

THE
MOSCOW
MUNICIPAL
CODE

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

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

JULY 1992

CITY OF MOSCOW, TENNESSEE

MAYOR

J. B. Brunson

ALDERMEN

Charlie Dacus
E. J. Hurdle, Jr.
Bobby Ray McCaskill
Roy Montague
Inez Morris
Don Pugh

CITY RECORDER

Janest Mitchell

CITY ATTORNEY

Ed Johnson

Preface

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

The attention of the user is directed to the arrangement of the code into titles, chapters, and sections. This arrangement follows that used in the Tennessee Code Annotated. 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 up-dating service under the following conditions:

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance for the code).

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

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

When the foregoing conditions are met, MTAS will produce 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 advice and assistance.

The able assistance of Mrs. Karen Lowe, the MTAS clerktypist who did all the typing on this project, is gratefully acknowledged.

Dennis Huffer, Consultant
Ordinance Codification

TITLE 1

ADMINISTRATION, OFFICERS AND PERSONNEL¹

CHAPTER

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

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of meetings.
 1-102. Order of business.

¹For other provisions relating to administration, officers, and personnel, see the charter, particularly article III, and/or the appropriate related title in this code. For example, for provisions relating to building, plumbing, electrical, and gas inspectors, see title 4; for provisions relating to the organization of the fire department, see title 7; for provisions relating to the administration of utilities, see title 13.

²For provisions in the charter with respect particularly to the board of mayor and aldermen, see Article II. For other charter provisions with respect to the following, see the sections indicated:

Appointment and removal of officers: sec. 3.07.

Bonds of officers: sec. 3.10.

Budget--board's action on: sec. 4.05.

Immunities and liabilities of officers with regard to intergovernmental cooperation: sec. 5.03.

Oath of office: sec. 3.09

Salaries of employees: sec. 3.06.

For the time of regular meetings of the board, see sec. 2.03(c). See section 2.03 also for provisions regarding special meetings, quorum, etc., of the board.

1-103. General rules of order.

1-101. Time and place of meetings. The board of mayor and aldermen shall hold regular monthly meetings at the city hall at the time and date prescribed in the city's charter.¹ (1979 Code, sec. 1-101)

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 and officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1979 Code, sec. 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1979 Code, sec. 1-103)

¹See sec. 2.03(c).

CHAPTER 2

MAYOR¹

SECTION

1-201. Executes city's contracts.

1-201. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1979 Code, sec. 1-201)

¹For additional provisions with respect to the mayor, see the charter, particularly the sections indicated:

Administrative duties of mayor: sec. 3.02.

Annual budget--mayor to submit: sec. 4.04.

Appointment, etc., of employees--mayor's powers: sec. 3.07.

Bond: sec. 3.10.

Countersignature of checks: sec. 4.18.

Election of mayor: sec. 2.01.

Oath of office: sec. 3.09.

Presiding officer of board, etc: sec. 2.04.

Salary of mayor and aldermen: sec. 2.03.

Vacancy in office of mayor: sec. 2.06.

Vice-mayor: sec. 2.05.

CHAPTER 3

RECORDER¹

SECTION

1-301. To perform general administrative duties, etc.

1-301. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the mayor, for the board of mayor and aldermen, and for the city which are not assigned by the charter, this code, or the board to another corporate officer. (1979 Code, sec. 1-301)

¹For the charter provision providing for the appointment and duties of the recorder, see section 3.03. For the recorder's bond, see section 3.10.

CHAPTER 4

POLICE AND ARREST¹

SECTION

- 1-401. Policemen subject to chief's orders.
- 1-402. Policemen to preserve law and order, etc.
- 1-403. Policemen to wear uniforms and be armed.
- 1-404. When policemen to make arrests.
- 1-405. Policemen may require assistance in making arrests.
- 1-406. Disposition of persons arrested.
- 1-407. Police department records.

1-401. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the chief may officially issue. (1979 Code, sec. 1-401)

1-402. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1979 Code, sec. 1-402)

1-403. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1979 Code, sec. 1-403)

1-404. When policemen to make arrests.¹ 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. (1979 Code, sec. 1-404)

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

1-405. Policemen may require assistance in making arrests. It shall be unlawful for any person willfully to refuse to aid a policeman in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1979 Code, sec. 1-405)

1-406. 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 arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1979 Code, sec. 1-406)

1-407. Police department records. The police department shall keep a complete 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. (1979 Code, sec. 1-407)

CHAPTER 5

CITY COURT¹

SECTION

- 1-501. City judge.
- 1-502. Maintenance of docket.
- 1-503. Issuance of arrest warrants.
- 1-504. Issuance of subpoenas.
- 1-505. Trial and disposition of cases.
- 1-506. Imposition of fines, penalties, and costs.
- 1-507. Appeals.
- 1-508. Bond amounts, conditions, and forms.
- 1-509. Deposit of chauffeur's or operator's license in lieu of bond.
- 1-510. Disturbance of proceedings.

1-501. City judge. The city court shall be presided over by a city judge to be appointed by the board of mayor and aldermen. (1979 Code, sec. 1-501)

1-502. Maintenance of docket. The docket required to be kept by section 3.05(e) of the city's charter 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 that may be relevant. (1979 Code, sec. 1-502)

1-503. Issuance of arrest warrants.² The city judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1979 Code, sec. 1-503)

1-504. 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. (1979 Code, sec. 1-504)

¹For a charter provision outlining the appointment and duties of the city judge, see section 3.05.

²See Tennessee Code Annotated, title 40, chapter 6, for authority to issue search warrants.

1-505. 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. (1979 Code, sec. 1-505)

1-506. 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.

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 justices of the peace¹ for similar work in state cases. (1979 Code, sec. 1-506)

1-507. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days² next after such judgment is rendered appeal to the next term of the circuit court upon posting a proper appeal bond. (1979 Code, sec. 1-507)

1-508. Bond amounts, conditions, and forms.³ 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 located within the county. No other type bond shall be acceptable. If bond is made in the form of a cash deposit, the person arrested must be given a receipt which shall explain the nature of the deposit. (1979 Code, sec. 1-508)

1-509. Deposit of chauffeur's or operator's license in lieu of bond. Pursuant to sections 55-7-401--55-7-405, Tennessee Code Annotated, whenever

¹See section 8-21-401, Tennessee Code Annotated.

²See section 27-5-101, Tennessee Code Annotated.

³See section 3.05(c) of the charter.

any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Department of Safety, State of Tennessee, is issued a citation or arrested and charged with a violation of any city ordinance regulating traffic, except those ordinances which call for the mandatory revocation of the operator's or chauffeur's license for any period of time, said person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court in answer to any such charge before said court. In carrying out the provisions of this section, all city officers and employees shall comply fully with the requirements of sections 55-7-401--55-7-405, Tennessee Code Annotated, and any implementing orders of the Department of Safety, State of Tennessee. (1979 Code, sec. 1-509)

1-510. 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. (1979 Code, sec. 1-510)

CHAPTER 6

WORKHOUSE

SECTION

1-601. County jail to be used.

1-602. Inmates to be worked.

