

THE  
KENTON  
MUNICIPAL  
CODE

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

in cooperation with the  
TENNESSEE MUNICIPAL LEAGUE

August, 1984

CITY OF KENTON, TENNESSEE

MAYOR

Damon Cross

ALDERMEN

L. A. Baucom  
Joseph W. Barron  
Melvin Brooks  
Larry Davidson  
Tommy Litton  
R. L. Landrum

RECORDER

Virginia Davidson

## Preface

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

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 10, chapter 2, section 6, is designated as section 10-206.

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.

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 the reproduction costs are usually nominal).

When the foregoing conditions are met, MTAS will provide 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 that again the code will be complete and up to date. If this very simple procedure is followed, the code will be kept up to date in a way that will serve fully the needs of the city's officials and citizens. If any questions or problems arise concerning the up-dating procedure, an MTAS ordinance codification consultant is available to the city for advise and assistance.

The able assistance of La Tonya Penn, the MTAS Senior Word Processing Specialist who did all the typing on this project, is gratefully acknowledged.

Sidney D. Hemsley, Consultant  
Ordinance Codification

## TITLE 1

ADMINISTRATION, OFFICERS AND PERSONNEL

## CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CITY ATTORNEY.
5. POLICE AND ARREST.
6. CITY COURT.
7. WORKHOUSE.
8. SOCIAL SECURITY.
9. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
10. PERSONNEL REGULATIONS.

## CHAPTER 1

BOARD OF MAYOR AND ALDERMEN<sup>1</sup><sup>1</sup>Selected charter references:

- Composition of board - Art. II, sec. 2.02(a).
- Definition - Art. I, sec. 2.01.
- Election - Art. II, sec. 2.01.
- Legislative procedure prescribed - Art. II, sec. 2.06.
- Mayor the presiding officer - Art. II, sec. 2.03.
- Meetings, regular and special - Art. II, sec. 2.02(b).
- Powers, duties, responsibilities.
  - Appointment of officers.
    - City attorney - Art. III, sec. 3.04.
    - Recorder - Art. III, sec. 3.03.
  - Budgetary.
    - Adoption - Art. IV, sec. 4.05.
    - Amendment and review - Art. IV, sec. 4.05.
    - Public hearing - Art. IV, sec. 4.04.
    - Restrictions - Art. IV, sec. 4.04.
  - Corporate, generally - Art. I, sec. 1.04.
- Departments and employees.
  - Appointments, promotions, termination, etc. - Art. III, sec. 3.07.
  - Appeals from mayor's and commissioner's personnel actions - Art. III, sec. 3.07.

(Footnote continued on next page)

## SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Policeman to be present at all meetings.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:30 P.M., central standard time, on the first Tuesday of each month at city hall. (1953 code, ch. 4, sec. 14)

1-102. Order of business. At each meeting of the board of mayor and aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment.

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(Footnote continued from preceding page)

Approval of office and positions - Art. III, sec. 3.06.

Bonds - Art. III, sec. 3.10.

Personnel rules - Art. III, sec. 3.08.

Salaries - Art. III, sec. 3.06.

Financial Control.

Annual audit - Art. IV, sec. 4.10.

Check control - Art. IV, sec. 4.18.

General - Art. IV, sec. 4.06.

Depository for city funds - Art. IV, sec. 4.19.

Taxation.

Collection delinquent taxes - Art. IV, sec. 4.16.

Due date - Art. IV, sec. 4.15.

Tax levy - Art. IV, sec. 4.14.

Quorum - Art. II, sec. 2.02(d).

Salaries - Art. II, sec. 2.02.

Vacancies in office - Art. II, sec. 2.05.

1-103. General rules of order. The rules of order and parliamentary procedure contained in Cushings Manual of Parliamentary Practice, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1953 code, ch. 4, sec. 13, modified)

1-104. Policeman to be present at all meetings. The chief of police, or in his absence one of the policemen designated by him, shall be present at all meetings of the board of mayor and aldermen. (1953 code, ch. 4, sec. 17)

## CHAPTER 2

MAYOR<sup>1</sup>

## SECTION

- 1-201. Chief executive officer and ceremonial head of city.  
 1-202. Executes municipal agreements.  
 1-203. Signs journal and ordinances.

1-201. Chief executive officer and ceremonial head of city. Pursuant to the city charter, the mayor shall generally supervise all municipal affairs and perform the ceremonial formations of the city, and may require from the officers and employees such reports as he deems necessary to carry out his executive and ceremonial responsibilities.

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<sup>1</sup>Selected charter references:

- Election and term - Art. II, § 2.01.  
 Powers, duties and responsibilities.  
 Accept service of powers - Art. II, sec. 2.03.  
 Appointment of commissioners of departments - Art. III, sec. 3.02.  
 Appointment, promotion and removal, etc. of city employees - Art. III, sec. 3.07.  
 Budgetary.  
 Annual budget submission to board - Art. IV, sec. 4.02.  
 Capital budget submission to board - Art. IV, sec. 4.03.  
 Chief municipal officer.  
 Executive head of city - Art. III, sec. 3.02.  
 Ceremonial head of city - Art. II, sec. 2.03.  
 Conduct of investigators and inquiries - Art. III, sec. 3.02.  
 Presiding officer of board - Art. II, sec. 2.03.  
 Sale of city property - Art. IV, sec. 4.09.  
 Signs, churches - Art. IV, sec. 4.18.  
 Votes in case of tie, Art. II, sec. 2.03.  
 Salary - Art. II, sec. 2.02.  
 Vacancy in office - Art. II, sec. 2.05.  
 Vice mayor.  
 Election - Art. II, sec. 2.04.  
 Duties - Art. II, sec. 2.02(d) and 2.04.



1-202. Executes municipal agreements. All deeds and leases of land sold or leased by the city, and all deeds, leases, agreements, indentures, assurances and contracts made and entered into by the city and authorized by the charter or ordinances, or by order of the board of mayor and aldermen shall be signed and executed by the mayor and countersigned and the seal of the city affixed thereto by the recorder, provided this shall not restrict the power of any department to make contracts for the purchase of supplies, material or equipment or for service conferred upon the department pursuant to charter or ordinances. (1953 code, ch. 4, sec. 4)

1-203. Signs journal and ordinances. The mayor shall sign the journal of the meetings of the board of mayor and aldermen and all ordinances immediately after their final passage. (1953 code, ch. 4, sec. 2)

## CHAPTER 3

CITY RECORDER<sup>1</sup>

## SECTION

- 1-301. Journal of meetings to be full and accurate record of board business.
- 1-302. Attests to journal of meetings and ordinances.
- 1-303. Endorses date of readings on ordinances.
- 1-304. Custody, registration and index of city records, etc.
- 1-305. To keep accurate financial records of city.
- 1-306. Required to audit accounts of any person having custody of city funds.
- 1-307. Custody of the city seal.

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<sup>1</sup>Selected charter references:

Appointment - Art. III, sec. 3.03.

Duties and powers.

Administrative.

Attends all meetings of board and keeps journal of meetings - Art. III, sec. 3.03(b).

Keeps city code up to date - Art. II, sec. 2.06(b).

Keeps all records and city seal - Art. III, sec. 3.03(a).

Prepares and certifies official record - Art. III, sec. 3.03(c).

Budgetary and Financial.

Budget to be filed with recorder - Art. III, sec. 3.01(a).

Disbursements by check - Art. IV, sec. 4.18.

Head of department of finance and budget - Art. III, sec. 3.01(g) and 3.03(d).

Receipts of court, including cash bail to be deposited with recorder - Art. III, sec. 3.05(c) and 3.05(d).

Personnel.

Appeal of mayor's or commissioner's personnel action to be filed with recorder - Art. III, sec. 3.07.

Taxation.

Addition of omitted property to tax rolls - Art. IV, sec. 4.12.

Use of county tax rolls by recorder - Art. IV, sec. 4.12.

1-301. Journal of meetings to be full and accurate record of board business. The journal of meetings required to be kept by the recorder pursuant to the charter shall be a full and accurate record of all business transacted by the board of mayor and aldermen and shall be preserved in a permanent book form. (1953 code, ch. 4, sec. 19, modified)

1-302. Attests to journal of meetings and ordinances. The recorder shall attest the signature of the mayor to the journal of meetings of the board and to all ordinances passed by the board. (1953 code, ch. 4, sec. 21)

1-303. Endorses date of readings on ordinances. The recorder shall endorse on each ordinance the dates of its passage on each reading. (1953 code, ch. 4, sec. 22)

1-304. Custody, registration and index of city records, etc. The city recorder shall have custody of and preserve in his office the public records, the original roll of ordinances, ordinance books, minutes of the board of mayor and aldermen, contracts, bonds, title deeds, certificates and papers, and all official indemnity or security bonds, except his own bond, which shall be in the custody of the mayor, and all other bonds, oaths, and applications; and all other bonds, vouchers, and all records, papers and documents not required by the charter or by ordinance to be deposited elsewhere, and register them by numbers, dates, and contents and keep an accurate and modern index thereof. (1953 code, ch. 4, sec. 43)

1-305. To keep accurate financial records of city. The recorder shall keep an accurate account of all taxes and assessments, all monies due to, and all receipts and disbursements by, the city, all its assets and liabilities, and all appropriations made by the board of mayor and aldermen pursuant to the requirements and restrictions imposed in the charter. (1953 code, ch. 4, sec. 42)

1-306. Required to audit accounts of any person having custody of city funds.<sup>1</sup> Upon the death, resignation, removal, or expiration of the term of any person or official of the city, the city recorder shall audit the accounts of such person having custody of funds belonging to the city.

If, upon an audit required in this section, such person or officer shall be found indebted to the city, the city recorder shall immediately give notice thereof to the mayor, and the city attorney.

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<sup>1</sup>see section 1-403 of this title.

The audits required under this section shall not be a substitute for, or replace, the periodic audits of the city's accounts required pursuant to the charter. (1953 code, ch. 4, sec. 45, 46 and 47, modified)

1-307. Custody of the city seal. The city recorder shall have custody of the city seal which shall be of the following description: a circle enclosing a concentric ring within which is the word "Seal," with a small geometric device above and below said word; between the inner and outer ring in the upper section of same, the words "City of Kenton," and in the middle or lower section the word "Tennessee." (1953 Code, ch. 3, sec. 10 and 11)

## CHAPTER 4

CITY ATTORNEY<sup>1</sup>

## SECTION

- 1-401. Appointment and term.  
 1-402. Document preparation and approval required.  
 1-403. Collection of officials' shortages.

1-401. Appointment and term. The board of mayor and aldermen shall appoint a city attorney who shall hold office at the pleasure of the board. (1953 code, ch. 4, sec. 31)

1-402. Document preparation and approval required. The city attorney shall prepare all contracts, bonds, and other written instruments with which the city is concerned, and shall endorse on each his approval of the form and correctness thereof. No contract with the city shall take effect until such approval is endorsed thereon. (1953 code, ch. 4, sec. 35)

1-403. Collection of officials' shortages.<sup>2</sup> Upon report to the city attorney by the city recorder of any indebtedness to the city, ascertained by the recorder upon his audit after the death, resignation, removal, or expiration of the term of any officer to exist on the part of such officer, the city attorney shall forthwith proceed to collect the same pursuant to law. (1953 code, ch. 4, sec. 36)

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<sup>1</sup>Selected charter references:

- Appointment - Art. III, sec. 3.04.
- Powers, duties and responsibilities.
  - Approves contracts, deeds, bonds, ordinances, resolutions, motions and other official city documents - Art. III, sec. 3.04.
  - Provides legal advice to board, mayor and other officers and employees of the city - Art. III, sec. 3.04.
  - Prosecutes cases in city court - Art. III, sec. 3.04.
  - Represents and defends city and performs other legal duties prescribed by board - Art. III, sec. 3.04.
  - Takes action as directed by board generally - Art. III, sec. 3.02.
  - Tax collection - Art. IV, sec. 4.16.

<sup>2</sup>See section 1-306 of this title.

## CHAPTER 5

POLICE AND ARREST<sup>1</sup>

## SECTION

- 1-501. Composition and appointment.
- 1-502. Duties of the chief.
- 1-503. Powers and duties of the police.
- 1-504. Policemen subject to chief's orders.
- 1-505. General conduct; oppression prohibited.
- 1-506. When policemen to make arrests.
- 1-507. Policemen may require assistance.
- 1-508. Disposition of persons arrested.
- 1-509. Police department records.

1-501. Composition and appointment. The police department shall be composed of a chief of police appointed by the board of mayor and aldermen and such officers, patrolmen and other employees as said board shall determine and appoint. (1953 code, ch. 16, sec. 1 and 2, modified)

1-502. Duties of the chief. The chief of police shall devote his full time to the maintenance and preservation of the peace, order, and cleanliness of the city. He shall aid, to the fullest extent of his ability, in the enforcement of city ordinances and all lawful orders of the board of mayor and aldermen relating to the business and duties of the police department. He shall also have charge of the city jail and any prisoners therein. (1953 code, ch. 16, sec. 3 and 4)

1-503. Powers and duties of the police. It shall be the duty of the police to prevent crime, to detect and arrest offenders, to suppress riots, to protect the rights of persons and property, to guard the public health, to see that nuisances are removed, to restrain disorderly, bawdy and gambling houses, to assist, advise and protect strangers and travelers of the streets or at passenger terminals, to enforce all laws and ordinances, to execute all and every manner of process, upon persons or property, to arrest, upon view, any person who shall be guilty of breach of the ordinances of the city, or a crime against the laws of Tennessee, to serve any process issued by the city court or any and all process issued by any other court, and to do all within their power to enforce the

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<sup>1</sup>selected charter references:

Police department established; police commissioner to be head - Art. III, sec. 3.01(b).

laws, and whatever else may be required of them by the board and the laws of the state. (1953 code, ch. 16, sec. 6)

1-504. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief shall issue.

1-505. General conduct; oppression prohibited. Policemen shall make arrests without using boisterous language, shall treat all persons humanely, shall avoid all violence in making arrests, unless absolutely necessary to use forceful measures, and shall deport themselves in keeping with their position.

No policeman shall use his office to oppress or annoy another person. (1953 code, ch. 16, sec. 7 and 9)

1-506. When policemen to make arrests.<sup>1</sup> Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person.

(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1953 code, ch. 16, sec. 11)

1-507. Policemen may require assistance. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary. (1953 code, ch. 16, sec. 13, modified)

1-508. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available or the alleged offender does not post the required bond, he shall be confined.

1-509. Police department records. The police department shall keep a comprehensive detailed and accurate daily record, in permanent form, showing:

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

(2) All arrests made by policemen.

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

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<sup>1</sup>For provisions relating to traffic citations, etc., see title 9, chapter 6, in this code.

## CHAPTER 6

CITY COURT<sup>1</sup>

## SECTION

- 1-601. City judge.
- 1-602. Maintenance of docket.
- 1-603. Issuance of arrest warrants.
- 1-604. Issuance of summonses.
- 1-605. Issuance of subpoenas.
- 1-606. Trial and disposition of cases.
- 1-607. Appearance bonds authorized.
- 1-608. Imposition of fines, penalties, and costs.
- 1-609. Appeals.
- 1-610. Bond amounts, conditions, and forms.
- 1-611. Disposition and report of fines, penalties, and costs.
- 1-612. Disturbance of proceedings.

1-601. City judge. The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. (1953 code, ch. 8, sec. 1, modified)

1-602. Maintenance of docket.<sup>2</sup> The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant.

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<sup>1</sup>selected charter references:

- Docket - Art. III, sec. 3.05(e).
- Election and term of judges - Art. II, sec. 2.01 and Art. III, sec. 3.05(a).
- Fines and costs - Art. III, sec. 3.05(d).
- Jurisdiction, powers and compensation of judges - Art. III, sec. 3.05(b).
- Separation of powers - Art. III, sec. 3.05(f).
- Setting bail - Art. III, sec. 3.05(c)

<sup>2</sup>selected charter reference: Art. III, sec. 3.05(e)



1-603. Issuance of arrest warrants.<sup>1</sup> The city judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances.

1-604. Issuance of summones. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the 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.

1-605. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith.

1-606. Trial and disposition of cases. Every person charged with violating a city ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1953 code, ch. 8, sec. 4 and 6, modified)

1-607. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1953 code, ch. 8, sec. 4, modified)

1-608. Imposition of fines, penalties, and costs. All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court.

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<sup>1</sup>See Tennessee Code Annotated, title 40, chapter 5, for authority to issue search warrants.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions<sup>1</sup> for similar work in state cases.

1-609. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days<sup>2</sup> next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.

1-610. 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 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.

1-611. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year.

1-612. 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.

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<sup>1</sup>See Tennessee Code Annotated, section 8-21-401.

<sup>2</sup>See Tennessee Code Annotated, section 27-5-101.

## CHAPTER 7

WORKHOUSE

## SECTION

- 1-701. City jail to be used.  
1-702. Inmates to be worked.  
1-703. Compensation of inmates.

1-701. City jail to be used. The city jail is hereby designated as the municipal workhouse.

1-702. Inmates to be worked. All persons committed to the municipal workhouse shall, to the extent that their physical condition permits, be required to perform such public work or labor as may be lawfully prescribed under the direction of the chief of police. (1953 code, ch. 8, sec. 10, modified)

1-703. Compensation of inmates. Each municipal workhouse inmate shall be allowed five dollars (\$5.00) per day as credit towards payment of the fines assessed against him.<sup>1</sup> (1953 code, ch. 8, sec. 10, modified)

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<sup>1</sup>See Tennessee Code Annotated, section 40-24-104.

## CHAPTER 8

SOCIAL SECURITY--CITY PERSONNEL

## SECTION

- 1-801. Policy and purpose as to coverage.
- 1-802. Necessary agreements to be executed.
- 1-803. Withholdings from salaries or wages.
- 1-804. Appropriations for employer's contributions.
- 1-805. Records and reports.

