenses under the section are Class B misdemeanors.

e. A public servant convicted for any of the offenses summarized in sections 2-4 above shall be removed from office or discharged from a position of employment, in addition to the criminal penalties provided for each offense. Additionally, an elected or appointed official is prohibited from holding another appointed or elected office for ten (10) years. At-will employees convicted will be discharged, but are not prohibited from working in public service for any specific period. Subsequent employment is left to the discretion of the hiring entity for those employees. Tennessee Code Annotated § 39-16-406.

7. Ouster law.

Some Tennessee city charters include ouster provisions, but the only general law procedure for removing elected officials from office is judicial ouster. Cities are entitled to use their municipal charter ouster provisions, or they may proceed under state law.

The judicial ouster procedure applies to all officers, including people holding any municipal "office of trust or profit." (Note that it must be an "office" filled by an "officer," distinguished from an "employee" holding a "position" that does not have the attributes of an "office.") The statute makes any officer subject to such removal "who shall knowingly or willfully misconduct himself in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon such officer by any of the laws of the state, or who shall in any public place be in a state of intoxication produced by strong drink voluntarily taken, or who shall

engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude” (T.C.A. § 8-47-101).

T.C.A. § 8-47-122(b) allows the taxing of costs and attorney fees against the complainant in an ouster suit if the complaint subsequently is withdrawn or deemed meritless. Similarly, after a final judgment in an ouster suit, governments may order reimbursement of attorney fees to the officer targeted in a failed ouster attempt (T.C.A. § 8-47-121).

The local attorney general or city attorney has a legal “duty” to investigate a written allegation that an officer has been guilty of any of the mentioned offenses. If he or she finds that “there is reasonable cause for such complaint, he shall forthwith institute proceedings in the Circuit, Chancery, or Criminal Court of the proper county.” However, with respect to the city attorney, there may be an irreconcilable conflict between that duty and the city attorney’s duties to the city, the mayor, and the rules of professional responsibility governing attorneys. Also, an attorney general or city attorney may act on his or her own initiative without a formal complaint (T.C.A. § 8-47-101–102). The officer must be removed from office if found guilty (T.C.A. § 8-47-120).

Change 3, September 6, 2016

Appendices to Occupational Safety and Health

Title 4 Chapter 2

Appendix I
Organizational Chart of Employees

ADMINISTRATION	84
101 E. Main Street	
Jackson, TN 38301	
731-425-8210	
FIRE DEPARTMENT	171
720 S Highland	
Jackson, TN 38301	
731-425-8350	
POLICE DEPARTMENT	292
234 Institute Street	
Jackson, TN 38301	
731-425-8400	
PUBLIC WORKS DEPARTMENT	81
180 S Conalco	
Jackson, TN 38301	
731-425-8540	
RECREATION DEPARTMENT	65
180 S Conalco	
Jackson, TN 38301	
731-425-8399	

TOTAL NUMBER OF EMPLOYEES: 693

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

PLAN APPENDIX II

NOTICE TO ALL EMPLOYEES OF City of Jackson

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

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

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

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

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Director or City of Jackson.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

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

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

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before Personnel Dept. for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of City of Jackson is available for inspection by any employee at City Hall during regular office hours.

Suite 302

Signature: Official

Date

Appendix III. OCCUPATIONAL SAFETY AND HEALTH
PROGRAM PLAN ACCIDENT REPORTING PROCEDURES

Note: All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported by phone to the Commissioner of Labor and Workforce Development within eight (8) hours.

There are six important steps required by the OSHA recordkeeping system:

1. Obtain a report on every injury/illness requiring medical treatment (other than first aid).
2. Record each injury/illness on the OSHA Form No. 300 according to the instructions provided.
3. Prepare a supplementary record of occupational injuries and illnesses for recordable cases either on OSHA Form No. 301 or on worker's compensation reports giving the same information.
4. Every year, prepare the annual summary (OSHA Form No. 300A); post it no later than February 1, and keep it posted until April 30.
5. Retain these records for at least 5 years.
6. Complete the Survey of Occupational Injuries/Illness and mail it to Labor Research and Statistics, when requested.

The four (4) procedures listed below are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Officer as soon as possible, but not later than twenty-four (24) hours, of their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Officer and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The officer will insure completion of required reports and records in accordance with § 4-208 of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. All fatalities or accidents involving the

hospitalization of three (3) or more employees shall be reported to the Officer and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.

- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours, after their occurrence. The supervisor will provide the Officer and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Officer and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Officer or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Officer within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.
- (251-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Officer will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head is to be notified of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since an OSHA NO. 301 Form must be completed, all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employers mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 6 listed under PROGRAM PLAN in Chapter IV, Part IV of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation.

ORDINANCE NO. 2010 002

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION OF THE ORDINANCES OF THE CITY OF JACKSON, TENNESSEE.

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

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

WHEREAS the Council of the City of Jackson, 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 "Jackson Municipal Code," now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the City of Jackson 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 "Jackson 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. Wherever in the municipal code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the municipal code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the municipal code shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section 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.

When any person is fined 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 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.¹

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

Section 6. Code as evidence. Any printed copy of the municipal code certified under the signature of the recorder shall be held to be a true and

¹State law reference

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

correct copy of such codification and may be read in evidence in any court without further proof of the provisions contained therein.

Section 7. 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 8. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The city council, 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.

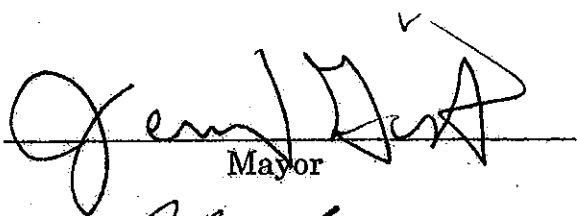
Section 9. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 10. 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 11. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, December 1, 2009.

Passed 2nd reading, February 2, 2010.



Mayor



Recorder