1-603. Compensation of inmates.

1-601. County jail to be used. The county jail is hereby designated as the municipal-workhouse, subject to such contractual arrangement as may be worked out with the county. (1979 Code, sec. 1-601)

1-602. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1979 Code, sec. 1-602)

1-603. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines assessed against him.¹ (1979 Code, sec. 1-603)

¹See section 40-24-104, Tennessee Code Annotated.

CHAPTER 7

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 1-701. Creation and title.
- 1-702. Director designated; director's authority.
- 1-703. Elements of plan.
- 1-704. Approval and incorporation of plan.

1-701. Creation and title. There is hereby created a safety and health program for employees of the City of Moscow, as follows: This chapter shall be known as the "Occupational Safety and Health Program for the Employees of the City of Moscow." (1979 Code, sec. 1-701)

1-702. Director designated; director's authority. An officer designated by the mayor shall serve as the "Director" to establish a safety and health program in compliance with the requirements of the Tennessee Occupational Safety and Health Act of 1972, and he is hereby given the authority to implement a plan which shall encompass the issues and standards which have been promulgated by applicable state standards. (1979 Code, sec. 1-702)

1-703. Elements of plan. This plan shall be at least as effective as the federal or state standards on the same issues and shall include the following:

(1) The Director or his authorized representatives shall have the right to enter at any reasonable time any establishment, construction site, plant or other area, workplace, or environment where work is performed in the City of Moscow; and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment, and materials therein, and to question privately any supervisor or employee.

(2) The Director may issue subpoenas to require the attendance and testimony of witnesses and the production of evidence under oath for the purpose of confirming or supplementing his findings.

(3) The Director shall provide for education and training of personnel for the administration of the program, and he shall provide for the education and training of all employees of the city to the extent that same is necessary for said employees to recognize and report safety and health problems as defined in the applicable standards.

(4) All employees shall be informed of the policies and the standards set forth by the Tennessee Occupational Safety and Health Act.

(5) All employees of the city shall be informed of safety hazards, exposure to toxic or harmful materials, and imminent danger situations that may occur in their jobs.

(6) The Director or his authorized representative shall upon any allegation of imminent danger immediately ascertain whether there is a reasonable basis for the complaint. He shall make a preliminary determination of whether or not the complaint appears to have merit.

(7) Any employee shall be given the right to participate in an investigation or inspection which involves a safety and/or health situation which concerns his work area.

(8) The Director shall establish a safety and health training program designed to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment.

(9) The Director shall contact the Commissioner of Labor of the State of Tennessee by telephone in the event of the death of an employee involved in a work related accident. This notification will be done as soon after the fatality as possible but not to exceed 48 hours

(10) The Director shall set up a procedure for requesting a variance from the Tennessee Department of Labor in the event an operation within the city does not meet the standards set by the Occupational Safety and Health Act and immediate action to alleviate the discrepancy is not possible.

(11) The Director shall establish and maintain a system for collecting and reporting safety and health data required under the Tennessee Occupational Safety and Health Act.

(12) The Director shall apply this program to employees of each administrative department, commission, board, division, or other agency of the City of Moscow.

(13) The Director shall make an annual report to the Commissioner of Labor for the State of Tennessee showing the accomplishments and progress of the City of Moscow in its Occupational Safety and Health Program.

(14) The Director shall provide a means whereby any employee may submit a report of what he feels is a safety and/or health hazard to his immediate supervisor and the Director without fear of jeopardizing his job or chances for future promotion. Such reports shall be preserved and the action thereon shall be noted on said reports and signed by the Director or his designees.

(15) In implementing the plan, the Director shall adopt therein all the words and phrases designated as "definitions" in the Tennessee Occupational Safety and Health Act, promulgated regulations and standards thereunder.

(16) The Director shall submit said plan to the Tennessee Department of Labor for approval on or before Dec. 20, 1974. (1979 Code, sec. 1-703)

1-704. Approval and incorporation of plan. Said plan upon its approval by the Tennessee Department of Labor shall become effective to the City of Moscow and at that time shall become a part of this chapter as fully and completely as if set out herein. (1979 Code, sec. 1-704)

CHAPTER 8

MISCELLANEOUS PERSONNEL REGULATIONS¹

SECTION

- 1-801. Acceptance of gratuities.
- 1-802. Outside employment.
- 1-803. Use of municipal time, facilities, etc.
- 1-804. Use of position.
- 1-805. Strikes and unions.

1-801. 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. (1979 Code, sec. 1-801)

1-802. 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 municipal employment, or is likely to cast discredit upon or create embarrassment for the city. (1979 Code, sec. 1-802)

1-803. Use of municipal time, facilities, etc. No city officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or a 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. (1979 Code, sec. 1-803)

1-804. 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. (1979 Code, sec. 1-804)

¹For charter provisions dealing with political activity of employees and personal financial interest of officers and employees, see sections 3.11 and 3.12.

1-805. 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. (1979 Code, sec. 1-805)

TITLE 2

ALCOHOLIC BEVERAGES¹

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 and/or ordinances, it shall be unlawful for any person, acting for himself or for any other person, to manufacture, receive, possess, store, transport, sell, furnish or solicit orders for any intoxicating liquor within the City of Moscow. "Intoxicating liquor" shall be defined to include whiskey, wines, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five per cent (5%) of alcohol by weight. (1979 Code, sec. 2-101)

¹For provisions prohibiting minors in beer places and prohibiting drinking beer, etc., on the streets, etc., see title 10.

For general provisions in the state law, see title 57 of the Tennessee Code Annotated.

CHAPTER 2

BEER¹

SECTION

- 2-201. Beer board.
- 2-202. Powers and duties of the beer board.
- 2-203. "Beer" defined.
- 2-204. Permit required for engaging in beer business.
- 2-205. Beer permits shall be restrictive.
- 2-206. Issuance of permits to aliens prohibited.
- 2-207. Interference with public health, safety, and morals prohibited.
- 2-208. Issuance of permits to persons convicted of certain crimes prohibited.
- 2-209. Prohibited conduct or activities by beer permit holders.
- 2-210. Revocation of beer permits.