1-801. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (ord. no. 10-1)

1-802. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. There is hereby excluded from this chapter any authority to make any agreement with respect to emergency, part-time and fee basis employees, or elective, legislative, executive and judicial officials, or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of said city, or any employee or official not authorized to be covered by applicable federal or state laws or regulations. The mayor is directed to amend the social security agreement of January 1, 1955, so as to extend the benefits of the system of federal old age and survivors insurance to include emergency, part-time and fee basis employees, and elective executive and judicial officials as of April 1, 1962. (ord. no. 10-1, as amended by ord. passed March 15, 1982)

1-803. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or

regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (ord. no. 10-1)

1-804. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (ord. no. 10-1)

1-805. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (ord. no. 10-1)

## CHAPTER 9

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

## SECTION

- 1-901. Title.
- 1-902. Purpose.
- 1-903. Definitions.
- 1-904. Coverage.
- 1-905. Employer's rights and duties.
- 1-906. Employee's rights and duties.
- 1-907. Standards authorized.
- 1-908. Variances from standards authorized.
- 1-909. Imminent danger.
- 1-910. Inspection.
- 1-911. Citation and hearing.
- 1-912. Penalties.
- 1-913. Recordkeeping and reporting.
- 1-914. Administration.
- 1-915. Confidentiality of trade secrets or privileged information.

1-901. Title. This chapter shall be known as "The Occupational Safety and Health program for the Employees of the City of Kenton." (ord. passed May 7, 1974, § 1)

1-902. Purpose. The City of Kenton, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

(1) Provide a safe and healthful place and condition of employment.

(2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees, with the exception of articles of personal protective equipment which are required by regulation to be purchased by employees, as soon as the city can investigate the availability and the most economical cost of the aforesaid.

(3) Make, keep, preserve and make available to the State Commissioner of Labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, including the director of the Office of Occupational Safety and Health, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required. However, these provisions shall not take effect until and after the city has received and reviewed record keeping forms, procedures and

guidelines provided by the state, and thereafter these provisions shall not take effect until after the city has had a reasonable period of time to set up and provide for the orderly implementation and use of such records and procedures.

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

(5) Consult with the State Commissioner of Labor or the State Commissioner of Public Health, as appropriate, regarding safety and health problems of the agency which are considered to be unusual or peculiar to the city and are such that they cannot be achieved under a standard promulgated by the state.

(6) Make an annual report to the State Commissioner of Labor to show accomplishments and progress of the total occupational safety and health program as soon as reasonably possible after the city has implemented the provisions of paragraph (3) hereinabove set forth.

(7) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(8) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program as soon as reasonably possible after this chapter has been enacted. (ord. passed May 7, 1974, sec. 1)

1-903. Definitions. For the purpose of this program:

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

(2) "Commissioner of Public Health" means the chief executive officer of the Tennessee Department of Public Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Public Health.

(3) "Employer" means the City of Kenton, and shall include each administrative department, commission, board, division or other agency of the town.

(4) "Mayor" means the chief executive officer designated by the City of Kenton to perform duties or to exercise powers as assigned so as to plan, develop, and administer the Town's Occupational Safety and Health Program.

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

(6) "Appointing Authority" means any city official or group of officials having legally designated powers of appointment, employment, or removal for a specific department, commission, board, division or other agency of the city.

(7) "Employee" means any person performing services for the City of Kenton and listed on city payrolls either as part time, seasonal, permanent, full-time employees; provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.

(8) "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or any organized group of persons.

(9) "Standard" means an occupational safety and health standard promulgated by the Tennessee State Commissioner of Labor or the State Commissioner of Public Health which requires conditions or the adoption or the use of one or more practices, means, methods, operations or processes reasonably necessary or appropriate to provide safe and healthful employment and places of employment.

(10) "Imminent Danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal enforcement procedures; provided, however, that this definition shall not include hazardous operations which are undertaken for the public's safety and well-being.

(11) "Serious Physical 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; 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 bodily system would be inhibited in its normal performance 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, breaks, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

(12) "Establishment" or workplace means a single physical location where business is conducted or where services or industrial operations are performed. (ord. passed May 7, 1974, sec. 1)

1-904. Coverage. The provisions of this program shall apply to employees of each administrative department, commission, board, division or other agency of the City of Kenton. (ord passed May 7, 1974, sec. 1)



1-905. 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 of his employees conditions of employment and a place of employment free from known and recognized hazards that are causing or are likely to cause death or serious injury or harm to employees; provided, however, that employer shall have a reasonable period of time to correct any such hazards.

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

(3) Employer shall assist the State Commissioner of labor and State Commissioner of Public Health, upon reasonable notice from the said commissioners, in the performance of their inspection duties by supplying necessary information to the commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue.

(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 his trade secrets and other legally privileged communications.

(7) Employer shall inspect all installations, departments, bureaus, and offices to insure the provisions of this program are complied with and carried out as soon as reasonably possible after this chapter has been fully implemented.

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

(9) Employer shall notify all employees of their rights and duties under the program. (ord. passed May 7, 1974, sec. 1)

1-906. 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 standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

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

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the mayor.

(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 notified by the employer and informed of such exposure and the corrective action being taken as soon as reasonably possible after this chapter has been fully implemented.

(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.

(7) 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.

(8) Any employee who believes that he or she has been discriminated against or discharged in violation of any of these sections may, within thirty (30) days after such violation occurs, file a complaint with the mayor of the City of Kenton.

(9) Nothing in this section or any other provision of this program shall be deemed to authorize or require 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, and except when such medical examination is reasonably required for performance of a specified job.

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

(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 director within twenty four (24) hours after the occurrence. (ord. passed May 27, 1974, sec. 1)

1-907. Standards authorized. The standards adopted under this program are the applicable standards developed and promulgated under section 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 board of mayor and aldermen of this employer as the board may deem necessary for the safety and health of employees. (ord. passed May 7, 1974, sec. 1)

1-908. Variances from standards authorized. The City of Kenton may, upon written application to the State Commissioner of Labor or the State Commissioner of Public health, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the

employer shall notify or serve notice to employees or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the town, shall be deemed sufficient notice to employees. (Ord. passed May 7, 1974, sec. 1.)

1-909. Imminent danger. (1) Any allegation of imminent danger received shall be handled in accordance with the following procedures:

(a) The mayor or the compliance inspector shall immediately ascertain whether there is a reasonable basis for the complaint.

(b) If the imminent danger complaint appears to have merit, the mayor or the compliance inspector shall cause 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 mayor or the compliance inspector shall attempt to have the danger corrected through voluntary compliance. If any employees appear to be in immediate danger, they should be informed of the danger, and the supervisory personnel in charge should be requested to remove them from the area of immediate danger.

(d) The administrative head of the workplace or his authorized representative is responsible for determining the manner in which he will abate the dangerous condition.

(e) The imminent danger shall be deemed abated if the imminence of the danger has been eliminated by removing the employees from the area of danger or the conditions or practices which resulted in the imminent danger have been eliminated.

(f) A written report shall be made to the mayor describing in detail the imminent danger and its abatement.

(2) The following procedures shall be followed in the event of a refusal to abate:

(a) If abatement is refused, the compliance inspector shall immediately notify the mayor for assistance in obtaining voluntary compliance.

(b) The mayor shall take whatever steps are necessary to comply with the abatement procedures set forth in subparagraph (1)(e) above.

1-910. Inspection. (1) In order to carry out the purposes of this program, the mayor or, if one is appointed, the compliance inspector is authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, work place, or environment where work is performed by an employee of the City of Kenton; and,

(b) To inspect and investigate during regular working hours and at other reasonable times, and 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 alleged or brought to the attention of the mayor or a compliance inspector during a routine inspection, he shall immediately inspect the imminent danger situation before inspecting the remaining portions of the workplace.

(3) An administrative representative of the city and a representative authorized by the employees may be given an opportunity to consult with or to accompany the compliance inspector or mayor during the physical inspection of any workplace 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 inspection shall be such as to preclude unreasonable disruptions of the operations of the workplace or establishment.

(6) Interviews of employees during the course of the inspection, when accompanied by an employee representative, may be made when such interviews are essential to the investigation techniques.

(7) Inspections shall be accomplished without advance notice, but the mayor may authorize the giving to any supervisor or employee advance notice of an inspection.

(8) Inspections will be conducted on a random basis at intervals not to exceed thirty (30) calendar days. (ord. passed May 7, 1974, sec. 1)

1-911. Citation and hearing. (1) If, upon an inspection or investigation, the mayor, or his compliance inspector(s), should one be appointed, finds that any workplace is not in compliance with any standard, rule, regulation or order, and said official is unable to effect a voluntary agreement to bring the workplace into compliance, he shall, with reasonable promptness, issue to the administrative officer responsible for the workplace a written citation that states the nature and location of the violation; the standard, rule, regulation or order violated; the abatement and correction requirements; and a period of time during which the workplace must accomplish such abatement and correction. A copy of each citation shall immediately be posted at or near each location referred to in the citation and remain posted until the alleged violation has been corrected or vacated.

(2) At any time within ten (10) days after receipt of such citation, anyone affected may advise the mayor of objections to the terms and conditions of the citation. Upon receipt of such objections a hearing shall be held, and the

mayor shall thereafter issue an order affirming, modifying, or vacating the citation and such order shall be final.

(3) The mayor may issue subpoenas, pursuant to his duties as set forth herein, to require the attendance and testimony of witnesses and the production of evidence under oath at such hearings. (ord. passed May 7, 1974, sec. 1)

1-912. Penalties. (1) The City of Kenton shall not issue any civil or criminal penalties against any public official, employee, or any other person, administrative department, commission, board, division or other agency of the City of Kenton for failure to comply with the safety and health standards.

(2) Any employee who willfully and repeatedly violates or causes to be violated a safety standard, rule, regulation, or order shall be subject to disciplinary action by the appointing authority. The appointing authority has the power to administer discipline and it shall be his duty to take action in one of the following ways:

- (a) Oral reprimand.
- (b) Written reprimand.
- (c) Suspension.
- (d) Termination.

(3) The employee being disciplined shall have the right of appeal to the mayor within ten days after receiving notice of the disciplinary action; and a hearing shall be held as set forth in section 1-911 (2) and (3) above. (ord. passed May 7, 1974, sec. 1)

1-913. Recordkeeping and reporting. (1) The City of Kenton shall establish and maintain a system for collecting, maintaining and reporting safety and health data as soon as reasonably possible after implementing the provisions of section 1-902 of this chapter entitled, "Purpose".

(2) All occupational injuries and illnesses shall be reported to the mayor or the compliance inspector on the OSHA forms provided by the State Department of Labor, except that Workmen's Compensation Form 6A may be used in lieu of the Supplementary Record of Occupational Injury/Illness, Form OSHA No. 101.

(3) The mayor or the compliance inspector shall maintain a continuous log of occupational injuries and illnesses compiled from the reports set forth above and recorded on Form OSHA No. 100.

(4) Such occupational safety and health records shall be maintained for a period of five (5) years following the end of the year to which they relate.

(5) After this chapter has been enacted, the City of Kenton shall report within forty-eight (48) hours, either orally or in writing, to the Commissioner of Labor any accident which is fatal to one or more employees or which results in the hospitalization of five (5) or more employees.

(6) The City of Kenton shall make an annual report, after this chapter has been fully implemented, to the Commissioner of Labor showing the statistical data required by section 50-550-106 (annual summary) of the State OSHA Regulations for Recordkeeping and Reporting. (ord. passed May 7, 1974, sec. 1)

1-914. Administration. For the purposes of this chapter, the mayor is hereby designated as the chief executive officer to perform duties or to exercise powers assigned so as to plan, develop, and administer the city's Occupational Safety and Health Program.

(1) Upon authorization from the board of aldermen, the mayor may designate, appoint, or employ persons as he deems necessary to carry out his powers, duties and responsibilities under the program.

(2) The mayor, to the extent possible, shall recommend the employment of measures to coordinate the activities of the city departments to promote efficiency and to minimize inconvenience under the program.

(3) The mayor may delegate the power to make inspections to the compliance inspector(s), provided that the procedures employed are as effective as those employed by the director.

(4) The mayor shall develop a plan, pursuant to the city's Occupational Safety and health program, and such a plan shall be submitted for approval and adopted by the mayor and the board of aldermen. Any subsequent changes or modifications in the plan shall also be submitted to the mayor and the board of aldermen for approval and adoption.

(5) The city recorder shall upon adoption of this chapter, immediately register the city's Occupational Safety and Health program with the State Commissioner of labor, by sending to the Commissioner of labor by certified mail a written statement which includes:

(a) a statement that the City of Kenton has elected to develop its own program of compliance;

(b) a statement that such program has been developed and has been reduced to writing;

(c) a statement of where such writing may be inspected;

(d) a statement that city employees have been informed of the program and have access to such writing;

(e) an assurance that the city's program incorporates standards developed pursuant to the State Occupational Safety and Health Act;

(f) a description of the methods of inspection provided for herein and an assurance that such program includes provisions for inspection and recordkeeping as effective as the provisions of the Tennessee Occupational Safety and Health Act of 1972.

(g) The director shall in the eventuality that there is a fatality or an accident resulting in the hospitalization of five (5) or more employees, insure that the

Commissioner of Labor receives notification of the occurrence within forty-eight (48) hours. (ord. passed May 7, 1974, sec. 1)

1-915. Confidentiality of trade secrets or privileged information. (1) Compliance with any other law, statute or ordinance which regulates safety and health in employment and places of employment shall not excuse the City of Kenton or any city employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provisions of this program or any standard or regulation promulgated pursuant to this program shall not excuse the City of Kenton or any city's employee, or any other person from compliance with any state law or city ordinance regulating and promoting safety and health unless such law or resolution is specifically repealed. (ord. passed May 7, 1974, sec. 1)

## CHAPTER 10

MISCELLANEOUS REGULATIONS--CITY PERSONNEL

## SECTION

- 1-1001. Business dealings.
- 1-1002. Acceptance of gratuities.
- 1-1003. Outside employment.
- 1-1004. Political activity.
- 1-1005. Use of municipal time, facilities, etc.
- 1-1006. Use of position.
- 1-1007. Strikes and unions.

1-1001. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any city officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the city.

1-1002. Acceptance of gratuities. No city officer or employee shall accept any money or other consideration or favor from anyone other than the city for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business. (1953 code, ch. 4, sec. 24, modified)

1-1003. Outside employment. No full-time officer or employee of the city shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his city employment, or is likely to cast discredit upon or create embarrassment for the city.

1-1004. Political activity. City officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no city officer or employee shall solicit political campaign contributions or engage in or actively participate in any city political campaign. These restrictions shall not apply to elective officials.



1-1005. Use of city time, facilities, etc. No city officer or employee shall use or authorize the use of city time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the city is paid at such rates as are normally charged by private sources for comparable services.

1-1006. Use of position. No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.

1-1007. Strikes and unions. No city officer or employee shall participate in any strike against the city, nor shall he join, be a member of, or solicit any other city officer or employee to join any labor union which authorizes the use of strikes by government employees. (1953 code, ch. 4, sec. 26)

(RESERVED FOR FUTURE USE)

TITLE 2

ALCOHOLIC BEVERAGES<sup>1</sup>

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

2-101. Prohibited generally.

2-101. Prohibited generally. Except as authorized by applicable laws<sup>2</sup> and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within this city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1953 code, ch. 5, sec. 1-6, modified)

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<sup>1</sup>For general provisions in the state law, see Tennessee Code Annotated, title 57.

<sup>2</sup>See particularly Tennessee Code Annotated, section 39-6-902 et. seq., particularly 39-6-910.

## CHAPTER 2

BEER<sup>1</sup>

## SECTION

2-201. Prohibited generally.

2-201. Prohibited generally. Except as authorized by applicable laws and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any beer within this city. "Beer" shall be defined to include all beers, ales and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1953 code, ch. 5, sec. 1-6, modified)

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<sup>1</sup>For a leading case in Tennessee on a municipality's authority to regulate beer see the Tennessee Supreme Court decision in Grubb et al. v. Mayor and Aldermen of Morristown, et al., 185 Tenn. 114, 203 S.W.2d 593 (1947).

For general provisions in the state law, see Tennessee Code Annotated, title 57, particularly chapter 5.

(RESERVED FOR FUTURE USE)

## TITLE 3

ANIMALS AND FOWLS

## CHAPTER

1. IN GENERAL.
2. DOGS.

## CHAPTER 1

IN GENERAL

## SECTION

- 3-101. Swine prohibited.
- 3-102. Running at large prohibited.
- 3-103. Keeping near a residence or business restricted.
- 3-104. Pen or enclosure to be kept clean.
- 3-105. Adequate food, water, and shelter, etc., to be provided.
- 3-106. Keeping in such manner as to become a nuisance prohibited.
- 3-107. Cruel treatment prohibited.
- 3-108. Seizure and disposition of animals.
- 3-109. Costs for maintenance and disposition of unclaimed animals.

3-101. Swine prohibited. It shall be unlawful for any person to keep or possess swine within the corporate limits of the city. (1953 code, ch. 6, sec. 13, modified)

3-102. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1953 code, ch. 6, sec. 1 and 2, modified)

3-103. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within five hundred (500) feet of any residence, place of business, or public street without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an

animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health.

3-104. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition.

3-105. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof, fly-tight building, box, or receptacle.

3-106. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason.

3-107. Cruel treatment prohibited. It shall be unlawful for any person to willfully, wantonly and knowingly torture, torment, deprive of necessary sustenance, cruelly beat or needlessly mutilate, or wound any domestic animal, or willfully or maliciously administer poison to any such animal or offer or expose to any such animal any poisonous substance with the intent that the same should be taken by such animal. Nothing herein shall prohibit the purchase of animals by humane societies, incorporated under the laws of Tennessee for the purpose of humanely selling the same. (ord. passed Sept. 6, 1977, sec. 1)

3-108. Seizure and disposition of animals. All police officers and all other authorized city employees, working under the direction and supervision of the chief of police shall be charged with the enforcement of this chapter and it shall be their duty to take charge of any animal at large or running at large, or which is kept in violation of this chapter and they shall convey the same to an animal clinic which has been designated as the city pound, or if the animal is too large, to an appropriate enclosure or pasture. There, such animal shall be fed, watered, and otherwise cared for during a period of not less than four (4) days unless redeemed earlier by its owner. Any impounded animal may be redeemed by its owner upon payment to the city for each animal so seized and impounded, an impoundment fee of five dollars (\$5.00) for the first impoundment of an animal owned by him, and an impoundment fee of ten dollars (\$10.00) for the second impoundment of an animal owned by him, and an impoundment fee

of twenty-five dollars (\$25.00) for the third and all subsequent impoundments of an animal owned by him. In addition to the impoundment fee, such owner shall also pay a boarding fee, as assessed by the owner of the pound, per day for each day or fraction thereof the animal remains unclaimed. The payment of the fees as set forth herein, however, shall not relieve the owner from any other penalty for violation of this chapter.

The impounding authority shall, not later than the day following the impounding of an animal, serve written notice upon the owner thereof, if known, by mail or in person. If such owner is unknown, the impounding authority shall post one (1) written notice describing the impounded animal; said notice being posted in the city hall in Kenton, Tennessee. In either case the notice shall state that the impounded animal or fowl must be claimed within four (4) days by paying the costs or the animal will be humanely destroyed or sold. If after a period of four (4) days from the date of service or posting of such notice the animal is not redeemed in the manner set forth herein, it shall be humanely destroyed, sold or otherwise disposed of in the public interest.

Whenever any individual shall apply to the health officer for permission to adopt or buy any impounded animal remaining unclaimed, the health officer may sell to the individual such unclaimed animal or surrender such animals to the individual for adoption upon the payment of the fees as set forth herein.

For the purpose of enforcing this chapter, police officers and all other authorized city employees, are authorized to go upon private property, if necessary, to pick up any animal or any other domesticated animal. (ord. passed Sept. 6, 1977, sec. 1, modified)

3-109. Costs for maintenance and disposition of unclaimed animals. When animals are picked up under provisions of this chapter and held in the city pound for a period of four (4) days and the owner of said animal is unknown, the costs for the maintenance and disposition of such animals shall be borne by the city, under arrangements to be made between the city and the operator of the animal clinic designated as the city pound. (ord. passed Sept. 7, 1977, sec. 1, modified)



## CHAPTER 2

DOGS

## SECTION

- 3-201. Definitions.
- 3-202. Vicious dogs to be securely restrained.
- 3-203. Seizure and disposition of dogs.
- 3-204. Handling complaints against dogs.
- 3-205. Quarantine of dogs.
- 3-206. Running at large prohibited.
- 3-207. Noisy dogs prohibited.
- 3-208. Concealing dogs kept in violation of chapter.
- 3-209. Summary destruction of vicious, sick or injured dogs authorized.
- 3-210. Violations.

3-201. Definitions. Where the following words are used in this chapter, they shall have the following meanings:

(1) "Dog". All members of the canine family three (3) months or more of age, and also all pet wolves, foxes, racoons and like small animals.

(2) "Owner". Any person having a right of property in a dog, or who keeps or harbors a dog, or who has it in his care or acts as its custodian, or who permits a dog to remain on or about any premises occupied by such person.

(3) "Vicious dog or other domesticated animal". Any dog or other domesticated animal which has attacked or which has shown a vicious propensity to endanger, bite, or maim any human being.

(4) "At large". The term "at large" or "running at large" shall be intended to mean off the fenced premises of the owner, or not under control of the owner, or habitually being found on public school premises.

(5) "Control". The term "control" shall mean that the animal must be on a leash, cord or chain secured to a stationary object or the hand of the owner, or other qualified person.

(6) "Vicious propensity". The natural or habitual inclination or tendency to do any act that might endanger the safety of the person and property of others in any given situation including, but not limited to, the habitual chasing of bicycles, motor bikes, motorcycles, motorscooters, automobiles and trucks on either public or private property; a natural fierceness or disposition to mischief that might occasionally lead a dog to attack human beings without provocation. (Ord. passed Sept. 6, 1977, sec. 1)

3-202. Vicious dogs to be securely restrained. It shall be unlawful for any person to keep any dog of a vicious propensity unless it is so confined and/or otherwise securely restrained as to reasonably provide for the protection of other animals and persons. Any person violating the provisions of this section shall be subject to a fine under the general penalty clause for this code. In addition, any person working under the supervision of the public health officer, the chief of police, or the rabies control officer shall be authorized to impound or destroy, in the manner provided by this chapter, any dog of a vicious propensity found at large.<sup>1</sup> (ord passed Sept. 6, 1977, sec. 1)

3-203. Seizure and disposition of dogs. Any dog found running at large or which is being kept in violation of this chapter shall be seized and disposed of pursuant to the provisions of chapter 1, section 3-108 of this title. (ord. passed Sept. 6, 1977, § 1, modified)

3-204. Handling complaints against dogs. When any person complains that he is molested by a dog or other domesticated animal which such person deems to be vicious, the animal and safety control officer shall not be required to pick up such animal unless said officer shall, from his own observations, determine that the animal is or appears to be of a vicious nature, or unless the person or persons so complaining shall swear out a warrant against the owner of such animal, in which event said animal will be picked up by the "animal and safety control officer" and held awaiting the trial of the issue between the owner of the animal and the person filing the complaint.

Such trial shall be held promptly in the city court. Any person appealing the decision of the city judge, shall make an appeal bond adequate to cover the cost of maintaining the dog or other domesticated animal in the city pound or such animal clinic as may be used by the city. (ord. passed Sept. 6, 1977, sec. 1)

3-205. Quarantine of dogs. In all cases where a dog or other animal has bitten, scratched, or broken the skin of a human being, and where the doctor treating the patient so bitten is of the opinion that the animal should be quarantined, the animal shall be confined by the owner at an animal clinic approved by the "animal and safety control officer" for a period of not less than ten (10) days. The owner of the animal shall bear the expense of its upkeep for the period of

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<sup>1</sup>For a Tennessee supreme court case upholding the summary destruction of dogs pursuant to appropriate legislation see Darrell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1927).

confinement. For the purpose of enforcing this section, the animal and safety control officer is authorized to go upon private property, if necessary, to pick up any animal known to have bitten, scratched, or broken the skin of a human being.

Every owner of a female dog in heat is required to confine her twenty-four (24) days during the time she is proud or in heat. Every person violating the provisions of this section shall be guilty of misdemeanor and shall be subject to a fine under the general penalty clause for this code. In addition, any person working under the supervision of the public health officer, the chief of police, or the rabies control officer shall be authorized to destroy any proud bitch found at large in violation of this section. (ord. passed Sept. 6, 1977, sec. 1)

3-206. Running at large prohibited. No dog, whether licensed or not, shall be allowed to run or be at large within the city, unless such dog is on a leash in the hands of a person mentally and physically capable of managing it, so that it shall not bite or injure any person or animal, or damage any property. (ord. passed Sept. 6, 1977, sec. 1)

3-207. Noisy dogs prohibited. No person shall own, or harbor any dog which, by loud and frequent barking, whining or howling, annoys or disturbs the peace and quiet of any neighborhood. (ord. passed Sept. 6, 1977, sec. 1)

3-208. Concealing dogs kept in violation of this chapter. Any person who shall hide, conceal, or aid or assist in hiding or concealing any dog owned, kept, or harbored in violation of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined under the general penalty clause of this code. (ord. passed Sept. 6, 1977, sec. 1)

3-209. Summary, destruction of vicious, sick or injured dogs authorized. Personnel operating under the supervision of the public health officer, the rabies control officer and/or chief of police shall take up and impound any dog found running at large in violation of section 3-108 of this chapter; provided, that if any dog so found is sick, injured or of a vicious nature, such personnel may humanely destroy such dog immediately.<sup>1</sup> If, in the attempt to seize any dog, it becomes impossible to secure it with the hands, such personnel, if convinced that the seizure of the dog is necessary to the public welfare and safety, may destroy it by shooting it, providing he is close enough to the animal to kill it humanely

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<sup>1</sup>For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1927).

and so far removed from any bystander that no human life may be imperiled by the act. (ord. passed Sept. 6, 1977, sec. 1)

3-210. Violations. The violation of any of the provisions of this chapter shall be a misdemeanor and any person, firm or corporation found guilty of violating such provisions shall be subject to a fine under the general penalty clause for this code. (ord. passed Sept. 6, 1977, sec. 1)

(RESERVED FOR FUTURE USE)

## TITLE 4

BUILDING, UTILITY, AND HOUSING CODES<sup>1</sup>

## CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. HOUSING CODE.
5. SUPPLEMENTAL BUILDING CODE, LAND USE, FLOOD CONTROL, WATER, SEWER AND DRAINAGE REGULATIONS.

## CHAPTER 1

BUILDING CODE<sup>2</sup>

## SECTION

- 4-101. Building code adopted.
- 4-102. Modifications.
- 4-103. Available in recorder's office.
- 4-104. Violations.

4-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506 and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code, 1982 edition with 1984 amendments, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporatd by reference as a part of this code, and is

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<sup>1</sup>For related provisions in this code see title 7, "Fire Protection, Fireworks, and Explosives"; title 8, "Health and Sanitation"; title 11, "Planning and Zoning"; title 12, "Streets and Other Public Ways and Places"; and title 13, "Utilities and Services."

<sup>2</sup>See chapter 5 in this title for supplementary building code regulations.

hereinafter referred to as the building code.<sup>1</sup> (ord. passed Mar. 21, 1963, sec. 1, modified)

4-102. Modifications. (1) Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of mayor and aldermen of the city. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code.

(2) The recommended schedule of permit fees set forth in Appendix K of the building code is deleted. The fees to be collected shall be those contained in chapter 5, section 4-501 of this title.

(3) Section 114 of the building code is hereby deleted.

4-103. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, section 6-54-502 three (3) copies of the building code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

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

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

See chapter 5 of this title for supplemental regulations related to construction, land use, flood control and water, sewer and drainage. Particularly see sections 4-501, 4-502, 4-503(4) through (6) and 4-505.

## CHAPTER 2

PLUMBING CODE<sup>1</sup>

## SECTION

- 4-201. Plumbing code adopted.  
 4-202. Modifications.  
 4-203. Available in recorder's office.  
 4-204. Violations.

4-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code,<sup>2</sup> 1982 edition with 1984 amendments, as prepared and adopted by the Southern Building Code congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (ord. passed Mar. 21, 1962, sec. 1, modified)

4-202. Modifications. (1) Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of mayor and aldermen of this city.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the plumbing code.

(2) The schedule of permit fees recommended in "Appendix H" of the plumbing code is hereby adopted.

(3) Section 110 of the plumbing code is hereby deleted.

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<sup>1</sup>See also titles 8, 12, and 13 in this code for provisions relating to cross-connections, street excavations, water and sewer systems, etc.

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



4-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, section 6-54-502 three (3) copies of the plumbing code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

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

## CHAPTER 3

ELECTRICAL CODE <sup>1</sup>

## SECTION

- 4-301. Electrical code adopted.  
 4-302. Available in recorder's office.  
 4-303. Permit required for doing electrical work.  
 4-304. Violations.  
 4-305. Enforcement.  
 4-306. Fees.

4-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,<sup>1</sup> 1984 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (ord. passed Mar. 21, 1963, sec. 1, modified)

4-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, section 6-54-502 three (3) copies of the electrical code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (ord. passed Mar. 21, 1963, sec. 1, modified)

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

4-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to

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<sup>1</sup>Copies of this code may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

comply with this chapter and/or the requirements and standards prescribed by the electrical code.

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

4-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, section 67-17-143 for electrical inspections by deputy inspectors of the state fire marshal.

CHAPTER 4  
HOUSING CODE

## SECTION

- 4-401. Housing code adopted.  
 4-402. Modifications.  
 4-403. Available in recorder's office.  
 4-404. Violations.

4-401. Housing code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506 and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,<sup>1</sup> 1982 edition with 1984 amendments, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (ord. passed Mar. 21, 1963, sec. 1, modified)

4-402. Modifications. (1) Wherever the housing code refers to the "Housing Official" it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Applicable Governing Body" is referred to it shall mean the board of mayor and aldermen.  
 (2) Section 108 of the housing code is deleted.

4-403. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, section 6-54-502 three (3) copies of the housing code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

4-404. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified.

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

## CHAPTER 5

SUPPLEMENTAL BUILDING CODE, LAND USE, FLOOD CONTROL,  
WATER, SEWER AND DRAINAGE REGULATIONS

## SECTION

- 4-501. Permits and inspections.
- 4-502. Flood control provisions.
- 4-503. Land use and building code.
- 4-504. Water, sewer and drainage.
- 4-505. Conformity with other law and regulations; penalty.

4-501. Permits and inspections. (1) Any owner of real property in Kenton who plans to build, erect, construct, or remodel, or who plans to cause to allow to be built, erected, constructed, or remodeled, any building, improvements, or mobile home upon his real property, where such construction, remodeling, or mobile home may have a value or cost of one thousand dollars (\$1000.00) or more, shall obtain a building permit for such construction, remodeling, or mobile home location.

(2) Where the valuation does not exceed fifteen hundred dollars (\$1500.00), the fee for such permit shall be ten dollars (\$10.00).

(3) Where the valuation exceeds fifteen hundred dollars (\$1500.00), the fee shall be ten dollars (\$10.00) plus one dollar per thousand dollars valuation, or major part thereof, in excess of the first one thousand dollars (\$1000.00).

(4) Any person or persons desiring building permits shall apply at city hall, submitting the type of building, location, intended use, approximate cost, type of heating system, and if in a defined flood hazard area, the first floor elevation.

(5) No application will be approved and permit issued until application has been approved by the building inspector and the appropriate fee paid to the city recorder.

(6) Building permit must be posted conspicuously at the building site.

(7) Building site will be subject to three (3) inspections, the first to occur when the lot is staked; the second inspection shall occur when the plumbing is roughed in; and the final inspection shall occur upon completion of the project.

(8) Each permit issued under provisions of this chapter shall have an effective life of sixty (60) calendar days from date of issue, after which time the permit shall expire, unless actual construction has commenced.

(9) The building inspector shall maintain a file of all building permits issued that month to the Obion County Tax Assessor or to the Gibson County Tax Assessor; whichever applies. (ord. passed Aug. 9, 1983, sec. I)

4-502. Flood control provisions. (1) The building inspector shall review all permit applications to determine whether the proposed site is located in a defined flood hazard area and if it is recorded on the building permit form, the first floor elevation of any proposed structure or mobile home.

(2) If the proposed building or mobile home site is determined to be located in a defined flood hazard area, the building inspector shall:

(a) Determine that any new construction, substantial improvement, or mobile home has been designed, modified, or anchored to prevent floatation, collapse, or lateral movement of the structure; that construction materials and utility equipment are resistant to flood damage; and that construction methods and practices have been used which minimize flood damage.

(b) Determine that all public utilities and facilities such as sewer, gas, electrical and water systems are located, elevated, and constructed so as to eliminate or minimize flood damage and that adequate drainage is provided so as to reduce exposure to flood hazards.

(c) Determine whether the Department of Public Health has reviewed and approved any new or replacement water supply systems and/or sanitary sewerage systems to be sure that they are designed to eliminate or minimize infiltration of flood waters into systems and discharges from the system into flood waters and that site waste disposal systems are located so as to avoid their impairment during flooding. (ord. passed Aug. 9, 1983, sec. II)

4-503. Land use and building code. (1) Restrictions.

(a) Only one principal residence building may be built on a minimum lot area.

(b) Accessory buildings shall be at least ten (10) feet from all lot lines and from any other building on the same lot, provided however, that a private garage may be built on a side or rear lot line by mutual agreement of adjoining property owners.

(c) No accessory building shall be located within fifty (50) feet of the front lot line.

(d) No fence, shrubbery, sign or other obstruction higher than three feet shall be permitted within twenty-five (25) feet of the intersection of two streets.

(e) If building is for residential use (houses, apartments, duplexes, etc.) there shall be room provided to park two cars per family.

(2) Required lot area, width and yards for residential buildings.

- (a) Minimum lot area shall be five thousand (5000) square feet.
- (b) Minimum lot width shall be fifty (50) feet at the building line.
- (c) Minimum front yard shall be twenty (20) feet from the margin of street to closest vertical portion to structure; except along U.S. Highway 45 W where the minimum front yard shall be thirty (30) feet.
- (d) Minimum required rear yard shall be thirty (30) feet.
- (e) Minimum required side yard on each side of lot shall be ten (10) feet for single story buildings and twenty (20) feet for multi-story buildings.

(3) Commercial and industrial buildings.

- (a) On any lot that is to be used for commercial or industrial purposes, adequate space must be provided for the loading and unloading of vehicles on the lot.
- (b) Plans for proposed commercial or industrial buildings shall be presented to a building committee for approval of location and type of construction. Such committee shall consist of the commissioner of streets, sanitation and building permits, the fire commissioner, and the commissioner(s) of such other departments as the mayor may deem necessary depending on the circumstances.

(4) New construction.

- (a) Minimum footing shall be poured concrete not less than 6 x 12 inches.
- (b) Minimum foundation width, whether solid or piers shall be eight (8) inches.
- (c) Slab floors shall be a minimum of three and one-half (3 $\frac{1}{2}$ ) inches thick and a minimum of three bag (2500 psi) mix.
- (d) Floor joists shall be at least 2 x 8 inches in size and on not more than eighteen (18) inch centers.
- (e) Ceiling joists shall be at least 2 x 6 inches in size and on not more than twenty-four (24) inch centers.
- (f) Wall studs must be at least 2 x 4 inches in size and on not more than sixteen (16) inch centers.
- (g) 2 x 4 trusses are allowable under provisions of the Southern Building Code.