2-201. Beer board. For the purposes of administering the provisions of this chapter, the board of mayor and aldermen is hereby designated as the beer board. (1979 Code, sec. 2-201)

2-202. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the City of Moscow in accordance with the provisions of this chapter. (1979 Code, sec. 2-202)

2-203. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five per cent (5%) by weight. (1979 Code, sec. 2-203)

2-204. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer

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

For general business regulations, see title 5 in this code; for applicable tax provisions, see title 6; for miscellaneous provisions prohibiting minors in beer places and prohibiting drinking beer on streets, etc., see title 10.

board. The application shall be made on such form as the board shall prescribe and/or furnish. Each applicant must be a person of good moral character, and he must certify that he has read and is familiar with the provisions of this chapter. (1979 Code, sec. 2-204)

2-205. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (1979 Code, sec. 2-205)

2-206. Issuance of permits to aliens prohibited. No permit to engage in the beer business shall be granted by the beer board to any person not a citizen of the United States nor to any syndicate or association unless all of the members thereof are citizens of the United States. (1979 Code, sec. 2-206)

2-207. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the storage, sale, or manufacture of beer at places within three hundred (300) feet of any school, church, or other such place of public gathering, measured along street rights of way. (1979 Code, sec. 2-207)

2-208. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (1979 Code, sec. 2-208)

2-209. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

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

- (2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer.
- (3) Make or allow any sale of beer between the hours of 12:00 midnight and 6 a.m. during any night of the week; at any time on Sunday; or on election days before and while the polls are lawfully open.
- (4) Allow any loud, unusual, or obnoxious noises to emanate from his premises.
- (5) Make or allow any sale of beer to a minor under eighteen (18) years of age.
- (6) Allow any minor under eighteen (18) years of age to loiter in or about his place of business.
- (7) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (8) Allow drunk or disreputable persons to loiter about his premises.
- (9) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five per cent (5%) by weight.
- (10) Allow gambling on his premises.
- (11) Allow dancing on his premises.
- (12) Allow pool or billiard playing in the same room where beer is sold and/or consumed.
- (13) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1979 Code, sec. 2-209)

2-210. Revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the beer board. (1979 Code, sec. 2-210)

TITLE 3

ANIMALS AND FOWLS¹

CHAPTER

1. IN GENERAL.
2. DOGS.

CHAPTER 1

IN GENERAL

SECTION

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

3-101. 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. (1979 Code, sec. 3-101)

3-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) 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. (1979 Code, sec. 3-102)

3-103. 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

¹For a charter provision dealing with animal regulation, see section 1.04(o).

which they are kept shall at all times be maintained in a clean and sanitary condition. (1979 Code, sec. 3-103)

3-104. 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, safe condition, and wholesomeness for food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1979 Code, sec. 3-104)

3-105. 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 either because of noise, odor, contagious disease, or other reason. (1979 Code, sec. 3-105)

3-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1979 Code, sec. 3-106)

3-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen.

The pound keeper shall collect from each person claiming an impounded animal or fowl a reasonable fee to cover the costs of impoundment and maintenance. (1979 Code, sec. 3-107)

3-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the chief of police or health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1979 Code, sec. 3-108)

CHAPTER 2

DOGS

SECTION

3-201. Rabies vaccination and registration required.

3-202. Dogs to wear tags.

3-203. Running at large prohibited.

3-204. Vicious dogs to be securely restrained.

3-205. Noisy dogs prohibited.

3-206. Confinement of dogs suspected of being rabid.

3-207. Seizure and disposition of dogs.

3-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Sections 68-8-101 to 68-8-114, Tennessee Code Annotated) or other applicable law. (1979 Code, sec. 3-201)

3-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1979 Code, sec. 3-202)

3-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1979 Code, sec. 3-203)

3-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as reasonably to provide for the protection of other animals and persons. (1979 Code, sec. 3-204)

3-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys or disturbs the peace and quiet of any neighborhood. (1979 Code, sec. 3-205)

3-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any

¹See sections 44-8-108, 68-8-108, and 68-8-109, Tennessee Code Annotated.

reason suspected of being infected with rabies, the health officer or chief of police may cause such dog to be confined or isolated for such time as he reasonably deems necessary to determine if such dog is rabid. (1979 Code, sec. 3-206)

3-207. Seizure and disposition of dogs. Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the board of mayor and aldermen. If said dog is wearing a tag, the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, to be fixed by the pound keeper, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag, it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and a tag placed on its collar.

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded, it may be summarily destroyed by the health officer or any policeman.¹ (1979 Code, sec. 3-207)

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

TITLE 4

BUILDING, UTILITY, AND HOUSING CODES¹

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. HOUSING CODE.

CHAPTER 1

BUILDING CODE²

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 sections 6-54-501 to 6-54-506, inclusive, of the Tennessee Code Annotated and for the purpose of regulating the construction, alteration, repair, use, and 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, 1976 edition with 1978 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 building code. (1979 Code, sec. 4-101)

4-102. Modifications. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a

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

See also section 1.04(m) of the charter.

²Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 3617 - 8th Avenue South, Birmingham, Alabama 35222.

reference to the mayor or to the board of mayor and aldermen, whatever the context requires. 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 mayor shall have appointed or designated to administer and enforce the provisions of the building code. The schedule of permit fees set forth in appendix K is amended so that the fee to be collected shall be five dollars for any building. Provided, however, that the minimum fee for an inspection shall be \$1.50. Section 114 of the building code is hereby deleted.

Section 103.4 of the building code is hereby modified by the addition of the following after the first sentence of section 103.4 (a): Said term "unsafe building" shall also mean and include any building or structure which shall be kept or maintained or shall be in a filthy or unsanitary condition liable to cause the spread of disease. Said term shall also mean any building or structure in such deteriorated condition as to endanger any person or property. (1979 Code, sec. 4-102)

4-103. Available in recorder's office. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, 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. (1979 Code, sec. 4-103)

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. (1979 Code, sec. 4-104)

CHAPTER 2

PLUMBING CODE¹

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 sections 6-54-501 to 6-54-506, inclusive, of the Tennessee Code Annotated and for the purpose of regulating plumbing installations including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the City of Moscow, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code, 1975 edition with 1978 amendments,² 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. (1979 Code, sec. 4-201)

4-202. Modifications. 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 mayor or to the board of mayor and aldermen, whichever the context requires.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the mayor to administer and enforce the provisions of the plumbing code. Section 111 of the plumbing code is hereby deleted. (1979 Code, sec. 4-202)

4-203. Available in recorder's office. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, three (3) copies of the

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

²Copies of this code (and any amendments) are available from the Southern Building Code Congress International, Inc., 3617 - 8th Avenue South, Birmingham, Alabama 35222.

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. (1979 Code, sec. 4-203)

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. (1979 Code, sec. 4-204)

CHAPTER 3

ELECTRICAL CODE¹

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 sections 6-54-501 to 6-54-506, inclusive, of the Tennessee Code Annotated 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,² 1978 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. (1979 Code, sec. 4-301)

4-302. Available in recorder's office. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, three (3) copies of the electrical code have been placid on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, sec. 4-302)

4-303. Permit required for doing electrical work. No electrical work shall be done within the City of Moscow 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. (1979 Code, sec. 4-303)

¹See also titles 7 and 13 in this code.

²Copies of this code (and any amendments) may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

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 comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1979 Code, sec. 4-304)

4-305. Enforcement. The electrical inspector shall be such person as the mayor 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. (1979 Code, sec. 4-305)

4-306. Fees. The electrical inspector shall collect the same fees as are authorized in section 68-17-143, Tennessee Code Annotated, for electrical inspections by deputy inspectors of the state fire marshal. (1979 Code, sec. 4-306)

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 sections 6-54-501 to 6-54-506, inclusive of the Tennessee Code Annotated 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,¹ 1976 edition with 1978 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. (1979 Code, sec. 4-401)

4-402. Modifications. Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the mayor 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 "Chief Appointing Authority" is referred to it shall mean the mayor or the board of mayor and aldermen whichever the context requires. Section 108 of the housing code is deleted. (1979 Code, sec. 4-402)

4-403. Available in recorder's office. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, 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. (1979 Code, sec. 4-403)

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. (1979 Code, sec. 4-404)

¹Copies of this code (and any amendments) may be obtained from the Southern Building Code Congress International, Inc., 3617 - 8th Avenue South, Birmingham, Alabama 35222.