(5) Remodeling or additions.

- (a) Any additions to buildings shall be subject to the provisions of this chapter to the extent of the portion of the building being added.
- (b) Buildings being remodeled shall comply with provisions of this chapter to the extent of any new materials which will be used.

(6) Mobile homes. Any mobile home placement shall be made in accordance with any lot size requirements and restrictions as set forth in this chapter. (ord. passed Aug. 9, 1983, sec. III)

4-504. Water, sewer and drainage. (1) Any new or additional construction which shall constitute a multi-family dwelling shall have a separate water meter for each apartment or portion of such building which would constitute a separate dwelling.

(2) Any newly constructed residence, commercial or industrial building shall be required to provide indoor toilet facilities and shall be required to connect to the sanitary sewer system where such connections are available.

(3) Street drainage ditches shall not be filled in by the property owner or contractor(s), so as to obstruct or alter the flow of water and street drainage without written consent of the commissioner of streets, sanitation and building permits.

(4) Sizes of culverts under driveways and in street ditches shall be a minimum of twelve (12) inches in diameter, of metallic or concrete construction; and in no case shall the diameter of such culvert be smaller than the diameter or equivalent total diameter of any upstream culvert(s) which feeds into it. All culvert installation shall be subject to approval of the commissioner of streets, sanitation, and building permits. (ord. passed Aug. 9, 1983, sec. IV)

4-505. Conformity with other law and regulations; penalty. (1) No part of this chapter shall be construed to conflict with the Fire Zone Code now in existence as it applies to the City of Kenton.

(2) No part of this chapter shall be construed to conflict with any present or future water and/or sewer ordinances of the City of Kenton.

(3) Areas not covered under the provisions of this chapter shall conform to applicable portions of the Southern Building Code.

(4) In any area in which this chapter may now or at any future date conflict with any federal, state, county, or other city law or regulation or portions of the Southern Building Code, the more stringent conditions shall apply.

(5) Any person violating any provision of this chapter shall be subject to punishment under the general penalty provisions of this code of ordinances. (ord. passed Aug. 9, 1983, sec. V and VI)



(RESERVED FOR FUTURE USE)

## TITLE 5

BUSINESS, PROFESSIONS AND OCCUPATIONS

## CHAPTER

1. PEDDLERS.
2. POOL ROOMS.

## CHAPTER 1

PEDDLERS, ETC.<sup>1</sup>

## SECTION

- 5-101. Permit required.
- 5-102. Exemptions.
- 5-103. Application for permit.
- 5-104. Issuance or refusal of permit.
- 5-105. Appeal.
- 5-106. Bond.
- 5-107. Loud noises and speaking devices.
- 5-108. Use of streets.
- 5-109. Exhibition of permit.
- 5-110. Policemen to enforce.
- 5-111. Revocation or suspension of permit.
- 5-112. Reapplication.
- 5-113. Expiration and renewal of permit.

5-101. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (ord. passed Dec. 2, 1981)

5-102. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants holding a merchant's license issued by the City of Kenton who merely deliver

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<sup>1</sup>For privilege tax provisions, etc., see title 6 in this code.

goods in the regular course of business, nor to bona fide charitable, religious, patriotic, or philanthropic organizations. (ord. passed Dec. 2, 1981)

5-103. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate the applicant's moral reputation and business responsibility.
- (7) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance and, if so, the nature of the offense and the punishment or penalty assessed therefor.
- (8) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.
- (9) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the city to help defray the cost of investigating the facts stated therein. (ord. passed Dec. 2, 1981)

5-104. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by section 5-106. The city

recorder shall keep a permanent record of all permits issued. (ord. passed Dec. 2, 1981)

5-105. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the mayor, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (ord. passed Dec. 2, 1981)

5-106. Bond. Every permittee shall file with the city recorder a surety bond running to the city in the amount of five hundred dollars (\$500.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this city and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given. The surety may be relieved without costs of all further liability by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced. (ord. passed Dec. 2, 1981)

5-107. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks, or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell. (ord. passed Dec. 2, 1981)

5-108. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (ord. passed Dec. 2, 1981)

5-109. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (ord. passed Dec. 2, 1981)

5-110. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (ord. passed Dec. 2, 1981)

5-111. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen, after notice and hearing, for any of the following causes:

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) The mayor may suspend a permit pending the revocation hearing when reasonably necessary in the public interest. (ord. passed Dec. 2, 1981)

5-112. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (ord. passed Dec. 2, 1981)

5-113. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (ord. passed Dec. 2, 1981)

CHAPTER 2

POOL ROOMS

SECTION

5-201. Hours regulated.

5-201. Hours regulated. It shall be unlawful for any person to keep open, operate or use any poolroom within the corporate limits between the hours of 12:00 midnight of each and every day and daylight the following day.

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(RESERVED FOR FUTURE USE)



TITLE 6

FINANCE AND TAXATION<sup>1</sup>

CHAPTER

1. REAL PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. VEHICLE LICENSE TAX.

CHAPTER 1

REAL PROPERTY TAXES

SECTION

- 6-101. When due and payable.  
6-102. When delinquent--penalty and interest.

6-101. When due and payable. Taxes levied by the city against real property shall become due and payable annually on the first Monday of October of the year for which levied.

6-102. When delinquent--penalty and interest. All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.

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<sup>1</sup>Selected charter references:

Delinquent and due dates - Art. IV, sec. 4.15 and 4.16.

Tax levy - Art. IV, sec. 4.14.

Taxes not to be excused - Art. IV, sec. 4.17.

## CHAPTER 2

PRIVILEGE TAXES

## SECTION

6-201. Tax levied.

6-202. License required.

6-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by said state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, title 67, chapter 4, part 7) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the said act.

6-202. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon such applicant's payment of the appropriate privilege tax. (1953 code, ch. 14, sec. 36, modified)

## CHAPTER 3

VEHICLE LICENSE TAX

## SECTION

- 6-301. Vehicle license tax fee.
- 6-302. Application and scope of chapter.
- 6-303. Due date.
- 6-304. Duty of city recorder; definition of "tag."
- 6-305. Application for tag.
- 6-306. Display of tag.
- 6-307. Destroyed or mutilated tags; transfer and acquisition of vehicles.
- 6-308. Violation and penalty.

6-301. Vehicle license tax fee. There is hereby levied upon all passenger carrying automobiles, motor trucks, and other passenger carrying vehicles, such as motorcycles, motor-bikes that are required by state law to display a state tag, or annual license tax or fee in the amount of five dollars (\$5.00) for the purpose of regulating the use of the streets of the City of Kenton and of defraying the cost of administering this chapter. (ord. passed June 3, 1964, sec. 1, para. A, as amended by ord. passed May 16, 1974)

6-302. Application and scope of chapter. The vehicle license tax fee shall apply to and be paid on all vehicle owners thereof who reside within the City of Kenton.<sup>1</sup> (ord. passed June 3, 1964, sec. 1, para. B, modified)

6-303. Due date. The vehicle license tax fee shall be due and payable on or before the first day of July of each and every year. Tags shall be made available by June 1 of each year for purchase and use for the ensuing year. (ord. passed June 3, 1964, sec. 1, para. C and D)

6-304. Duty of city recorder; definition of "tag". The city recorder shall proceed and issue application forms and tags and other materials and supplies necessary for the administration of this chapter. The term "tags" shall mean and include tags, emblems and stickers regardless of materials of which they are constructed.

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<sup>1</sup>See Tennessee Code Annotated, sections 6-55-502 and 7-51-702 for prohibitions against the levy of a vehicle license tax by municipalities against nonresidents.

6-305. Application for tag. Each person applying for a tag shall complete an application. The application shall require full name, address, business, profession or occupation, the size, type, model and kind of vehicle, state license and title number, and such other data, if any, that may reasonably aid in the regulation of the use of city streets. No tag shall be issued until the owner of the vehicle completes an application, which shall be filed as a public record in city hall. (ord. passed June 3, 1964, sec. 1, para. D)

6-306. Displaying of tag. In the event a sticker is used it shall be prominently displayed on the windshield of the vehicle at all times. In the event another type emblem or tag is used it shall be prominently displayed on some outside part of the vehicle. (ord. passed June 3, 1964, sec. 1, para. D)

6-307. Destroyed or mutilated tags; transfer and acquisition of vehicles. (1) In the event the tag is reported destroyed or mutilated the owner of the vehicle may obtain another tag for the same vehicle for seventy-five cents (\$.75).

(2) In the event the owner of a vehicle upon which the vehicle license tax fee has been paid by the owner disposes or otherwise transfers said vehicle and replaces it with another vehicle, the owner may obtain a tag for the replacement vehicle for seventy-five cents (\$.75).

(3) Vehicles acquired between January 1 and prior to June 1 of any year shall be subject to a vehicle license tax fee of one-half (1/2) the regular fee specified in section 6-301. provided, however, if the vehicle is acquired during the thirty (30) days preceding July 1, the vehicle license tax fee shall be paid only for the ensuing year. (ord. passed June 3, 1964, sec. 1, para. E)

6-308. Violation and penalty. It shall be unlawful for any person to drive a motor vehicle subject to the vehicle license tax fee upon the roads of the City of Kenton in violation of the provisions of this chapter, and violators thereof shall be punished according to the general penalty clause of this municipal code of ordinances. (ord. passed June 3, 1964, sec. 1, para. F)

(RESERVED FOR FUTURE USE)

TITLE 7

FIRE PROTECTION, FIREWORKS, AND EXPLOSIVES

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. (Reserved for future use.)

## CHAPTER 2

FIRE CODE<sup>1</sup>

## SECTION

- 7-201. Fire code adopted; chapter 17 "Fireworks" deleted.  
 7-202. Enforcement.  
 7-203. Definitions.  
 7-204. Storage of explosives, flammable liquids, etc.  
 7-205. Gasoline trucks.  
 7-206. Variances and appeals.  
 7-207. Violations.  
 7-208. Fire hydrants.

7-201. Fire code adopted; chapter 17 "Fireworks" deleted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,<sup>2</sup> 1982 edition, with 1984 amendments as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included herein as a part of this code.<sup>3</sup> Pursuant to the requirement of Tennessee Code Annotated, section 6-54-502, three (3) copies of said fire prevention code have been filed with the city recorder and are available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits except chapter 17 titled "fireworks" which is deleted from said code.<sup>4</sup>

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<sup>1</sup>See title 4 in this code for the building and housing codes.

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

<sup>3</sup>Selected charter references:  
 Authority for establishments of fire regulations:  
 Art. I, sec. 1.04(5).  
 Procedure for adoption of standard codes:  
 Art. II, sec. 2.06.

<sup>4</sup>See chapter 4 of this title for provisions governing fireworks within the corporate limits.

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal.<sup>1</sup>

7-203. Definitions. Wherever the following words are used in the fire prevention code adopted herein they shall have the meaning indicated:

(1) "Building official" shall mean the building inspector of the City of Kenton.

(2) "Fire official" shall mean the chief of the fire department of the City of Kenton.

(3) "Governing body" shall mean the board of mayor and aldermen of the City of Kenton.

(4) "Law enforcement department" shall mean the police department of the City of Kenton.

7-204. Storage of explosives, flammable liquids, etc.

(1) The district referred to in section 16.105(b) of the fire prevention code, in which storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code

(2) The district referred to in section 20.201(a) of the fire prevention code, in which storage of flammable liquids in outside above ground tanks is prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.

(3) The district referred to in section 20.601 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.

(4) The district referred to in section 25.04(a) of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in section 7-101 of this code.

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

7-206. Variances and appeals. The board of appeals and adjustments established pursuant to the Standard Fire Prevention Code, chapter 2, shall decide all requests for

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<sup>1</sup>Selected charter references:

Authority for establishments of fire regulations:

Art. I, sec. 1.04(5).

Procedure for adoption of standard codes:

Art. II, sec. 2.06.



variances from, and appeals of, the application of said code in accordance with the rules and procedures set forth in said chapter 2.

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code hereby adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of appeal and adjustments or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions.

7-208. Fire hydrants. It shall be unlawful for any unauthorized person to open or close or in any other manner tamper with any fire hydrant or any other of the valves or fixtures owned and controlled by the City of Kenton and connected to and used in the operation of the municipal water system. Permission to do any of the above acts may be obtained in writing from the fire chief or the head of the water department.

## CHAPTER 3

VOLUNTEER FIRE DEPARTMENT<sup>1</sup>

## SECTION

- 7-301. Establishment, equipment, and composition.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training and maintenance.
- 7-307. Equipment to be used only within corporate limits generally.
- 7-308. Chief to be assistant to state officer.

7-301. Establishment, equipment, and composition.<sup>2</sup> There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen of the city. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the mayor and fire commissioner and such number of physically-fit subordinate officers and firemen as the mayor and fire commissioner shall appoint, subject to the approval of the board. (1953 code, ch. 10, sec. 1 and 5, modified)

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

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

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<sup>1</sup>For special privileges with respect to traffic, see title 9, chapter 1, in this code.

<sup>2</sup>Selected charter references:  
 Establishment; leadership - Art. III, sec. 3.01(c).  
 Personnel actions - Art. III, sec. 3.07.

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, have control over all volunteer firemen and other officers and employees constituting the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, all under the supervision of the fire commissioner. (1953 code, ch. 10, sec. 2, modified)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor and fire commissioner once each month, and at the end of the year a detailed annual report shall be made.

7-305. Tenure and composition of members. Any member of the volunteer fire department may be removed or suspended for any of the following actions:

- (1) Insubordination or disrespect toward his supervisor.
- (2) Oppression and tyranny over those under his control.
- (3) Neglect of duty.
- (4) Violation of the rules governing the fire department.
- (5) Immoral conduct, drinking when on duty, drunkenness or other conduct unbecoming a fireman or gentleman.
- (6) Any legal offense.
- (7) Any conduct injurious to the peace or welfare of the public.
- (8) Incapacity, mental or physical.

In the interest of the maintenance of discipline the chief shall have the authority to suspend any member of the fire department for the above reasons when he deems such action to be necessary to the good of the department. The chief and any other member of the department may be suspended or dismissed by the mayor or by the fire commissioner for the above reasons. Consistent with the charter all suspensions and dismissals under this section shall be subject to the approval of the board of mayor and aldermen.<sup>1</sup> All personnel of the fire department shall receive such compensation for their service as the board of mayor and aldermen may from time to time prescribe. (1953 code, ch. 10, sec. 3 and 6; sec. 7, modified)

7-306. Chief responsible for training and maintenance. The chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all

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<sup>1</sup>Selected charter reference:

Suspension and dismissal of city personnel - Art. III, sec. 3.07.

property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month.

7-307. Equipment to be used only within corporate limits generally.<sup>1</sup> No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless such fire is on city owned property or, in the opinion of the fire commissioner or chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger such city property or unless expressly authorized in writing by the board of mayor and aldermen.

7-308. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, section 68-17-108 the chief of the fire department is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 17 and shall be subject to the directions of the commissioner in the execution of the provisions thereof.

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<sup>1</sup>Selected charter reference:  
Use of equipment outside corporate limits - Art. I,  
sec. 1.04(5).

## CHAPTER 4

FIREWORKS

## SECTION

- 7-401. Sale of fireworks legal; conditions.  
7-402. Permit to sell fireworks - application and standards  
for issue.  
7-403. Use of fireworks legal; conditions.  
7-404. Violations.

7-401. Sale of fireworks legal; conditions. It shall be legal to sell fireworks within the corporate limits of Kenton, provided that:

(1) The sale is made by a merchant holding a valid permit issued by the city to sell fireworks.

(2) The sale is conducted according to the restrictions and conditions contained in Tennessee Code Annotated, title 68, chapter 22 which is adopted by reference and made a part of this chapter as if fully set out herein except that Tennessee Code Annotated, section 68-22-112 is modified to the extent that it shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of twelve (12) years. (ord. passed Jan. 6, 1981, sec. 1, modified)

7-402. Permit to sell fireworks - application and standards to issue. An application for a permit to sell fireworks shall be made to the city recorder on forms provided by the city for that purpose. Applications for a permit shall be accompanied by a fee of five dollars (\$5.00). Applicants shall certify that they will conduct the sale of fireworks strictly in accordance with Tennessee Code Annotated, title 68, chapter 22, the Kenton Municipal Code and any other ordinances governing the sale of fireworks. Before a permit is issued the fire chief shall inspect the premises where the fireworks are to be sold to insure that it complies with said provisions of the Tennessee Code Annotated. (ord. passed Jan. 6, 1981, sec. 1, modified)

7-403. Use of fireworks legal; conditions. It shall be legal to discharge fireworks within the corporate limits of Kenton, provided:

(1) The discharge is conducted only on private property.

(2) The person discharging the fireworks has permission of the owner of the property in question to discharge the fireworks.

(3) The person discharging the fireworks discharges only those fireworks and under the condition for which permission was given.

(4) The discharge is done in such a manner as not to constitute a nuisance.

(5) The discharge conforms to the limitations and restrictions contained in Tennessee Code Annotated, title 68, chapter 22. (ord. passed Jan. 6, 1981, sec. 2, modified)

7-404. Violations. It shall be unlawful for any person to violate any provision of this chapter. Violators shall be subject to punishment under the general penalty provision of this code.

(RESERVED FOR FUTURE USE)

## TITLE 8

HEALTH AND SANITATION<sup>1</sup>

## CHAPTER

1. MISCELLANEOUS.
2. REFUSE.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

## CHAPTER 1

MISCELLANEOUS

## SECTION

- 8-101. Health officer.
- 8-102. Smoke, soot, cinders, etc.
- 8-103. Stagnant water.
- 8-104. Weeds.
- 8-105. Dead animals.
- 8-106. Health and sanitation nuisances.
- 8-107. Junk yards.

8-101. Health officer. The "health officer" shall be such city, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the city.

8-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business.

8-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate

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<sup>1</sup>For health and sanitation provisions elsewhere in this code with respect to the following subjects see the indicated reference:

- (1) Animals and fowls, title 3.
- (2) Littering public streets, title 12, section 12-107.



and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1953 code, ch. 12, sec. 3, modified)

8-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot within five (5) days of being given such order. (1953 code, ch. 12, sec. 3, modified)

8-105. Dead animals. It shall be unlawful for any person to dispose of any dead animal on the streets or in any other public place, or in any gutter, pond, pool, creek or springs in the city. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in the manner the health officer directs. (1953 code, ch. 12, sec. 4, modified)

8-106. Health and sanitation nuisances. it shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity.

8-107. Junk yards.<sup>1</sup> All junk yards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

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<sup>1</sup>The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

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

## CHAPTER 2

REFUSE

## SECTION

- 8-201. Refuse defined.
- 8-202. Premises to be kept clean.
- 8-203. Storage.
- 8-204. Location of containers.
- 8-205. Disturbing containers.
- 8-206. Collection.
- 8-207. Collection vehicles.
- 8-208. Disposal.
- 8-209. Refuse collection charges.

8-201. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith.

8-202. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter.

8-203. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, rodent and insect proof and of size and capacity as may be prescribed by the board of mayor and aldermen. Tree trimmings, hedge clippings and similar materials shall be cut to such size, stored and made ready for pickup according to such standards as may be prescribed by the board of mayor and aldermen to facilitate ease of handling.

8-204. Location of containers. Where alleys are used by the city refuse collectors containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by city for the collection

of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection.

8-205. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in an other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose.

8-206. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule.

8-207. Collection vehicles. the collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys.

8-208. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited.

8-209. Refuse collection charges. The collection of refuse shall be subject to such charges as the board of mayor and aldermen may lay from time to time by appropriate ordinance or resolution<sup>1</sup> and shall be collected at the same time as the water and sewer bill.

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<sup>1</sup>Such ordinances and resolutions are of record in the office of the city recorder.

## CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

## SECTION

- 8-301. Definitions.
- 8-302. Standards.
- 8-303. Construction, operation, and supervision.
- 8-304. Statement required.
- 8-305. Inspections required.
- 8-306. Right of entry for inspections.
- 8-307. Correction of existing violations.
- 8-308. Use of protective devices.
- 8-309. Unpotable water to be labeled.
- 8-310. Violations.

8-301. 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 Public Health.

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

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

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

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage

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<sup>1</sup>The regulations in this chapter are recommended by the Tennessee Department of Public health for adoption by cities.

See title 4, chapter 2 for the plumbing code and title 13, chapter 1 of the code for provisions governing the administration of the water and sewer systems.

reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

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

8-302. Standards. The municipal public water supply is to comply with Tennessee Code Annotated, sections 68-13-102 and 68-13-104 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.

8-303. 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 Public Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the waterworks of the city.

8-304. 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 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 superintendent of the waterworks 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.

8-305. Inspections required. It shall be the duty of the superintendent of the waterworks to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections, based on potential health hazards involved, shall be established by the superintendent of the waterworks and as approved by the Tennessee Department of Public Health.

8-306. Right of entry for inspections. The superintendent of the waterworks 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.

8-307. Correction of existing violations. 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 superintendent of the waterworks.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, section 68-13-104, within a reasonable time and within the time limits set by the superintendent of the waterworks shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility 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.

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.

8-408. Use of protective devices. 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 water supply, 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 superintendent of the waterworks of the city 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 Public Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of the waterworks prior to installation and shall comply with the criteria set forth by the Tennessee Department of Public Health. The installation shall be at the expense of the owner or occupant of the premises.

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 superintendent of the waterworks or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

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 unit has been installed and the continuance of service is critical, the superintendent of the waterworks 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 superintendent 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 superintendent of the waterworks.

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 superintendent of the waterworks.

8-309. 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-inch high located on a red background.

8-310. Violations. The requirements contained herein shall apply to all premises served by the municipal 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.

(RESERVED FOR FUTURE USE)

## TITLE 9

MOTOR VEHICLES AND TRAFFIC<sup>1</sup>

## CHAPTER

1. GENERAL PROVISIONS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

## CHAPTER 1

GENERAL PROVISIONS

## SECTION

- 9-101. Motor vehicle requirements.
- 9-102. Driving on streets closed for repairs, etc.
- 9-103. Reckless driving.
- 9-104. Driving under the influence.
- 9-105. One-way streets.
- 9-106. Unlaned streets.
- 9-107. Laned streets.
- 9-108. Yellow lines.
- 9-109. Miscellaneous traffic-control signs, etc.
- 9-110. General requirements for traffic-control signs, etc.
- 9-111. Unauthorized traffic-control signs, etc.
- 9-112. Presumption with respect to traffic-control signs,  
etc.
- 9-113. School safety patrols.
- 9-114. Driving through funerals or other processions.
- 9-115. Damaging pavements.
- 9-116. Clinging to vehicles in motion.
- 9-117. Riding on outside of vehicles
- 9-118. Backing vehicles.
- 9-119. Projections from the rear of vehicles.
- 9-120. Causing unnecessary noise.

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<sup>1</sup>For provisions relating to obstructing and/or excavating in public streets, alleys, sidewalks, and rights of way see title 12, chapter 2 in this code.

For provisions relating to the city's vehicle license tax see title 6, chapter 3 in this code.

- 9-121. Vehicles and operators to be licensed.
- 9-122. Passing.
- 9-123. Motorcycles and motor-driven cycles.
- 9-124. Vehicle weight limits.

9-101. Motor vehicles 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. (1953 code, ch. 20, sec. 49, 50, 51 and 53, modified)

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

9-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1953 code, ch. 20, sec. 42)

9-104. Driving under the influence. (See Tennessee Code Annotated, sections 55-10-401, 55-10-303 and 55-10-307.)

9-105. 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.

9-106. 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. (1953 code, ch. 20, sec. 27, modified)

9-107. 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.

9-108. 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.

9-109. Miscellaneous traffic-control signs, etc.<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer.

9-110. 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,<sup>2</sup> 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. This section shall not be construed as being mandatory but is merely directive.

9-111. 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

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<sup>1</sup>See also section 9-505 through 9-509 in this title.

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

which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1953 code, ch. 20, sec. 26, modified)

9-112. 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.

9-113. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols, when such patrols are assigned under the authority of the chief of police, and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals.

9-114. Driving through funerals or other processions. Except when otherwise directed by a police officer no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. It shall also be unlawful for any person to park any vehicle on any street in such a manner as to conflict with the parking of cars forming a part of a funeral procession. (1953 code, ch. 20, sec. 17, modified)

9-115. Damaging pavements. No person shall operate upon any street of the city any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street.

9-116. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, other public way or place.

9-117. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons

engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks.

9-118. 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.

9-119. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1953 code, ch. 20, sec. 21, modified)

9-120. 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.

9-121. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1953 code, ch. 20, sec. 12, modified)

9-122. 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. (1953 code, ch. 20, sec. 29, 30 and 31, modified)

9-123. Motorcycles and motor driven cycles.

(1) Definitions. A motorcycle is any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor. A motor-driven cycle is every motorcycle and every motor scooter, including every bicycle with motor attached.

(2) Riding on motorcycles. (a) A person operating a motor-driven cycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person, nor shall any other person ride on a motor-driven cycle, unless such motor-driven cycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the motor-driven cycle at the rear or side of the operator.

(b) A person shall ride upon a motor-driven cycle only while sitting astride the seat, facing forward, with one leg on each side of the motor-driven cycle.

(c) No person shall operate a motor-driven cycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

(d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motor-driven cycle or the view of the operator.

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

(f) Every person riding or operating a motor-driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations, (including the Anti-Noise regulation in section 10-234 in this code) 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 motor-driven cycles.

(3) Driving upon sidewalk. No person shall drive any motor-driven cycle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

(4) Head lamps and tail lamps. All motor-driven cycles shall carry at least one (1) lighted headlamp capable of showing a white light visible at least three hundred (300) feet in the direction in which the same are proceeding, and



one tail lamp mounted on the rear which, when lighted, shall emit a red light plainly visible from at least three hundred (300) feet to the rear, and such lights required by this section shall be burning at all times that such vehicles are being operated on the public streets or highways.

(5) Rear view mirrors. All motor-driven cycles shall be equipped with a mirror so located as to reflect to the operator a view of the roadway for a distance of two hundred (200) feet to the rear of his vehicle.

(6) Crash helmets. The driver of a motor-driven cycle and any passenger thereon shall be required to wear a crash helmet of a type approved by the American Motorcycle Association.

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

(8) Special speed limitations. No person shall operate any motor-driven cycle at a speed greater than the speed limit legally posted; provided, however, in no event nor at any time may an operator under the age of sixteen (16) years operate a motor-driven cycle at a speed greater than thirty-five (35) miles per hour.

(9) Violations. It shall be unlawful for any person to operate or ride on any motor-driven cycle in violation of this section, and it shall also be unlawful for any parent or guardian to knowingly permit any minor to operate a motor-driven cycle in violation of this section. (ord. passed June 2, 1981, modified)

9-124. Vehicle weight limits. No vehicle with a rated carrying capacity of five tons or over shall be operated on the streets of the city. (1957 code, ch. 14, sec. 19)

## CHAPTER 2

EMERGENCY VEHICLES

## SECTION

- 9-201. Authorized emergency vehicles defined.  
9-202. Operation of authorized emergency vehicles.  
9-203. Following emergency vehicles.  
9-204. Running over fire hoses, etc.

9-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police.

9-202. Operation of authorized emergency vehicles.<sup>1</sup>

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

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such

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<sup>1</sup>See section 9-501 in this code for provisions governing the operation of other vehicles upon the approach of emergency vehicles.

provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1953 code, ch. 20, sec. 5, modified)

9-203. Following emergency vehicles. No driver of any vehicle shall follow an authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1953 code, ch. 20, sec. 38)

9-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1953 code, ch. 20, sec. 44)

## CHAPTER 3

SPEED LIMITS

## SECTION

- 9-301. In general.
- 9-302. At intersections.
- 9-303. In school zones.
- 9-304. In congested areas.

9-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1953 code, ch. 20, sec. 43, modified)

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

9-303. In school zones. Pursuant to Tennessee Code Annotated, section 55-8-152 the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) 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. (1953 code, ch. 20, sec. 43, modified)

9-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the city. (1953 code, ch. 20, sec. 43, modified)

## CHAPTER 4

TURNING MOVEMENTS

## SECTION

- 9-401. Generally.  
9-402. Right turns.  
9-403. Left turns on two-way roadways.  
9-404. Left turns on other than two-way roadways.  
9-405. U-turns.

9-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1953 code, ch. 20, sec. 35, modified)

9-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1953 code, ch. 20, sec. 32, modified)

9-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1953 code, ch. 20, sec. 32, modified)

9-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1953 code, ch. 20, sec. 32, modified)

9-405. U-turns. U-turns are prohibited. (1953 code, ch. 20, sec. 33)

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<sup>1</sup>See Tennessee Code Annotated, section 55-8-143.

## CHAPTER 5

STOPPING AND YIELDING

## SECTION

- 9-501. Upon approach of authorized emergency vehicles.
- 9-502. When emerging from alleys, etc.
- 9-503. To prevent obstructing an intersection.
- 9-504. At railroad crossings.
- 9-505. At "stop" signs.
- 9-506. At "yield" signs.
- 9-507. At traffic-control signals generally.
- 9-508. At flashing traffic-control signals.
- 9-509. At pedestrian-control signals.
- 9-510. At intersections and crosswalks without signals.
- 9-511. Stops to be signaled.

9-501. Upon approach of authorized emergency vehicles.<sup>1</sup>  
 Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1953 code, ch. 20, sec. 37, modified)

9-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1953 code, ch. 20, sec. 37 and 47, modified)

9-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without

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<sup>1</sup>See this title, chapter 2 for provisions governing the operation of emergency vehicles.

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.

9-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

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

9-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted.

9-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go" "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

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

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

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

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

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

(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. (1953 code, ch. 20, sec. 25, modified)

9-508. At flashing traffic-control signals.

(1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected by 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 section 9-504 of this title.



9-509. 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.

9-510. At intersections and crosswalks without signals.

(1) The operator of any vehicle shall yield the right of way to a pedestrian crossing the roadway without any marked or unmarked crossing at the end of a block, except at intersections where traffic is regulated by signals, or at any point where there is an officer on duty.

(2) Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross the roadway it shall be unlawful for the operator of any vehicle approaching from the rear to overtake and pass such stopped vehicle. (1953 code, ch. 20, sec. 54)

9-511. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle whether in obedience to a traffic signal or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency.

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<sup>1</sup>See Tennessee Code Annotated, section 55-8-143.

## CHAPTER 6

PARKING

## SECTION

- 9-601. Generally.
- 9-602. Angle parking.
- 9-603. Occupancy of more than one space.
- 9-604. Where prohibited.
- 9-605. Loading and unloading zones.
- 9-606. Presumption with respect to illegal parking.

9-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street, nor shall any person or business engaged in the sale or repair of automobiles park or store vehicles of their own or those held for others on the public street beyond the property line of said person or business.

9-602. 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. No person shall back a vehicle into such a parking space but shall park the vehicle with its front wheels next to the curb or edge of the street. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet.

9-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb

designating such space unless the vehicle is too large to be parked within a single designated space.

9-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the city nor:

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

9-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone.

9-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking.

## CHAPTER 7

ENFORCEMENT<sup>1</sup>

## SECTION

- 9-701. Issuance of traffic citations.  
9-702. Failure to obey citation.  
9-703. Illegal parking.  
9-704. Impoundment of vehicles.  
9-705. Disposal of "abandoned motor vehicles."

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

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

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

For parking violations the offender may, within ten (10) days, have the charge against him disposed of by paying to the

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<sup>1</sup>For provisions governing the administration and enforcement of the city's vehicle license tax see title 6, chapter 3 in this code.

city recorder a fine of eighteen dollars and seventy-five cents (\$18.75) provided he waives his right to a judicial hearing.

9-704. Impoundment of vehicles. members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored.

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

(RESERVED FOR FUTURE USE)

## CHAPTER 10

OFFENSES - MISCELLANEOUS<sup>1</sup>

## CHAPTER

1. GENERALLY.
2. OBSCENITY, IMMORAL CONDUCT, PROFANITY, ETC.
3. ALCOHOL AND GAMBLING.
4. LOITERING, PROWLING, VAGRANCY, TRESPASSING AND CURFEW.
5. WEAPONS, FIREARMS AND MISSILES.
6. OFFENSES AGAINST THE PERSON, PEACE AND CITY OPERATIONS.
7. OTHER OFFENSES.

## CHAPTER 1

GENERALLY

## SECTION

10-101. Misdemeanors of the state adopted.

10-101. Misdemeanors of the state<sup>2</sup> adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or 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.

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<sup>1</sup>For offenses relating to animals and fowls, see title 3 in this code; for offenses relating to fireworks, etc., see title 7, chapter 4; for offenses relating to health and sanitation, see title 8; for traffic offenses, see title 9; for non-traffic offenses relating to streets and sidewalks, see title 12; for offenses relating to the city's vehicle license tax, see title 6, chapter 3.

<sup>2</sup>See Tennessee Code Annotated, sections 39-1-103 and 39-1-104 for the definition of a "misdemeanor."

## CHAPTER 2

OBSCEINITY, IMMORAL CONDUCT, PROFANITY, ETC.

## SECTION

- 10-201. Disorderly houses.
- 10-202. Immoral conduct.
- 10-203. Indecent or improper exposure or dress.
- 10-204. Window peeping.
- 10-205. Obscene literature, etc.
- 10-206. Profanity, etc.

10-201. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarrelling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person to knowingly visit any such house. (1953 code, ch. 14, sec. 50, modified)

10-202. Immoral conduct. No person shall commit, offer, or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose. (1953 code, ch. 14, sec. 54, modified)

10-203. Indecent or improper exposure or dress. It shall be unlawful for any person to publicly appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or to otherwise make any indecent exposure of his or her person. (1953 code, ch. 14, sec. 32)

10-204. Window peeping. No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy nor shall he loiter around or within view of any such window with the intent of watching or looking through it. (1953 code, ch. 14, sec. 56)



10-205. Obscene literature, etc. It shall be unlawful for any person to act in a lewd manner or use language or sing songs of a lewd or indecent nature, or exhibit, sell, offer for sale, or give away or keep in stock, any lewd picture, books, or other thing, or exhibit or perform any play, picture or other representation of a lewd, immoral or indecent nature. (1953 code, ch. 14, sec. 35)

10-206. Profanity, etc. No person shall use any profane, vulgar, or indecent language in or near any public street or other public place or in or around any place of business open to the use of the public in general.

## CHAPTER 3

ALCOHOL AND GAMBLING

## SECTION

10-301. Public drunkenness.

10-302. Gambling.

10-301. Public drunkenness.<sup>1</sup> See Tennessee Code Annotated, sections 39-6-925 et. seq, and title 33, chapter 8.

10-302. Gambling. It shall be unlawful for any person to:

(1) Knowingly permit in any house or tenement in his premises, under his control, any gambling table or gambling device at which any game of chance shall be played for money or property, or anything representing same, or for any person to bet, win or lose, or play for money, or property, either in specie, or by means of anything representing the same, at any such table or device, or at any game of chance.

(2) Expose in any street or upon any public ground, any table or device of any kind intended for playing a game of hazard or chance, nor shall any person play such game, or any other unlawful game, in any street or upon any public ground in the city.

(3) Encourage, aid, promote, or assist the playing at any game, or the making of any bet or wager, for money or valuable thing, or to possess, keep or exhibit for the purpose of gambling, any gaming table, device, ticket of any other gambling paraphernalia. (1953 code, ch. 14, sec. 26-31, modified)

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<sup>1</sup>For regulations prohibiting the sale of alcoholic beverages, including beer, see title 2 of this code.