TITLE 5

BUSINESSES, PROFESSIONS AND OCCUPATIONS¹

CHAPTER

1. GENERALLY.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. POOL ROOMS.
5. MOBILE HOMES, MOBILE HOME PARKS, AND TRAVEL TRAILER PARKS.

CHAPTER 1

GENERALLY

SECTION

5-101. "Going out of business" sales.

5-101. "Going out of business" sales. It shall be unlawful for any person falsely to represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days, he shall prima facie be deemed to have violated this section. (1979 Code, sec. 5-101)

¹For beer business regulations in this code, see title 2, chapter 2; for regulations relating to building, plumbing, and wiring, etc., see title 4; for privilege tax provisions, etc., see title 6; for health and, sanitation regulations with respect to certain businesses such as junk yards, etc., and for handbill regulation and restriction on posting notices, see title 8; and for restrictions on making noise to attract attention, see title 10.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 5-201. Permit required.
- 5-202. Exemptions.
- 5-203. Application for permit.
- 5-204. Issuance or refusal of permit.
- 5-205. Appeal.
- 5-206. Bond.
- 5-207. Loud noises and speaking devices.
- 5-208. Use of streets.
- 5-209. Exhibition of permit.
- 5-210. Policemen to enforce.
- 5-211. Revocation or suspension of permit.
- 5-212. Reapplication.
- 5-213. Expiration and renewal of permit.

5-201. 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. (1979 Code, sec. 5-201)

5-202. 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 who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic, or philanthropic organizations. (1979 Code, sec. 5-202)

5-203. Application for permit. Applicants for a permit under this chapter must file with the 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.

¹For privilege tax provisions, etc., see title 6 in this code.

(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) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.

(7) 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 properly to evaluate the applicant's moral reputation and business responsibility.

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor.

(9) 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.

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the city to cover the cost of investigating the facts stated therein. (1979 Code, sec. 5-203)

5-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief of police shall report his findings to the recorder within seventy-two (72) hours.

(2) If as a result of such investigation, the chief of police reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the 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 recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by section 5-206. The recorder shall keep a permanent record of all permits issued. (1979 Code, sec. 5-204)

5-205. Appeal. Any person aggrieved by the action of the chief of police and/or the 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. (1979 Code, sec. 5-205)

5-206. Bond. Every permittee shall file with the recorder a surety bond running to the city in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the City of Moscow 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, but the surety may, 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, be relieved without costs of all further liability. (1979 Code, sec. 5-206)

5-207. 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. (1979 Code, sec. 5-207)

5-208. 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. (1979 Code, sec. 5-208)

5-209. Exhibition of permit. Permittees are required, to exhibit their permits at the request of any policeman or citizen. (1979 Code, sec. 5-209)

5-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1979 Code, sec. 5-210)

5-211. 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 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) When it is reasonably necessary in the public interest, the mayor may suspend a permit pending the revocation hearing. (1979 Code, sec. 5-211)

5-212. 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. (1979 Code, sec. 5-212)

5-213. 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. (1979 Code, sec. 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 5-301. Permit required.
- 5-302. Prerequisites for a permit.
- 5-303. Denial of a permit.
- 5-304. Exhibition of permit.
- 5-305. Trespassing.
- 5-306. Violations.

5-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1979 Code, sec. 5-301)

5-302. Prerequisites for a permit. The recorder shall issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

(1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer, or agent of the applicant has a good character or reputation for honesty and integrity.

(2) The control and supervision of the solicitation will be under responsible and reliable persons.

(3) The applicant has not engaged in any fraudulent transaction or enterprise.

(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1979 Code, sec. 5-302)

5-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1979 Code, sec. 5-303)

5-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1979 Code, sec. 5-304)

5-305. Trespassing. It shall be unlawful and deemed to be a trespass for any permittee acting under this chapter to fail to leave promptly the private premises of any person who requests or directs him to leave. (1979 Code, sec. 5-305)

5-306. Violations. Any person violating any provision of this chapter or making a false or fraudulent statement either in his application for a permit or in the process of making a solicitation shall be subject to the penalty provided in the general penalty clause for this municipal code. In addition to or in lieu of any pecuniary penalty, if a violator has been issued a permit, his permit shall be cancelled and revoked by the court. (1979 Code, sec. 5-306)

CHAPTER 4

POOL ROOMS¹

SECTION

5-401. Prohibited in residential areas.

5-402. Hours of operation regulated.

5-403. Minors to be kept out; exception.

5-404. Gambling, etc., not to be allowed.

5-401. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty per cent (50%) or more of the land is used for residential purposes. (1979 Code, sec. 5-401)

5-402. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 p.m. and 6:00 a.m. on other days. (1979 Code, sec. 5-402)

5-403. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1979 Code, sec. 5-403)

5-404. Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire to permit any gambling or other unlawful or immoral conduct on such premises. (1979 Code, sec. 5-404)

¹For privilege tax provisions, etc., see title 6 in this code.

CHAPTER 5

MOBILE HOMES, MOBILE HOME PARKS, AND TRAVEL TRAILER
PARKS

SECTION

- 5-501. Definitions.
- 5-502. Mobile home regulations.
- 5-503. Permit required for mobile home park.
- 5-504. Inspections by building inspector.
- 5-505. Length of occupancy.
- 5-506. Code compliance.
- 5-507. Location and planning.
- 5-508. Minimum size of mobile home park.
- 5-509. Minimum number of spaces.
- 5-510. Minimum mobile home space and spacing of mobile homes.
- 5-511. Water supply.
- 5-512. Sewage disposal.
- 5-513. Refuse.
- 5-514. Electricity.
- 5-515. Illumination.
- 5-516. Streets.
- 5-517. Parking spaces.
- 5-518. Buffer strip.
- 5-519. Playground.
- 5-520. Travel trailer park.
- 5-521. Permit for travel trailer park.
- 5-522. Inspections by building inspector or county health officer.
- 5-523. Length of occupancy.
- 5-524. Location.
- 5-525. Minimum size of travel trailer space.
- 5-526. Site planning improvement.
- 5-527. Operating without permit unlawful.
- 5-528. Permit fees.
- 5-529. Application requirements for mobile home and travel trailer parks.
- 5-530. Enforcement.
- 5-531. Appeals; board of appeals.
- 5-532. Appeals from board of appeals.