## CHAPTER 4

LOITERING, PROWLING, VAGRANCY, TRESPASSING AND CURFEW

## SECTION

- 10-401. Loitering.  
 10-402. Prowling.  
 10-403. Vagrancy.  
 10-404. Trespassing.  
 10-405. Trespassing on trains.  
 10-406. Trespassing on or vandalizing cemetery.  
 10-407. Curfew for minors.

10-401. Loitering. It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, idle in, upon, or about any way or place customarily open to public use. (1953 code, ch. 14, sec. 38, modified)

10-402. Prowling. It shall be unlawful for any person to prowl or wander about the streets, alleys, or other public or private ways or places, or be found abroad at late or unusual hours in the night without any visual or lawful business and when unable to give a satisfactory account of himself.

10-403. Vagrancy. It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, to wilfully neglect to apply himself to some honest occupations. (1953 code, ch. 14, sec. 65, modified)

10-404. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.<sup>1</sup> (1953 code, ch. 14, sec. 64, modified)

10-405. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or

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<sup>1</sup>For other provisions governing peddlers and solicitors see title 5, chapters 2 and 3 of this code.

in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle.

10-406. Trespassing on or vandalizing cemetery. It shall be unlawful for any person to:

(1) Trespass in, or, over on any cemetery within the corporate limits.

(2) Remove, tip over, throw down, mark, deface or otherwise injure any monument or tombstone within any such cemetery, or to dig into or disturb any grave within such cemetery or in any way injure any of the buildings or fence erected for the benefit or protection of such cemetery or burial ground. (1953 code, ch. 14, sec. 13, modified)

10-407. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between the hours of 11:00 P.M. and 5:00 A.M., unless upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor, or unless such child is employed at a place and under conditions that require him to be on the streets during prohibited hours and said child has in his possession written permission from the parent or guardian to be so employed. (1953 code, ch. 14, sec. 14, modified)

## CHAPTER 5

WEAPONS, FIREARMS AND MISSILES

## SECTION

- 10-501. Weapons and firearms generally.  
10-502. Air rifles, etc.  
10-503. Throwing of missiles.

10-501. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the city. (1953 code, ch. 14, sec. 21 and 66, modified)

10-502. 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 metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1953 code, ch. 14, sec. 9, modified)

10-503. Throwing of missiles. It shall be unlawful for any person to maliciously throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person.

## CHAPTER 6

OFFENSES AGAINST THE PERSON, PEACE AND CITY OPERATIONS

## SECTION

- 10-601. Assault and battery.
- 10-602. Disturbing the peace.
- 10-603. Anti-noise regulations.
- 10-604. Coercing people not to work.
- 10-605. Malicious mischief.
- 10-606. False emergency alarms.
- 10-607. Escape from custody or confinement.
- 10-608. Resisting or interfering with an officer.
- 10-609. Impersonating a government officer or employee.
- 10-610. Interference with traffic.
- 10-611. Obtaining a license, privilege, or permit by fraud.
- 10-612. Posting notices, etc.

10-601. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery against any person. (1953 code, ch. 14, sec. 7)

10-602. 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 this control. (1953 code, ch. 14, sec. 17, modified)

10-603. Anti-noise regulations. Subject to the provisions of this section the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

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

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

or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

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

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

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

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

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

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and

7:00 A.M. and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time and permit for the work is awarded or during the process of the work.

(i) Noises near schools, hospitals, churches, etc.

The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

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

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

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

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

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

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

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

10-604. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing.

10-605. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to wilfully, maliciously, or wantonly damage, deface, destroy, conceal,



tamper with, remove, or withhold real or personal property which does not belong to him. (1953 code, ch. 14, sec. 49, modified)

10-606. 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 an act.

10-607. 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.

10-608. Resisting or interfering with an officer. It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties.

10-609. 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 other government officer or employee.

10-610. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon.

10-611. Obtaining a license, privilege, or permit by fraud. (1) It is hereby declared to be unlawful for any person, partnership, corporation, association or any other entity or business to obtain, aid in obtaining, or attempt, in any way, to obtain a license, permit or privilege of any kind from the City of Kenton, Tennessee, or its employees or officers by or through the use of, or attempted use of, any false representation, false statements or any type of misrepresentation whatsoever.

(2) Any license, permit, or privilege obtained by use of any means listed in this section will be a void license, permit, or privilege and considered as never having been issued and the holder thereof considered as not having any license, permit, or privilege.

10-612. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1953 code, ch. 14, sec. 2 and 4, modified)

## CHAPTER 7

OTHER OFFENSES

## SECTION

- 10-701. Abandoned refrigerators, etc.  
10-702. Caves, wells, cisterns, etc.  
10-703. Fortune telling, etc.  
10-704. Wearing masks.

10-701. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discharged refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door.

10-702. 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.

10-703. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers.

10-704. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of sixteen (16) years on Halloween so long as they are engaged in no unlawful acts.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person or group to whom a permit has been issued by the city recorder to employ a mask as a part of a bona fide theatrical performance.

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(RESERVED FOR FUTURE USE)

TITLE 11

PLANNING AND ZONING<sup>1</sup>

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE: AUTHORITY, TITLE, PURPOSE.
3. ZONING ORDINANCE: DEFINITIONS.
4. ZONING ORDINANCE: GENERAL PROVISIONS.
5. ZONING ORDINANCE: ESTABLISHMENT OF DISTRICTS.
6. ZONING ORDINANCE: PROVISIONS GOVERNING R-1 (LOW DENSITY) RESIDENTIAL DISTRICTS.
7. ZONING ORDINANCE: PROVISIONS GOVERNING R-2 (MEDIUM DENSITY) RESIDENTIAL DISTRICTS.
8. ZONING ORDINANCE: PROVISIONS GOVERNING BUSINESS DISTRICTS.
9. ZONING ORDINANCE: PROVISIONS GOVERNING INDUSTRIAL DISTRICTS.
10. ZONING ORDINANCE: PROVISIONS GOVERNING FLOOD HAZARD DISTRICTS.
11. ZONING ORDINANCE: EXCEPTIONS AND MODIFICATIONS.
12. ZONING ORDINANCE: ENFORCEMENT.
13. ZONING ORDINANCE: BOARD OF ZONING APPEALS.
14. ZONING ORDINANCE: AMENDMENT.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 11-101. Creation and membership.
- 11-102. Organization, powers, duties, etc.
- 11-103. Additional powers.

11-101. Creation and membership. Pursuant to the provisions of section 13-4-101 of the Tennessee Code Annotated there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the board of

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<sup>1</sup>Chapters 2 through 14 of this title constitute the zoning ordinance of the Town of Kenton, Tennessee, which is ordinance no. 1985-2, as amended.

appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (ord. passed Sept. 9, 1961, sec. 1)

11-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (ord. passed Sept. 9, 1961, sec. 2)

## CHAPTER 2

ZONING ORDINANCE: AUTHORITY, TITLE, PURPOSE

## SECTION

11-201. Authority

11-202. Title

11-203. Purpose

11-201. Authority. An ordinance, pursuant to the authority granted by Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, authorizing the Town of Kenton, Tennessee to establish districts or zones within its corporate limits; to regulate within such district the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures, to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof. (1985 Code, as added by ord. no 1985-2, sec. 1-100)

11-202. Title. Chapters 2 through 14 of this title shall be known as the "Zoning Ordinance of Kenton, Tennessee." The map herein referred to, which is identified by the title "Zoning Map of Kenton, Tennessee" and the signature of the Mayor attested by the City Recorder, and all explanatory matter thereon are hereby adopted and made a part of this ordinance. (1985 Code, as added by ord. no. 1985-2, sec. 1-101)

11-203. Purpose. The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed to lessen congestion in the streets , to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population to facilitate the adequate provision of transporation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, of the character of each district and its peculiar suitability to particular uses and with a view toward conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (1985 Code, as added by ord. no. 1985-2, sec. 1-102)

CHAPTER 3

ZONING ORDINANCE: DEFINITIONS

SECTION

11-301. Definitions.

11-301. Definitions. Unless otherwise stated, the following words shall, for the purpose of this ordinance, have the meaning here indicated. Words used in the present tense include the future. the singular number includes the plural, and the plural the singular. The word "shall" is mandatory, not directory. (1) "Alley." any public or private way set aside for public travel and less than thirty (30) feet in width.

(2) "Automobile Storage or Standing Space." Any area reserved and suitable for automobile storage, standing or parking space. Each space shall be a minimum of two hundred (200) square feet in area. Such area shall be provided with a safe vehicular access to a public street or alley.

(3) "Building." Any structure constructed or used for residence, business, industrial, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures whether stationary or moveable.

(a) "Principal Building." A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

(b) "Accessory Building." A subordinate building, the use of which is incidental to that of a principal building on the same lot.

(4) "Carport." A one-story structure attached to the principal building, open and to remain open on two or three sides except for necessary supporting posts; to be used only for the shelter of an automotive vehicle.

(5) "Day Care Facility." Any place operated by a person, social agency, corporation, institution, or any other group which receives not less than five (5) children under 17 years of age for care outside their own homes less than 24 hours per day without transfer of custody. (A state license is not required for a home providing care for fewer than five (5) children.)



(6) "Dwelling." Any building or portion thereof which is designed for or used for residential purposes.

(7) "Dwelling Unit." One or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes.

(8) "Essential Service." The erection, construction, alteration or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems: including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

(9) "Family." One (1) or more persons occupying a premises and living as a single, non-profit housekeeping unit.

(10) "Flood" or "Flooding." A general or temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of stream and river waters;
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

(11) "Floodproofing." Any combination of structural or non structural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

(12) "Floodplain." A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this resolution, the land subject to inundation by the 100-year flood, i.e., the 100-year floodplain.

(13) "One hundred Year Flood." A flood which has, on the average, a 1 percent chance of being equalled or exceeded in any given year. It is sometimes referred to as the "1-percent-chance flood."

(14) "Group Housing." A complex of one or more structures designed to house four or more unrelated individuals and providing communal eating and dining facilities.

(15) "Incidental Home Occupation." An occupation or profession carried on by the members of a family residing on the premises in connection with which there is no sign used; provided, however, that such use shall not noticeably increase traffic to, or significantly alter the outside appearance of

the residence involved and that not over twenty (20) percent of the total actual ground floor area is used for the home occupation or professional service.

(16) "Height of Building." The vertical distance from the established average sidewalk grade or street grade or finished grade at the building line, whichever is the highest, to the highest point of the building.

(17) "Lot." A piece, parcel, or plat of land occupied or to be occupied by one (1) principal building and its accessory buildings and including open spaces required under this ordinance.

(a) "Lot of Record." A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or plat prior to the enactment of this ordinance.

(18) "Mobile Home." Any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.

(19) "Mobile Home Park." Any plot of ground upon which two (2) or more trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for each accommodation.

(20) "Multi-family Dwelling." A building or portion thereof used or designed as a residence for three or more families living independently of each other.

(21) "Nonconforming Use." A use of a building or land lawful at the time of the enactment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

(22) "Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy, between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

(a) "Half Story." A story under a sloping roof, the finished floor area of which does not exceed one half the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty (50) percent of the floor area of the floor immediately above.

(23) "Street." Any public or private way set aside for public travel. The word "street" shall include the words "road, highway, and thoroughfare."

(a) "Street Line." The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.

(b) "Center Line of a Street". The center of the surfaced roadway or the surveyed center line of the street.

(24) "Substantial Improvements." Any repair, construction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the repair or improvement, or (2) before the damage occurred. For the purposes of this resolution, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions, or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(25) "Total Floor Area." The area of all floors of a building including finished attics, finished basements, covered porches and carports.

(26) "Yard." An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance. The measurement of a yard shall be construed as the minimum horizontal distance between the lot lines and any part of the building, such as roof overhang or yards adjacent to streets or roads shall be measured from the street right-of-way.

(a) "Front Yard." the yard extending across the entire width of the lot between the front lot line, and the nearest part of the principal building, including covered porches and carports.

(b) "Rear Yard." The yard extending across the entire width of the lot between the rear lot line, and the nearest part of the principal building, including covered porches and carports.

(c) "Side Yard." A yard extending along the side lot line from the front yard to the rear yard, and lying between the side yard lot line and the nearest part of the principal building, including covered porches and carports. (1985 Code, as added by ord. no. 1985-2, Chap. 2)

CHAPTER 4

ZONING ORDINANCE: GENERAL PROVISIONS

SECTION

- 11-401. Zoning effects every building and use.
- 11-402. Continuance of nonconforming uses and structures
- 11-403. Only one principal building on any lot.
- 11-404. Reduction in lot area prohibited.
- 11-405. Rear yard abuts a public street.
- 11-406. Off street parking requirements.
- 11-407. Obstruction to vision at street intersections prohibited.
- 11-408. Access control

11-401. Zoning Affects Every Building and Use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided. (1985 Code, as added by ord. no. 1985-2, sec. 3-100)

11-402. Continuance of Nonconforming Uses and Structures. It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety and welfare, as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to administer the elimination of nonconforming uses, buildings, and structures, so as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings and structures existing at the time of the passage of this ordinance or any amendment thereto, shall be allowed to remain subject to the following provisions:

(1) An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification provided, however, that establishment of another nonconforming use of the same classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

(2) No existing nonconforming use or structure shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except as herein provided. Nonconforming commercial, business, or industrial uses created after the passage of Tennessee Acts of 1973, Chapter 279.1 shall be allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such a business and that any construction improvements or reconstruction shall be in conformance with the district requirements in which it is located.

(3) Except as provided by Chapter 279.1 of the 1973 Tennessee Acts:

(a) A nonconforming use of land shall be restricted to the area occupied by such use on the effective date of this ordinance. A nonconforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance.

(b) When nonconforming use of any building or land has ceased for a period of months, it shall not be re-established or changed to any other nonconforming use.

(c) Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before, if it is done within twelve months of such damage, unless damaged to the extent of more than fifty (50) percent of its fair sales value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

(d) A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety. (1985 Code, as added by ord. no. 1985-2, sec. 3-101)

11-403. Only One Principal Building on Any Lot. (1) Only one principal building and its customary accessory building hereafter be erected on any lot. This provision does not prohibit group housing or multi-family developments as permitted in Section 9-102 of this ordinance.

(2) No dwelling shall be erected on a lot which does not abut at least one public street for at least fifty (50) feet and contain a minimum width of eighty-five (85) feet at the building setback line. (1985 Code, as added by ord. no. 1985-2, sec. 3-102)

11-404. Reduction in Lot Area Prohibited. No lot, even though it may consist of one or more adjacent lots of records, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is required for a public purpose. (1985 Code, as added by ord. no. 1985-2, sec. 3-103)

11-405. Rear Yard Abuts a Public Street. when a rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street. (1985 code, as added by ord. no. 1985-2, sec. 3-104)

11-406. Off Street Parking Requirements. (1) General - There shall be provided, at the time of erection of any building, or at the time any principal building is enlarged or increased in capacity by or before conversion from one zone, use, or occupancy to another, permanent off-street parking as specified in this resolution. Parking space maintained in connection with an existing and continuing principal building on the effective date of this resolution shall not be counted as serving a new building or addition; nor shall any parking space be substituted for a loading space, or vice versa.

(2) Location - Off-street parking shall be located on the same lot which it serves. If the parking cannot be reasonably provided on the same lot, the Board of Zoning Appeals may permit parking spaces to be provided on other off-street property provided such space lies within three hundred (300) feet of the main entrance to such principal use.

(3) Size and Maneuvering Room - Off-street parking shall be equal to an area of two hundred (200) square feet. The width shall not be less than eight (8) feet and the length shall not be less than eighteen (18) feet. A minimum of four hundred square feet per parking space shall be used when computing parking area to include maneuvering space. Except for structures with one or two dwelling units, all off-street parking facilities shall be so arranged that no automobile shall have to back into any street.

(4) Access - Each parking space shall be directly accessible from a street or alley or from an adequate access aisle or driveway leading to or from a street or alley.

(5) May Serve as Yard Space - Parking space may be included as part of the required yard space associated with the permitted use.

- (6) Number of Spaces for Specific Uses. (a) Dwelling units - two (2) spaces for each unit.
- (b) Hotel, rooming or boarding house - one space for each two (2) rooms or units to be rented.
- (c) Motel, tourist room, or tourist courts - One (1) space for each unit to be rented.
- (d) Elementary school or junior high school - One space for each classroom, plus one space for each staff member and employee other than teachers, plus (10) additional spaces. This provision is not applicable where parking space required for an auditorium is provided.
- (e) Senior high school - One space for each classroom, plus one space for each staff member and employee other than teachers, plus one space for each fifteen (15) students based on the capacity for which the building is designed. This provision is not applicable where parking space for an auditorium is provided.
- (f) Stadium - one space for each five (5) spectator seats.
- (g) Hospital - one space for each three (3) beds intended for patient use, exclusive of bassinets.
- (h) Any theater, auditorium, church, or other place of public assembly at least one space for each five (5) seats provided in such place of assembly. In places where seating is not a measure of capacity such as funeral parlors and club houses, at least one space for each 100 square feet of floor space devoted to the particular use shall be required.
- (i) Public utility buildings - one space for each employee.
- (j) Banks and office buildings - one space for each one hundred fifty (150) square feet of total floor space.
- (k) Bus and railroad terminals - one space for each employee plus one space for each two hundred (200) square feet in the waiting room.
- (l) Clinic - three (3) spaces for each doctor, plus one space for every two (2) employees.
- (m) Automobile Service Station - four (4) spaces for each grease rack or similar facility, plus one space for each pump. (1985 Code, as added by ord. no. 1985-2, sec. 3-105)

11-407. Obstruction to Vision at Street Intersections Prohibited. In all districts, except C (General Commercial) on a corner lot, within the area formed by the centerlines of streets or street and railroad at a distance of one hundred (100) feet from their intersections, there shall be no obstruction to vision between a height of two and one-half (2½) feet and height of ten (10) feet above the average grade of each street railroad at the center line thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

(1) The Board of Appeals may reduce this requirement where safety conditions will not be impaired. (1985 Code, as added by ord. no. 1985-2, sec. 3-106)

11-408. Access Control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

(1) A point of access, i.e., a drive or other opening for vehicles onto a street shall not exceed thirty (30) feet in width.