5-501. Definitions. Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions where not

inconsistent with the context. For the purpose of this chapter certain words or terms are to be interpreted or are defined as follows:

- (1) The term "shall" is mandatory.
- (2) When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular.
- (3) Words used in the present tense include the future.
- (4) A detached, single-family dwelling unit has any or all of the following characteristics:
 - (a) Designed, for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
 - (b) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.
 - (c) Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to utilities, and the like.
- (5) "Mobile home park." The term mobile home park shall mean any plot of ground within the City of Moscow on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.
- (6) "Mobile home space." The term mobile home space shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.
- (7) "Travel trailer." A travel trailer, pick-up camper, converted bus, tent-trailer, tent, or similar device used for temporary portable housing or a unit which:
 - (a) Can operate independent of connections to external sewer, water, and electrical systems.
 - (b) Contains water storage facilities and may contain a lavatory, kitchen sink, and/or bath facilities; and/or
 - (c) is identified by the manufacturer as a travel trailer.
- (8) "Travel trailer park." The term travel trailer park shall mean any plot of ground within the City of Moscow on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located.
- (9) "Health officer." The director of a city, county, or district health department having jurisdiction over the community health in a specific area, or his duly-authorized representative.

(10) "Permit (license)." A permit is required for mobile home parks and travel trailer parks. Fees charged under the permit requirement are for inspection and the administration of this chapter. (1979 Code, sec. 5-501)

5-502. Mobile home regulations. (1) Mobile homes shall meet all provisions of the Moscow zoning ordinance¹ regulating mobile homes.

(2) No mobile home shall be used, placed, stored, or serviced by utilities within the City of Moscow or within any mobile home park in said city unless there is posted, near the door of said mobile home a valid Tennessee state license.

(3) Any mobile home already placed on a lot on or before the date of passage of the provisions of this chapter, will be permitted to remain at its present location. If said mobile home shall remain vacant for a period of one year, said mobile home owner shall be given, at the end of that year, a period not to exceed sixty (60) days in which to remove said mobile home and to comply with all provisions of this chapter. (1979 Code, sec. 5-502)

5-503. Permit required for mobile home park. No place or site within said city shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he holds a valid, permit issued by the building inspector in the name of such person or persons for the specific mobile home park. The building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.

Any mobile home park in existence as of the effective date of the provisions of this chapter² shall be required, to obtain a mobile home park permit. Any preexisting mobile home park which cannot comply with the requirements regarding mobile home parks shall be considered a non-conforming use. Any present and existing mobile home parks may now continue to operate as a non-conforming use, provided there is no expansion of the non-conforming units now in operation. If ownership of any present existing mobile home park should change, the said new owners may continue to operate said nonconforming mobile home park, provided there is no expansion to exceed the non-conforming units now in use. If present owner and/or new owner(s) should petition for expansion, then all provisions regarding regulations of mobile home parks contained in this chapter shall apply to bring it into conformity. This provision will not apply to pre-existing mobile home parks which are annexed into the City of Moscow after final passage of this section.¹

¹See title 11 of this code.

²March 3, 1975.

Said pre-existing mobile home parks shall comply with all state regulations applicable thereto which were in force prior to the establishment of said mobile home park. (1979 Code, sec. 5-503)

5-504. Inspections by building inspector. The building inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The building inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter. (1979 Code, sec. 5-504)

5-505. Length of occupancy. No mobile home space shall be rented in any mobile home park except for periods of thirty (30) days. (1979 Code, sec. 5-505)

5-506. Code compliance. No mobile home shall be admitted to any park unless it can be demonstrated that it meets the requirements of the American Standards Association Code Provision A-119. 1-1963; American Standard for Installation in Mobile Homes of Electrical, Heating, and Plumbing Systems, or Mobile Homes Manufacturers Association Mobile Home Standards for Plumbing, Heating, and Electrical Systems or any state administered code insuring equal or better plumbing, heating, or electrical installations. (1979 Code, sec. 5-506)

5-507. Location and planning. The mobile home park shall be located on a well-drained, site and, shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved, by the planning commission and shall be located in districts as specified in the zoning ordinance of the City of Moscow. (1979 Code, sec. 5-507)

5-508. Minimum size of mobile home park. The tract of land for a mobile home park shall comprise an area of not less than two (2) acres. The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management. (1979 Code, sec. 5-508)

5-509 Minimum number of spaces. Minimum number of spaces completed and ready for occupancy before first occupancy is two (2). (1979 Code, sec. 5-509)

5-510. Minimum mobile home space and spacing of mobile homes. Each mobile home space shall be adequate for the type of facility occupying it. Mobile

homes shall be parked on each space so that there will be at least fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch¹ and at least fifteen-(15) feet end to end spacing between trailers and any building or structure, twenty (20) feet between any trailer and property line and thirty-five (35) feet from the right-of-way of any public street or highway. In addition, each mobile home space shall contain:

- (1) A minimum lot area of three thousand (3,000) square feet;
- (2) A minimum depth with end parking of an automobile equal to the length of the mobile home plus thirty (30) feet;
- (3) A minimum depth with side or street parking equal to the length of the mobile home plus fifteen (15) feet; and
- (4) A minimum width of at least forty (40) feet and a minimum depth of at least seventy-five (75) feet. (1979 Code, sec. 5-510)

5-511. Water supply. Where a public water supply is available, it shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after the Division of Sanitary Engineering, Tennessee Department of Public Health has been contacted for requirements to construct, operate, and maintain a public water system and written approval of plans and specifications has been granted by the county health officer. (1979 Code, sec. 5-511)

5-512. Sewage disposal.² An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each mobile home space shall be equipped with at least a four (4) inch sewer connection, trapped below the frost line and reaching at least four (4) inches above the surface of the ground. The sewer connection shall be protected by a concrete collar at least 3 inches deep and extending 12 inches from the connection in all directions. All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line.

Every effort shall be made to dispose of the sewage through a public sewerage system. In lieu of this, a septic tank and sub-surface soil absorption

¹If the construction of additional rooms or covered areas is to be allowed beside the mobile homes, the mobile home spaces shall be made wider to accommodate such construction in order to maintain the required fifteen (15) feet of open space.

²Note: Where septic tanks are to be used, the planning commission shall require certificates of approval by the county health officer.

system may be used provided the soil characteristics are suitable and an adequate disposal area is available. The minimum size of any septic tank so installed under any condition shall not be less than seven hundred fifty (750) gallons working capacity. This size tank can accommodate a maximum of two (2) mobile homes. For each additional mobile home on such a single tank, a minimum additional liquid, capacity of one hundred seventy five (175) gallons shall be provided. The sewage from no more than twelve (12) mobile homes shall be disposed of in any one (1) single tank installation. The size of such tank shall be a minimum of two thousand five hundred (2,500) gallons liquid capacity.

The amount of effective soil absorption area or total bottom area of overflow trenches will depend on local soil conditions and shall be determined only on the basis of the percolation rate of the soil. The percolation rate shall be determined as outlined in Appendix A of the Tennessee Department of Public Health Bulletin, entitled "Recommended Construction of Large Septic Tank Disposal Systems for Schools, Factories and Institutions." This bulletin is available on request from the Department. No mobile home shall be placed over a soil absorption field.