(2) There shall be no more than two (2) points of access to any one (1) public street in each one hundred (100) feet of frontage in any lot.

(3) No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection or within thirty (30) feet of another access point on the same lot.

(4) Cases requiring variances relative to the above provisions shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street. (ord. no. 1985-2, sec. 3-107)



CHAPTER 5

ZONING ORDINANCE: ESTABLISHMENT OF DISTRICTS

SECTION

11-501. Classification of districts.

11-502. Boundaries of Districts.

11-501. Classification of districts. (1) For the purpose of this ordinance, the Town of Kenton, Tennessee, be hereby divided into four (4) classes of districts, designated as follows:

- R-1 (Low density Residential)
- R-2 (Medium Density Residential)
- C-1 (General Commercial)
- C-2 (Central Business)
- I (Industrial)
- F (Flood Plain)

11-502. Boundaries of Districts. (1) The boundaries of districts are hereby established as shown on the map entitled, "Zoning Map of Kenton, Tennessee" which is a part of this ordinance and which is on file in the City Hall of the Town of Kenton.

(2) Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of enactment of this ordinance. Questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals.

(3) Where a district boundary divides a lot, as existing at the time this ordinance takes effect and the major portion of said lot is in the less restrictive district, the regulations relative to that district may extend as well to such portion of said lot which is not more than twenty (20) feet within the more restricted district.

(4) The Flood Plain District is an overlay district where boundaries overlap other district boundaries for special flood control. (1985 Code, as added by ord. no. 1985-2, sec. 4-101)

CHAPTER 6

ZONING ORDINANCE: PROVISIONS GOVERNING R-1  
(LOW DENSITY) RESIDENTIAL DISTRICTS

SECTION

11-601. Residential Districts.

11-601. Residential Districts. Within the R-1 (Low Density Residential) Districts shown on the Zoning Map of Kenton, Tennessee, the following regulations shall apply:

(1) Uses Permitted. (a) Single family dwellings.

(b) Accessory buildings or uses customarily incidental to the aforementioned permitted uses.

(c) Real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lines and the street rights-of-way.

(2) Uses Permitted on Appeal. Churches and other places of worship, day care facilities, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, essential services, cemeteries, nursing homes, public uses; provided, however, that such uses shall not be permitted except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

(a) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that: (1) the proposed use shall be located and conducted in the principal building only;

(2) the persons engaged in any such use shall be residents of the dwelling unit in which the proposed use is located;

(3) not more than twenty (20) percent of the total floor area in the dwelling unit shall be devoted to such proposed use;

(4) the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

(5) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way.

(6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

(3) Uses Prohibited. (a) Any other use not specifically permitted on appeal in this Chapter.

(b) Advertising signs and billboards except those specifically permitted under this Chapter.

(4) Side yards on Corner Lots. The minimum width of side yards for dwellings along an intersecting street shall be twenty-five (25) feet on the side street.

(5) Height. No building shall exceed three (3) stories or thirty-five (35) feet in height except that free standing poles, towers, spires and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five (5) feet. No accessory buildings shall exceed two (2) stories or twenty-five (25) feet in height.

(6) Building Area. On any lot the area occupied by all buildings including accessory buildings shall not exceed thirty (30) percent of the total area of the lot.

(7) Location of Accessory Buildings. (a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(8) Required Lot Area, Lot Width and Yards.

Minimum required lot area for single family dwelling	12,000 sq. ft
Minimum required lot width at the building line	100 ft.
Minimum required front yard	25 ft.
Minimum required rear yard	25 ft.
Minimum required side yard	
1 or 2 stories	10 ft.
3 stories	15 ft.

(1985 Code, as added by ord. no. 1985-2, chap. V)

CHAPTER 7

ZONING ORDINANCE: PROVISIONS GOVERNING R-2  
(MEDIUM DENSITY) RESIDENTIAL DISTRICTS

SECTION

11-701. Residential districts.

11-701. Residential Districts. Within the R-2 (Medium Density Residential) Districts shown on the Zoning Map of Kenton, Tennessee, the following regulations shall apply:

(1) Uses Permitted. (a) Single family duplexes, and mobile homes on individual lots.

(b) Accessory buildings or uses customarily incidental to the aforementioned permitted uses.

(c) Real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lines and the street rights-of-way.

(2) Uses Permitted on Appeal. Churches and other places of worship, day care facilities, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, essential services, cemeteries, nursing homes, public uses; provided, however, that such uses shall not be permitted except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

(a) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located and provided further that:

(1) the proposed use shall be located and conducted in the principal building only;

(2) the persons engaged in any such use shall be residents of the dwelling unit in which the proposed unit is located;

(3) not more than twenty (20) percent of the total floor area in the dwelling unit shall be devoted to such proposed use;

(4) the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

(5) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

(6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

(b) Multiple family dwellings and group housing projects as set forth in Section 11-1103.

(c) Mobile home parks.

(3) Uses Prohibited. (a) Any other use not specifically permitted on appeal in this Chapter.

(b) Advertising signs and billboards except those specifically permitted under this Chapter.

(4) Side yards on Corner Lots. The minimum width of side yards for dwellings along an intersecting street shall be twenty (20) feet on the side street.

(5) Height. No building shall exceed three (3) stories or thirty-five (35) feet in height except that free standing poles, towers, spires and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and ordinances and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five (5) feet. No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

(6) Building Area. On any lot the area occupied by all buildings including accessory buildings, shall not exceed thirty (30) percent of the total area of the lot.

(7) Location of Accessory Buildings. (a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(8) Required Lot Area, Lot Width and Yards.

Minimum required lot area for single family dwelling	10,000 sq. ft.
Minimum required lot area for each additional dwelling unit	2,000 sq. ft.
Minimum required lot width at the building line	70 ft.

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Minimum required front yard	20 ft.
Minimum required rear yard	20 ft.
Minimum required side yard	
1 or 2 stories	10 ft.
3 stories	15 ft.

(1985 Code, as added by ord. no. 1985-2, sec. 5-200)

CHAPTER 8

ZONING ORDINANCE: PROVISIONS GOVERNING  
BUSINESS DISTRICTS

SECTION

11-801. C-1 (general business) districts.

11-801. C-1 (General Business) Districts. Within the C-1 (General Business) Districts as shown on the Zoning Map of Kenton, Tennessee, the following regulations shall apply:

(1) Uses Permitted. (a) Retail sales: Automobile sales; automobile parts; bakery and dairy products; drugs and pharmaceuticals; clinics; florist shops, gift shops; book store, newspaper stand; groceries, hardware; boats and boating equipment; sporting goods; mobile home sales; paint and wallpaper; agricultural implements and related sales; household appliances; floor coverings and draperies; and nursery and greenhouse.

(b) Services: automobile repair; animal hospital or veterinarian clinic; commercial recreation; banks; savings and loan associations; barber and beauty shops; funeral homes; automobile service station; laundry and dry cleaning establishments; business and professional offices; radio and television sales and service; shoe repair, motels and hotels; restaurants; trucking terminals; moving company.

(c) Manufacturing, processing or fabrication in which the process is incidental to retail business or service where products are sold on the premises by producers and where not more than 10 operatives are employed in such processing; grain elevators.

(d) Churches; and federal, state and municipal uses.

(e) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided that they shall not be placed within the street right-of-way, nor shall they be lighted by flashing or rotating lights.

(f) Any accessory use of building customarily incidental to the above permitted uses.

(2) Uses Permitted on Appeal. (a) Any other use which in the opinion of the Board of Zoning Appeals is similar in character and not detrimental to the neighborhood.

(3) Uses Prohibited. Any use not specifically permitted or permissible on appeal in this section.

(4) Regulations Controlling Lot Area, Lot Widths, Yards and Building Height.

- (a) Minimum required lot area.
- |                |   |
|----------------|---|
| (1) Churches   | 15,000 sq. ft. or 200 sq ft. of lot area per auditorium seating space whichever is greater. |
| (2) Other Uses | No minimum requirement.   |
- (b) Other required lot width at building line.
- |                              |                         |
|------------------------------|-------------------------|
| (1) Gasoline service station | 120 feet                |
| (2) Churches                 | 100 feet                |
| (3) Other Uses               | No minimum requirement. |
- (c) Minimum required front yard.
- |              |         |
|--------------|---------|
| (1) All Uses | 25 feet |
|--------------|---------|
- (d) Minimum required rear yard
- |              |         |
|--------------|---------|
| (1) All Uses | 20 feet |
|--------------|---------|
- (e) Minimum required side yard on each side of lot
- |  |  |
|--|--|
| (1) All Uses   | 25 feet  |
| (2) Other Uses   | None required, however, if buildings do not have common or adjoining walls there shall be a side yard of at least five (5) feet. |
| (3) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district. |  |
- (f) Minimum required side yard for side facing street of corner lots - 25 feet.
- (g) Installations essential to the business operation may be required to set back a greater distance from the street or alley so that any service



rendered by the business will not obstruct any public way. This determination is to be made by the building inspector.

- (h) Maximum permitted height of structures.
  - (1) No building shall exceed three (3) stories or thirty-five (35) feet in height.
  - (2) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus five (5) feet from the nearest property line.

(1985 Code, as amended by ord. no. 85-2, sec. 6-100)

CHAPTER 9

ZONING ORDINANCE: PROVISIONS GOVERNING  
INDUSTRIAL DISTRICTS

SECTION

11-901. Industrial districts.

11-901. (Industrial Districts). Within the I (Industrial) Districts, as shown on the Zoning Map of Kenton, Tennessee, the following regulations shall apply:

(1) Uses Permitted. (a) Agricultural implement sales and service; cotton gins; automobile and truck sales; repair garages; filling stations; laundry and dry cleaning plants; building materials and lumber yards; general manufacturing, processing or fabrication including clothing, paper box factories, pencils, printing, and grain elevators; contractors office and storage yard; saw mills and lumber storage and central mixing plant for cement mortar.

(b) Gasoline and oil storage above ground provided no storage tank or building shall be closer than 100 feet to any property line other than a property line abutting a railroad right-of-way.

(c) Any necessary use or building customarily incidental to the above permitted use.

(d) Municipal, state and federal uses.

(2) Uses Permissible on Appeal. Other manufacturing, fabricating, or assembly plants; warehousing or wholesaling; sand and gravel storage; auto wrecking yards; junk yards; slaughter house and stockyard; or any similar use, provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals shall require in order to prevent smoke, odor, noise, or other detrimental effects.

(3) Uses Prohibited. Single and multi-family dwellings, mobile homes, any commercial use not permitted in Section 11-901(1) and semi-public uses.

(4) Required Lot Area, Lot Width, Yards. (a) All buildings and structures shall be located so as to comply with the following minimum requirements.

Minimum required front yard	20 ft.
Minimum required rear yard	20 ft.
Minimum required side yard on each side	15 ft.

(b) No yard shall be required for that part of a lot which fronts on a railroad siding.

(c) Gasoline pumps and pump islands shall be set back a minimum of fifteen (15) feet from the street rights-of-way. (1985 Code, as added by ord. no. 1985-2, sec. 7-100)

## CHAPTER 10

ZONING ORDINANCE: PROVISIONS GOVERNING  
FLOOD HAZARD DISTRICTS.

## SECTION

- 11-1001. F (flood plain) districts.
- 11-1002. F (Flood plain) provisions.
- 11-1003. General flood damage prevention requirements for flood hazard districts.
- 11-1004. FW (flooding) provisions.
- 11-1005. Flooding fringe (FW) provisions.
- 11-1006. Application for building permit.
- 11-1007. Additional duties and responsibilities of the building inspector.

11-1001. F (Flood Plain) Districts. The Flood Plain District, as set forth in this Chapter, is meant to regulate the use of lands known to experience periodic flooding so as to minimize flood damages. The Flood Plain District shall serve as an "overlay" district which will not change the original zoning of the affected properties, but rather will add restrictions designed to reduce flood damage in the area. Boundaries have been determined in accordance with Flood Boundary and Floodway Maps and Flood Insurance Rate Maps provided by the Federal Emergency Management Agency. The boundaries of these districts shall be shown on the Zoning Map of Kenton, Tennessee. (1985 Code, as added by ord. no. 1985-2, sec. 8-100)

11-1002. F (Flood Plain) Provisions. (1) Uses Permitted. Any building or use in conformance with the basic zoning of the underlying district will be permitted in the F (Flood Plain) District, except as provided in Section 11-1004 FW (Floodway) Provisions subject to the following general requirements.

(2) General Requirements for F (Flood Plain) Districts.

(a) No residential building or structure shall be erected, and no existing building or structure shall be substantially improved, extended, enlarged, or moved unless the lowest floor (including basement) of said building or structure is elevated to or above the base flood (100-year flood) elevation as demonstrated on the Federal Emergency Management Agency, Federal Insurance Administration.

(b) No commercial, industrial or other non-residential building or structure shall be erected or substantially improved, extended, enlarged or moved unless the lowest floor (including basement) is elevated to or above the base

flood (100-year flood) elevation or, together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this sub-section are satisfied. (1985 Code, as added by ord. no. 1985-2, sec. 8-101)

11-1003. General Flood Damage Prevention Requirements for the Flood Hazard District. (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(4) Any mobile home proposed to be located in an area subject to flood shall conform to the following specific requirements:

(a) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement, by providing over-the-top and frame ties to ground anchors.

(b) Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at the intermediate locations on mobile homes fifty (50) feet or greater in length (a total of six (6) ties are required).

(c) Frame ties shall be provided at each of the four (4) corners of the mobile home, and with five (5) additional ties per side at intermediate locations on mobile homes fifty (50) feet or greater in length (a total of fourteen (14) ties are required) and four (4) additional ties per side on mobile homes less than fifty (50) feet in length (a total of twelve (12) ties are required).

(d) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

(e) Any additions to the mobile home shall be similarly anchored.

(f) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.

(g) Adequate surface drainage and access for a hauler are provided.

(h) In the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.

(i) Permits shall be required for all proposed construction and other developments including the placement of mobile homes.

(j) Where applicable, all proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334. (1985 Code, as added by ord. no. 1985-2, sec. 8-102)

11-1004. FW (Floodway) Provisions. Within areas of the FW (Floodway) district identified on the Kenton Boundary and Floodway Map the following additional requirements shall apply:

(1) There shall be no encroachments, including fill, new construction, substantial improvements and other developments unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

(2) Nothing in this ordinance shall be construed to allow the placement of new mobile homes in any identified floodway. (1985 Code, as added by ord. no. 1985-2, sec 8-107, as amended by ord. no. 1985-4, sec. 1)

11-1005. Floodway Fringe (FF) Provisions. Within areas of the (FF) Floodfringe District identified in the Kenton Flood Boundary and Floodway Map the following additional requirements shall apply: (1) Land may be filled within floodway fringe areas, provided such fill does not extend into the floodway and further provided that such fill extends twenty-five (25) feet beyond the limits of any structures erected thereon. Fill shall consist of soil or rock materials only and shall be thoroughly compacted to prevent excessive settlement and shall be protected from erosion. Fill slopes shall not be steeper than one (1) foot vertical to two (2) feet horizontal unless steeper slopes are justified and approved by the building inspector. Fill shall be used only to the extent that it does not adversely affect adjacent properties, as determined by the Building Inspector. (1985 Code, as added by ord. no. 1985-2, sec. 8-104)

11-1006. Application for Building Permit. Before a building permit is obtained in a known flood hazard boundary area, the building inspector shall consult the latest flood hazard boundary maps to determine if a detailed site plan should

be submitted. If determined by map review or familiarity with the area that the site in question has known flooding problems or has potential for such problems prior to issuance of building permit, the building inspector may require a detailed site plan including, but not limited to the following:

- (1) A survey, certified by a registered land surveyor showing property boundary lines and dimensions and the gross land area of the site;
- (2) The elevations of the lot;
- (3) Location, size, and arrangement of existing and proposed buildings;
- (4) Fill, storage of materials, and drainage facilities;
- (5) Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
- (6) Elevation in relation to mean sea level to which any non-residential structure has been flood-proofed;
- (7) A certificate from a registered professional engineer or architect that the non-residential flood-proofed structure meets the flood-proofed criteria in Sub-section 11-1001(2)(b) this Section;
- (8) A description of the extent to which any water course will be altered or relocated as a result of the proposed development;
- (9) The building Inspector may make other reasonable requirements for information when necessary; and
- (10) Plans showing the method of elevating the proposed structure, including details of proposed fill, pile structures, retaining walls, foundations, and erosion protection measures. When required by the Building Inspector, these plans shall be prepared by a registered professional engineer or architect. (1985 Code, as added by ord. no. 1985-2, sec. 8-105)

11-1007. Additional Duties and Responsibilities of the Building Inspector. In addition to other duties and responsibilities set forth in this resolution, the Building Inspector shall: (1) Advise the applicant that federal and state permits may be required, and if specific federal or state permits are known require that copies of such permits be provided and maintained on file with the Building Inspector.

(2) Verify and record the actual elevation of the lowest floor, including basement, of all new or substantially improved structures.

(3) Verify and record the actual elevation to which new or substantially improved structures have been flood-proofed.

(4) When base flood elevation data has not been provided, the Building Inspector shall obtain, review and reasonably utilize any base flood elevation data available from federal, state, or other sources in order to administer the provisions of this section.

(5) Notify adjacent communities and the State Coordinating Officer prior to any alteration or relocation of a water course and submit copies of such notifications to the Administrator.