In lieu of a public sewerage or septic tank system, an officially approved package treatment plant may be used. (1979 Code, sec. 5-512)

5-513. Refuse. The storage, collection, and disposal of refuse in the park shall be so managed as to create no health hazard. All refuse shall be stored in fly proof, water tight, and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least twice per week. (1979 Code, sec. 5-513)

5-514. Electricity. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space and shall be weatherproof and accessible to the parked mobile home. All electrical installations shall be in compliance with the electrical code adopted in title 4 of this code. (1979 Code, sec. 5-514)

5-515. Illumination. The park shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night.

(1) All parts of the park street system: 0.6 footcandle, with a minimum of 0.1 footcandle.

(2) Potentially hazardous locations, such as major street intersections and steps or stepped ramps; individually illuminated, with a minimum of 0.3 footcandle. (1979 Code, sec. 5-515)

5-516. Streets. Minimum pavement widths of various streets within mobile home parks shall be:

- (1) All streets, except minor streets 24 feet.
- (2) Minor streets, no parking 18 feet.

Streets shall have a gravel base consisting of size 25 (Grade D) stone compacted to six (6) inches and a paved surface of asphaltic concrete (hot mix) -- as specified in the Tennessee Department of Highways Standard Specifications for Road and Bridge Construction, 1968, section 411 -- compacted to one (1) inch with not less than an average weight of one hundred (100) pounds per square yard. (1979 Code, sec. 5-516)

5-517. Parking spaces. Car parking shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home lot. The size of the individual parking space shall have a minimum width of not less than ten (10) and length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park. (1979 Code, sec. 5-517)

5-518. Buffer strip. An evergreen buffer strip consisting of trees, shrub, or hedge which will grow up to a height of not less than ten (10) feet and be spaced not more than ten (10) feet apart shall be planted along all boundaries of the mobile home park. (1979 Code, sec. 5-518)

5-519. Playground. A playground with a minimum of three thousand (3,000) square feet, enclosed, by metal cyclone type fencing, shall be provided in each mobile home park. Three thousand (3,000) square feet of playground shall be provided for each ten (10) mobile home spaces available for rental. Where more than one space is required for a playground, the required area for the playground shall be contiguous. (1979 Code, sec. 5-519)

5-520. Travel trailer park. It shall be unlawful for any travel trailer to be occupied or serviced outside any properly designated travel trailer park. This provision shall not apply to the storage of travel trailers provided said trailer unit is neither temporarily or permanently occupied as a dwelling unit while within the city limits. (1979 Code, sec. 5-520)

5-521. Permit for travel trailer park. No place or site within said city shall be established or maintained by any person, group of persons, or corporation as a travel trailer park unless he holds a valid permit issued by the building inspector in the name of such person or persons for the specific travel

trailer park. The building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter. (1979 Code, sec. 5-521)

5-522. Inspections by building inspector or county health officer. The building inspector or county health officer is hereby authorized and directed to make inspections to determine the condition of travel trailer parks, in order that he may perform his duty of safeguarding the health and safety of the occupants of travel trailer parks and of the general public. The building inspector or county health officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the chapter. (1979 Code, § 5-522)

5-523. Length of occupancy. Travel trailer spaces shall be rented by the day or week only, and the occupant of such space will remain in the same travel trailer park not more than fourteen (14) days. (1979 Code, sec. 5-523)

5-524. Location. Travel trailer parks shall be located in districts as specified in the zoning ordinance¹ of the City of Moscow. (1979 Code, § 5-524)

5-525. Minimum size of travel trailer space. Each travel trailer space shall have a minimum width of thirty (30) feet and a minimum length of fifty (50) feet. (1979 Code, sec. 5-525)

5-526. Site planning improvement. Site planning improvement shall conform to the standards Established in Regulations VI - XX of the State Regulations Governing the Construction, Operation and Maintenance of Organized, Camps in Tennessee, as provided in Chapter 65, Public Acts of 1965. (1979 Code, sec. 5-526)

5-527. Operating without permit unlawful. It shall be unlawful for any person or persons to maintain or operate, within the corporate limits of said city, any mobile home park or travel trailer park unless such person or persons shall first obtain a permit therefor. (1979 Code, sec. 5-527)

5-528. Permit fees. An annual permit fee shall be required for mobile home parks and travel trailer parks. The annual permit fee for mobile home parks shall be fifteen (15) dollars for the first two (2) acres plus ten (10) dollars

¹See title 11 of this code.

for each additional acre. The annual permit fee for each travel trailer park shall be twenty-five (25) dollars. (1979 Code, sec. 5-528)

5-529. Application requirements for mobile home and travel trailer parks.¹ Applications for a mobile home park or travel trailer park shall be filed with and the permit issued by the building inspector subject to the planning commission's approval of the park plan. Applications shall be in writing and signed by the applicant and shall be accompanied with an approved plan of the proposed mobile home or travel trailer park. The plan shall contain the following information and conform to the following requirements:

- (1) The plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;
- (2) name and address of owner of record;
- (3) proposed name of park;
- (4) north point and graphic scale and date;
- (5) vicinity map showing location and acreage of mobile home park;
- (6) exact boundary lines of the tract by bearing and distance;
- (7) names of owners of record of adjoining land;
- (8) existing streets, utilities, easements, and water courses on and adjacent to the tract;
- (9) proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;
- (10) provisions for water supply, sewerage and drainage;
- (11) such information as may be required by said city to enable it to determine if the proposed park will comply with legal requirements; and
- (12) the applications and all accompanying plans and specifications shall be filed in triplicate.

Certificates that shall be required are: (1) owner's certification; (2) planning commission's approval signed by secretary; and (3) any other certificates deemed necessary by the planning commission. (1979 Code, sec. 5-529)

¹Note: Travel trailer parks, properly regulated, fit well into general commercial complexes in which a variety of complementary facilities are available. For example, nearby groceries, general stores, filling stations, coin operated laundries, and other services are often in demand by persons looking for travel trailer parks.

5-530. Enforcement. It shall be the duty of the county health officer and building inspector to enforce the provisions of this chapter. (1979 Code, sec. 5-530)

5-531. Appeals; board of appeals. The Moscow Board of Zoning Appeals shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision, or determination made by the building inspector in the enforcement of this chapter may appeal for and receive a hearing by the Moscow Board of Zoning Appeals for an interpretation of pertinent provisions. In exercising this power of interpretation of the chapter, the Moscow Board of Zoning Appeals may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision, or determination made by the building inspector. (1979 Code, sec. 5-531)

5-532. Appeals from board of appeals. Any person or persons or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the Moscow Board of Zoning Appeals may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee. (1979 Code, sec. 5-532)

TITLE 6

FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.

CHAPTER 1

MISCELLANEOUS

SECTION

6-101. Official depository for city funds.

6-101. Official depository for city funds. The Moscow Savings Bank of Moscow, Tennessee, is hereby designated as the official depository for all municipal funds. (1979 Code, sec. 6-101)

¹For additional provisions with respect to finance and taxation, see the charter, particularly Article IV. See also section 1.04, subsections (a)--(d).

CHAPTER 2

REAL PROPERTY TAXES

SECTION

6-201. When due and payable and delinquent.

6-202. Penalty and interest for delinquent taxes.

6-201. When due and payable and delinquent. Taxes levied by the City of Moscow against real property shall become due and payable and delinquent annually on the dates prescribed in the city's charter in section 4.14. (1979 Code, sec. 6-201)

6-202. Penalty and interest for delinquent taxes. All real property taxes becoming delinquent shall be subject to such penalties and interest as is authorized and prescribed in the city's charter in section 4.14. (1979 Code, sec. 6-202)

CHAPTER 3

PRIVILEGE TAXES

SECTION

6-301. Tax levied.

6-302. License required.

6-301. 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" (§§ 67-4-701 et seq., Tennessee Code Annotated) 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. (1969 Code, sec. 6-301)

6-302. 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 compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1979 Code, sec. 6-302)

CHAPTER 4

WHOLESALE BEER TAX

SECTION

6-401. To be collected.

6-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the City of Moscow of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in §§ 57-6-101 et seq., Tennessee Code Annotated. (1979 Code, sec. 6-401)

TITLE 7

FIRE PROTECTION, FIREWORKS AND EXPLOSIVES¹

CHAPTER

1. MISCELLANEOUS.
2. FIRE CODE.
3. FIRE DEPARTMENT.

CHAPTER 1

MISCELLANEOUS

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include all the property within the following boundaries:

- (1) Bounded, on the north by the Southern Railroad, on the south by State Highway 57, on the east by Charleston Street, and on the west by Memphis Street.
- (2) Abutting on both sides of State Highway 57. (1979 Code, sec. 7-101)

¹See title 4 in this code for the building, utility, and housing codes.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations.
- 7-208. Fireworks prohibited.

7-201. Fire code adopted. Pursuant to authority granted by sections 6-54-501 to 6-54-506, inclusive, Tennessee Code Annotated, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Fire Prevention Code,² 1976 edition, as recommended by the American Insurance Association is hereby adopted by reference and included herein as a part of this code. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, three (3) copies of said fire prevention code have been filed in the office of the 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. (1979 Code, sec. 7-201)

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. (1979 Code, sec. 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Moscow, Tennessee. (1979 Code, sec. 7-203)

7-204. Storage of explosives, flammable liquids, etc. The limits referred to in section 12.5b of the fire prevention code, in which storage of explosives and

¹See title 4 in this code for the building, utility, and housing codes.

²Copies of this code are available from the American Insurance Association, Engineering and Safety Service, 85 John Street, New York, New York 10038.

blasting agents is prohibited, are hereby declared to be the fire limits as set out in section 7-101 of this code.

The limits referred to in section 16.22a of the fire prevention code, in which storage of flammable liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits as set out in section 7-101 of this code.

The limits referred to in section 16.61 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in section 7-101 of this code.

The limits referred to in section 21.6a of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in section 7-101 of this code. (1979 Code, sec. 7-204)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the fire limits or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1979 Code, sec. 7-205)

7-206. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1979 Code, sec. 7-206)

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 mayor and aldermen 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. (1979 Code, sec. 7-207)

7-208. Fireworks prohibited.¹ (1) The sale or manufacture of any fireworks within the corporate limits of the City of Moscow, Tennessee, is prohibited.

(2) Definition. "Fireworks" shall be as defined in Fire Prevention Code, as recommended by the American Insurance Association.

(3) Violations. It shall be unlawful for any person or organization to violate any provision of this ordinance. Any violation may be punished by the penalty imposed under the general penalty clause for the city code, but such penalty shall not be held to prevent the enforced removal or injunction of prohibited conditions, sales, or manufacture. (1979 Code, sec. 7-208)

¹The provisions in this section were adopted without any indication as to where they should be placed in the municipal code. They have been placed here because of their subject matter.

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. Use of fire equipment outside corporate limits.
- 7-308. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the mayor shall appoint. (1979 Code, sec. 7-301)

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. (1979 Code, sec. 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of 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. (1979 Code, sec. 7-303)

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

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 once each month, and at the end of the year a detailed annual report shall be made. (1979 Code, sec. 7-304)

7-305. Tenure and compensation of members. All members of the fire department shall hold office so long as their conduct and efficiency are satisfactory to the mayor.

They shall receive such compensation for their services as the board may from time to time prescribe. (1979 Code, sec. 7-305)

7-306. Chief responsible for training. The chief of the fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1979 Code, sec. 7-306)

7-307. Use of fire equipment outside corporate limits.¹ Fire equipment may be used outside the corporate limits in the following circumstances:

(1) If the fire is on city-owned property, or in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger such city property.

(2) If the fire is on private property outside the corporate limits and, the owner or someone on his behalf guarantees payment to the city for use by the fire department of a fee of one hundred and fifty dollars (\$150.00). (1979 Code, sec. 7-307)

7-308. Chief to be assistant to state officer. Pursuant to requirements of section 68-17-108 of the Tennessee Code Annotated, the chief of the fire department is designated as an assistant to the state commissioner of insurance and banking and is subject to all the duties and obligations imposed by title 68 chapter 17 of said Tennessee Code Annotated, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1979 Code, sec. 7-308)

¹See section 1.04(q) of the charter.

TITLE 8

HEALTH AND SANITATION¹

CHAPTER

1. MISCELLANEOUS.
2. REFUSE.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.
5. REGULATION OF LITTER, HANDBILLS, JUNK AUTOMOBILES, ETC.

CHAPTER 1

MISCELLANEOUS

SECTION

- 8-101. Health officer.
- 8-102. Adulterated food, drugs and cosmetics.
- 8-103. Communicable diseases.
- 8-104. Smoke, soot, cinders, etc.
- 8-105. Stagnant water.
- 8-106. Weeds.
- 8-107. Dead animals.
- 8-108. Health and sanitation nuisances.
- 8-109. Junk yards.
- 8-110. Milk ordinance adopted by reference.

8-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the mayor shall appoint or designate to administer and, enforce health and sanitation regulations within the city. (1979 Code, sec. 8-101)

¹For specific health and, sanitation provisions elsewhere in this code with respect to the following, see the references indicated:

- (1) Animals and fowls, title 3.
- (2) Mobile homes and mobile home parks, title 5, chapter 5.
- (3) Toilet facilities in beer places, section 2-209(13).

For provisions in the charter relating to health and sanitation, see particularly section 1.04, subsections (i)--(m).

8-102. Adulterated food, drugs and cosmetics. It shall be unlawful and a violation of this section or any person to violate within the City of Moscow any provisions of the state food, drug, and cosmetic laws. (1979 Code, sec. 8-102)

8-103. Communicable diseases. When there exists or is suspected to exist in any household a communicable disease other than a venereal disease or a common childhood disease, it shall be the duty of any attending physician and the head or other responsible person in such household possessing knowledge of the facts immediately to notify the health officer. The health officer shall thereupon make such investigation and issue such quarantine orders as may reasonably be necessary to protect the public health. It shall be unlawful for any person to violate any such orders of the health officer. (1979 Code, sec. 8-103)

8-104. 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. (1979 Code, sec. 8-104)

8-105. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1979 Code, sec. 8-105)

8-106. 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 chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1979 Code, sec. 8-106)

8-107. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1979 Code, sec. 8-107)

8-108. 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. (1979 Code, sec. 8-108)

8-109. Junk yards.¹ 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 within 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 so built as that it will be impossible for stray cats and/or stray dogs to have access to such junk yards.