(6) Assure that the flood carrying capacity within any altered or relocated portion of any water course is maintained. (1985 Code, as added by ord. no. 1985-2, sec. 8-106)



CHAPTER 11

ZONING ORDINANCE: EXCEPTIONS AND MODIFICATIONS

SECTION

- 11-1101. Lot of Record.
- 11-1102. Setback Line.
- 11-1103. Multi-family and group housing development.

11-1101. Lot of Record. Where the owner of a lot of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance, in accordance with Section 11-1304(3) Permission to use such lot as a building site may be granted, however, providing that the yards and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals. (1985 Code, as added by ord. no. 1985-2, sec. 9-100)

(1) Adjoining Substandard Lots of Record. When two or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district.

11-1102. Setback Line. The setback requirements of this ordinance shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards developed lots within one hundred feet. (1985 Code, as added by ord. no. 1985-2, sec. 9-101)

11-1103. Multi-family and Group Housing Development. Within the areas designated R-Residential on the Official Zoning Map of the Town of Kenton, Tennessee the following regulations shall apply subject to the conditions of this Section:

(1) Intent. The regulations established in this section are intended to provide optional methods of residential development by which tracts of land may be developed through an overall unified approach rather than the conventional single lot development permitted in existing residential districts in this ordinance. The type of residential development permitted in this Section is characterized by a unified building and site plan which allows the maximum use of open space and maximum provisions for religious, educational, and cultural facilities which may be integrated with the total development.

(2) Minimum Site Area. The minimum area required for the development shall be one (1) acre.

(3) Density Requirements. In no case shall a multi-family or group housing development result in a density in excess of the density otherwise permitted within the zone in which the development is to be constructed.

(4) Procedure for Approval. (a) A development plan shall be prepared and submitted to the Planning Commission and include the following information:

(1) A map showing street systems, lot, or partition lines and other divisions of land for management, use, or allocation purposes.

(2) Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings, parking and similar public and semi-public use.

(3) A plot plan for each building site and common open space area, showing the approximate location of buildings, structure, and other improvements, and indicating the open space around buildings and structures.

(4) Elevation and perspective drawings of proposed structures.

(5) Agreements, provisions, or covenants which govern the use, maintenance and continued protection of the development and any of its common open space area.

(6) Enough information on the area surrounding the proposed development to show the relationship of the development to adjacent uses, both existing and proposed.

(b) The Planning Commission shall refer the proposal to the Board of Zoning Appeals with recommendations for approval, disapproval, or approval with modifications as follows: (1) The Planning Commission shall review the conformity of the proposed development with the criteria established for the development plan recognizing principles of civic design, land use planning and landscape architecture.

(2) The Planning Commission may impose conditions regarding layout, circulation and performance of the proposed development and may require that appropriate deed restriction.

(3) The tract or parcel of land involved must be either under one ownership or the subject of an application filed jointly by the owners of all property.

(4) The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood, and must provide standards of open space and areas of parking adequate for the occupancy proposed and in conformance with this ordinance. It must include provisions for recreation areas to meet the needs of the anticipated population.

(c) The Board of Zoning Appeals in regular session shall hold a public hearing for the purpose of public review and comment on the development plan. After the public hearing, the Board of Appeals will either approve, disapprove, or reapprove with modifications, the multi-family or group housing development; based on the development plan.

(5) No building permit shall be issued until the development plan is approved. If a building permit is not applied for and issued within six (6) months of the approval of the development plan, then approval of the plan shall terminate unless for good cause, the Board of Zoning Appeals extends for three months the period for issuance of a building permit.

(6) No certificates of occupancy shall be issued until the Building Inspector has determined that the development, as constructed, meets all requirements of the approval plan. (1985 Code, as added by ord. no. 1985-2, sec. 9-102)

CHAPTER 12

ZONING ORDINANCE: ENFORCEMENT

SECTION

- 11-1201. Enforcing Officer.
- 11-1202. Building permits and certificates of occupancy.
- 11-1203. Penalties.
- 11-1204. Remedies.

11-1201. Enforcing Officer. The provisions of this ordinance shall be administered and enforced by a building inspector, appointed by the chief legislative body, who shall have the power to make inspection of buildings or premises, necessary to carry out his duties in the enforcement of this ordinance. (1985 Code, as added by ord. no. 1985-2, sec. 10-100)

11-1202. Building Permits and Certificates of Occupancy.

(1) Building Permit Required. It shall be unlawful to commence the excavation or filling of any lot for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, to increase living area or storage space including accessory buildings, until the building inspector has issued a building permit for such work.

(2) Issuance of a Building Permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensioned sketch or site plan indicating the shape, size and location of the lot to be built upon; the shape, size, height, and location of all buildings to be erected, altered, or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation, filling or construction, as set forth in the application, is in conformity with the provisions of this ordinance and other ordinances of the Town of Kenton then in force, the building inspector shall issue a building permit for such excavation or construction upon payment of the required fee. If a building permit is refused the building inspector shall state such refusal in writing with the cause. Building permits must be used within (6) months after the permit is issued. If no substantial progress on construction has been made six (6) months after the

permit is issued, the permit is expired. No municipal services shall be provided until the Building Permit is issued.

(3) Certificate of Occupancy. Upon the completion of the construction or alteration of a building for which a building permit has been granted, application shall be made to the building inspector for a certificate of occupancy. Within three (3) days of such application, the building inspector shall make a final inspection of the property in question and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of this ordinance and the state-ments made in the application for the building permit. No municipal services shall be provided except on a temporary basis until the Certificate of Occupancy has been issued. If such certificate is refused, the building inspector shall state such refusal in writing, with the cause. No land or building hereafter erected or altered in its use shall be used until such a certificate of occupancy has been granted. (1985 Code, as added by ord. no. 1985-2, sec. 10-101)

11-1203. Penalties. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2) nor more than fifty dollars (\$50) for each offense. Each day such violation continues, it constitutes a separate offense. (1985 Code, as added by ord. no. 1985-2, sec. 10-102)

11-1204. Remedies. In case of any building, structure or land used, erected, constructed, reconstructed, repaired, converted, or maintained in violation of this ordinance, the building inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation in addition to other remedies may institute injunction, mandamus or other appropriate action or proceedings to prevent the occupancy or use of such building. (1985 Code, as added by ord. no. 1985-2, sec. 10-103)

## CHAPTER 13

ZONING ORDINANCE: BOARD OF ZONING APPEALS

## SECTION

- 11-1301. Creation and Appointment.
- 11-1302. Procedure.
- 11-1303. Appeals.
- 11-1304. Powers.

11-1301. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members, not less than one (1) of whom shall be a member of the Kenton Board of Mayor and Alderman. They shall be appointed by the chief executive officer of the city and confirmed by a majority vote of the Board of Mayor and Alderman. The term of membership shall be three (3) years, except that the initial individual appointments to the board shall be terms of one (1), two (2) and three (3) years, respectively. Vacancies shall be filled for an unexpired term by appointment by the chief executive officer and confirmation by the Board of Mayor and Aldermen. (1985 Code, as added by ord. no. 1985-2, sec. 11-100)

11-1302. Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public records. (1985 Code, as added by ord. no. 1985-2, sec. 11-101)

11-1303. Appeals. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer department, board or bureau affected by an decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, giving public

CHAPTER 14

ZONING ORDINANCE: AMENDMENT

SECTION

- 11-1401. Zoning amendment petition.
- 11-1402. Planning commission review.
- 11-1403. Public hearing on proposed amendment.

11-1401. Zoning Amendment Petition. The Board of Mayor and Aldermen of Kenton, Tennessee, may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any member of the Board of Mayor and Aldermen may introduce such amendment, or any official, board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance. (1985 Code, as added by ord. no. 1985-2, sec. 12-100)

11-1402. Planning Commission Review. No amendment shall become effective until it is first submitted to and approved or disapproved by the Kenton Planning Commission. If the proposed amendment is disapproved by the Planning Commission it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to make such amendment effective. If the Kenton Planning Commission does not approve or disapprove an amendment which has been submitted for their review within thirty (30) days after such submission, the failure to act on such amendment shall be deemed approval. (1985 Code, as added by ord. no. 1985-2, sec. 12-101)

11-1403. Public Hearing on Proposed Amendment. Upon the introduction of any amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the time set for hearing by the said Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Kenton, Tennessee. Such hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice. A fee equal to the cost of publication of notice of such hearing shall be collected by the Town of Kenton from any party or parties entering a petition for amendment. (1985 Code, as added by ord. no. 1985-2, sec. 13-102)

## TITLE 12

STREETS AND OTHER PUBLIC WAYS AND PLACES<sup>1</sup>

## CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

## CHAPTER 1

MISCELLANEOUS

## SECTION

- 12-101. Obstructing streets, alleys, or sidewalks prohibited.
- 12-102. Trees growing near, or projecting over, streets, etc., regulated.
- 12-103. Trees, etc., obstructing view at intersections prohibited.
- 12-104. Projecting signs and awnings, etc., restricted.
- 12-105. Banners and signs across streets and alleys restricted.
- 12-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 12-107. Littering streets, alleys, or sidewalks prohibited.
- 12-108. Obstruction of drainage ditches.
- 12-109. Abutting occupants to keep sidewalks clean, etc.
- 12-110. Parades, etc., regulated.
- 12-111. Animals and vehicles on sidewalks.
- 12-112. Fires in streets, etc.

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

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<sup>1</sup>See title 9 in this code for related motor vehicle and traffic regulations and title 6, chapter 3 for provisions governing the city's vehicle license tax administration and enforcement.



12-102. Trees growing near, or projecting over, streets, etc., regulated. It shall be unlawful for property owners, tenants or their agents to plant trees on property at a distance of less than fifteen feet from the margin of a public street or alley. Said trees shall be planted at least fifteen feet or more from the margin of a public street or alley.

Property owners with trees now planted and growing at a distance of less than fifteen feet from the margin of a public street or alley shall be required to remove said trees, or permit the City of Kenton to remove them in order that the public sanitary sewer system may not be damaged by the roots growing from said trees. Provided, however, if said property owner does not remove said trees now growing less than fifteen feet from a public street or alley, the property owner must file an indemnity bond, or agreement, with the city assuming the responsibility for damage to the sanitary sewer system, including sewer laterals, caused by roots from said trees.

It shall also be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (ord. passed April 27, 1968, modified)

12-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

12-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup>

12-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign.

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

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<sup>1</sup>see the building code adopted in title 4, chapter 1 of this code.

12-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1953 code, ch. 14, sec. 16, modified)

12-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way.

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

12-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately.

12-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section.

12-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1953 code, ch. 14, sec. 22)

## CHAPTER 2

EXCAVATIONS AND CUTS<sup>1</sup>

## SECTION

- 12-201. Permit required.
- 12-202. Applications.
- 12-203. Fee.
- 12-204. Deposit or bond.
- 12-205. Manner of excavating--barricades and lights--  
temporary sidewalks.
- 12-206. Restoration of streets, etc.
- 12-207. Insurance.
- 12-208. Time limits.
- 12-209. Supervision.
- 12-210. Driveway curb cuts.

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

12-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of

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<sup>1</sup>Sections 12-201 through 12-209 in this chapter were patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing.

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

12-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

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

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

12-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its

original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

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

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

12-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this

chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences.

12-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge, and when two (2) or more adjoining driveways are provided for the same property, a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided to separate said driveways. Driveway aprons shall not extend into the street.

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(RESERVED FOR FUTURE USE)

## TITLE 13

UTILITIES AND SERVICES<sup>1</sup>

## CHAPTER

## 1. WATER AND SEWERS.

## CHAPTER 1

WATER AND SEWERS<sup>2</sup>

## SECTION

- 13-101. Application and scope.
- 13-102. Definitions.
- 13-103. Obtaining service; application and contract.
- 13-104. Service charges for temporary service.
- 13-105. Connections (tap ons).
- 13-106. Water and sewer main extensions.
- 13-107. Variances from and effect of preceding section as to extensions.
- 13-108. Meters.
- 13-109. Meter tests.
- 13-110. Multiple services through a single meter.
- 13-111. Billing.
- 13-112. Termination or refusal of service.
- 13-113. Termination of service by customer.
- 13-114. Access to customers' premises.
- 13-115. Inspections.
- 13-116. Customer's responsibility for system's property.
- 13-117. Customer's responsibility for violations.
- 13-118. Supply and resale of water.
- 13-119. Unauthorized use of or interference with water supply.
- 13-120. Limited use of unmetered private fire line.
- 13-121. Damages to property due to water pressure.
- 13-122. Liability for cutoff failures.
- 13-123. Restricted use of water.
- 13-124. Interruption of service.
- 13-125. Schedule of rates.

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<sup>1</sup>See title 4 in this code for the building and utility codes; see title 8, chapter 3 for provisions relating to cross-connections, and auxiliary intakes.

Electricity is provided to the city and its inhabitants by Gibson County Electric and gas by Gibson County Utility.

<sup>2</sup>See titles 4, chapter 2 for provisions governing the plumbing code and title 8, chapter 3 for provisions governing cross-connections and auxiliary intakes.



13-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

13-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the city under either an express or implied contract.

(2) "Service line" shall consist of the pipe line extending from any water or sewer main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box.

(3) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

(4) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(5) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

13-103. Obtaining service; application and contract. A formal application for either original or additional service must be made and be approved by the city before connection or meter installation orders will be issued and work performed.

Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the dwelling or premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the city to the applicant shall be limited to the return of any deposit made by such applicant.

13-104. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service.

13-105. Connections (tap ons). Service lines will be laid by the city from its mains to the property line according to the following schedule:

- (1) Water - \$75.00
- (2) Sewer - \$250.00 plus the cost of the construction of line to the property line.

The location of the line/s will be determined by the city.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall be long to the city. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer.

13-106. Water and sewer main extensions. Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Water Works Association Standard (or other construction approved by the board of mayor and aldermen, not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances. Cement-lined cast iron pipe (or other construction approved by the board of mayor and aldermen) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the board of mayor and aldermen shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such water and/or sewer mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the city water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains.

13-107. Variations from and effect of preceding section as to extensions. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the city and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons.

13-108. Meters. All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter.

13-109. Meter tests. The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The city will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$12.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city.

13-110. Multiple services through a single meter. No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the city's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied.

13-111. Billing. Bills for residential water and sewer service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

Both charges shall be collected as a unit; no city employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the tenth (10th) of the month (discount date), otherwise a penalty of ten percent (10%) will be added to the bill. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date-stamped on or before the final date for payment of the net amount.

In the event a bill is not paid on or before fifteenth (15th) day of the month, a written notice shall be mailed to the customer pursuant to section 13-112 below advising the customer that his service may be discontinued without further notice if the bill is not paid on or before the twenty-fifth (25th) day of the month. The city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

13-112. Termination or refusal of service. (1) Basis of termination or refusal. The city shall have the right to discontinue water and sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

(a) These rules and regulations, including the non-payment of bills.

(b) The customer's application for service.

(c) The customer's contract for service.

Such right to discontinue service shall apply to all water and sewer services received through collective single connections or services, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

(2) Termination of service.

(a) Written notice shall be given to the customer before termination of water service and shall include:

(1) The reason for the cutoff.

(2) The amount due, including other charges.

(3) The last date to avoid service termination.

(4) Notification of the customer's right to a hearing prior to service termination, and in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.

(b) In the case of termination for nonpayment of bills the employee carrying out the termination procedure will, before disconnecting service, attempt to contact the customer at the premises in a final effort to collect payment and avoid termination. If customer is not at home, service may be left connected for one (1) additional day and a further notice left at a location conspicuous to customer.

(c) Hearings for service termination including for nonpayment of bills will be held by appointment at the company office between the hours of 8:00 A.M. and 4:30 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside said hours.

(d) Termination will not be made on any preceding day when the Kenton water and sewer department is scheduled to be closed.

(e) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of said bill, the same shall proceed on schedule with service termination.

(f) Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made or the correction of the problem that resulted in the termination of service in a manner satisfactory to Kenton water and sewer department, plus the payment of a reconnection charge of \$4.00 if the reconnection is made during regular business, or \$10.00 if the reconnection is made after regular hours.

13-113. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service.

13-114. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations.

13-115. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished, or at any later time. The city reserves the right to refuse

service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made.

13-116. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer.

13-117. Customer's responsibility for violations. Where the city furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

13-118. Supply and resale of water. All water shall be supplied within the city exclusively by the city, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the city.

13-119. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city.

13-120. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence.

13-121. Damages to property due to water pressure. The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains.

13-122. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off a water service, the city has failed to cut off such service.

(2) The city has attempted to cut off a service but such service has not been completely cut off.

(3) The city has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off.

13-123. Restricted use of water. In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use.

13-124. Interruption of service. The city will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.

13-125. Schedule of water and sewer rates. All water and sewer services shall be furnished according to such schedules and rates as the city may from time to time adopt by appropriate ordinance or resolution.<sup>1</sup>

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<sup>1</sup>Such ordinances and resolutions are of record in the office of the city recorder.



779--809

(RESERVED FOR FUTURE USE)

ORDINANCE NO. 1-1985

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

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

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

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

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KENTON, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 13, both inclusive, are ordained and adopted as the "Kenton 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.

Section 3. Ordinances saved from repeal. The repeal provided for in the preceding section 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 indebtedness; any contract or obligation assumed by or in favor of said city; 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; 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.<sup>1</sup>

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 correct copy of such codification and may be read in evidence in any court without further proof of the provisions contained therein.

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<sup>1</sup>For authority to allow deferred payment of fines, or payment by installments, see the Tennessee Code Annotated, sections 40-24-101 et seq.

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 governing body, 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 Oct 9, 1984.

Passed 2nd reading Nov 6, 1984.

Passed 3rd reading Jan 22, 1985.

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Mayor

Virginia Davidson  
Recorder