(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. (1979 Code, sec. 8-109)

8-110. Milk ordinance adopted by reference.² (1) The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for ultimate consumption within the City of Moscow or its police jurisdiction; the inspection of dairy herds, dairy farms, and milk plants; and the issuance and revocation of permits to milk producers, haulers, and distributors shall be regulated in accordance with the provisions of Part I of the Grade A pasteurized Milk Ordinance--1965 Recommendations of the United States Public Health Service,³ three (3) copies of which shall be filed in the office of the recorder; provided, that in Section 1, "Definitions," A, "Milk" - Milk shall be understood to contain not less than 8½ per cent milk solids-not-fat and not less than 3½ per cent milkfat and that "not less than 8¼ per cent milk solids-not-fat and not less than ¾ per cent milkfat"

¹The 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 1961 case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S. W. 2d 818.

²The provisions in this section are taken substantially from the model ordinance prepared and distributed by the Tennessee Department of Public Health.

³This ordinance is Public Health Service Publication No. 229 and is for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C., 20402. Price \$3.50.

shall be deleted; D - "Reconstituted or Recombined Milk and Milk Products" and, I - "Fortified milk and Milk Products" shall be deleted; 0 - "Milk Products"--It shall be understood that "cottage cheese" and "creamed cottage cheese" have been added to this definition as defined in footnote No. four and that "modified skim milk," "modified flavored skim milk drink," and "modified cultured buttermilk" as defined in the Tennessee Dairy Laws are included in this definition; provided further, that in Section 3, the paragraph beginning with the words, "Upon written application of any person whose permit has been suspended," shall be deleted in its entirety, and any reference elsewhere in this ordinance dealing with hearings before a permit can be suspended is also deleted; provided further, that the last sentence in the first paragraph of Section 5 shall read "Any violation of the same requirement of Section 7 on such reinspection shall call for permit suspension in accordance with Section 3 as amended, and/or court action"; provided further, that Sections 9, 16, and 17 of said unabridged ordinance shall be replaced respectively by subsections (2), (3), and (4) below.

(2) From and after the date on which this ordinance is adopted, only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded."

(3) Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$50.00, and/or such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

(4) All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon its adoption as provided for by law. (1979 Code, sec. 8-110)

CHAPTER 2

REFUSE

SECTION

- 8-201. Refuse defined.
- 8-202. Premises to be kept clean.
- 3-203. Storage.
- 9-204. Location of containers.
- 8-205. Disturbing containers.
- 3-206. Collection.
- 8-207. Collection vehicles.
- 8-208. Disposal.
- 8-209. Refuse collection rates.

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. (1979 Code, sec. 8-201)

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. (1979 Code, sec. 8-202)

3-203. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the City of Moscow, 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, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the city handles mechanically. Furthermore, except for containers which the city handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. (1979 Code, sec. 8-203)

8-204. Location of containers. Where alleys are used by the city's 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 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 the 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. (1979 Code, sec. 8-204)

8-205. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any 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. (1979 Code, sec. 8-205)

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 mayor shall designate. Collection shall be made regularly in accordance with an announced schedule. (1979 Code, sec. 8-206)

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 into 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. (1979 Code, sec. 8-207)

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. (1979 Code, sec. 8-208)

8-209. Refuse collection rates. The schedule of monthly rates for collection, removal, and disposal of refuse for residential, light commercial, and heavy commercial based on twice per week service are:

| <u>Service Classification</u> | <u>Monthly Charge</u> |
|--|-----------------------|
| RESIDENTIAL | \$ 5.00 |
| LIGHT COMMERCIAL- Volume is equivalent to residential; each additional day of collection per week is an additional monthly charge of \$2.25. | \$ 4.50 |

HEAVY COMMERCIAL- All volume \$15.00
above light commercial; each
additional day of collection
per week is an additional
monthly charge of \$7.50.

All refuse bills become delinquent on the 10th of each month and service shall be discontinued if the bill is not paid within thirty (30) days from the date of delinquency.

The rates as herein prescribed shall become effective upon June 15, 1980.
(1979 Code, sec. 8-209)

CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 8-301. Definitions.
- 8-302. Places required to have sanitary disposal methods.
- 8-303. When a connection to the public sewer is required.
- 8-304. When a septic tank shall be used.
- 8-305. Registration and records of septic tank cleaners, etc.
- 8-306. Use of pit privy or other method of disposal.
- 8-307. Approval and permit required for septic tanks, privies, etc.
- 8-308. Owner to provide disposal facilities.
- 8-309. Occupant to maintain disposal facilities.
- 8-310. Only specified methods of disposal to be used.
- 8-311. Discharge into watercourses restricted.
- 8-312. Pollution of ground water prohibited.
- 8-313. Enforcement of chapter.
- 8-314. Carnivals, circuses, etc.
- 8-315. Violations.

8-301. Definitions. The following definitions shall apply in the interpretation of this chapter.

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(3) "Human excrete." The bowel and kidney discharges of human beings.

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(5) "Approved septic tank system." A water-tight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to

¹The regulations in this chapter governing the disposal of sewage and human excreta are recommended by the Tennessee Department of Public Health for adoption by cities in the interest of public health.

See title 4 of this code for plumbing regulations and title 13 for provisions relating to the administration and operation of the sewer system.

plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Public Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground, water supply will be prevented.

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1979 Code, sec. 8-301)

8-302. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excrete. (1979 Code, sec. 8-302)

8-303. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system on any lot or premise accessible to the sewer no other method, of sewage disposal shall be employed. (1979 Code, sec. 8-303)

8-304. When a septic tank shall be used. Wherever water-carried sewage facilities are installed, and their use is permitted by the health officer, and an

accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1979 Code, sec. 8-304)

8-305. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1979 Code, sec. 8-305)

8-306. Use of pit privy or other method of disposal. Wherever a sanitary method of human excrete disposal is required under section 8-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1979 Code, sec. 8-306)

8-307. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility requiring the approval of the health officer under this chapter shall, before the initiation of construction, obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1979 Code, sec. 8-307)

8-308. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by section 8-302, or the agent of the owner, to provide such facilities. (1979 Code, sec. 8-308)

8-309. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1979 Code, sec. 8-309)

8-310 Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of

except by a sanitary method of disposal as specified in this chapter. (1979 Code, sec. 8-310)

8-311. Discharge into watercourses restricted. No sewage or excrete shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1979 Code, sec. 8-311)

8-312. Pollution of ground water prohibited. No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1979 Code, sec. 8-312)

8-313. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1979 Code, sec. 8-313)

8-314. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits, such groups of transients shall provide a sanitary method for disposal of sewage and human excrete. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1979 Code, sec. 8-314)

8-315. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1979 Code, sec. 8-315)

CHAPTER 4

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 8-401. Definitions.
- 8-402. Regulated.
- 8-403. Statement required.
- 8-404. Violations.

8-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The water works system furnishing water to the City of Moscow 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 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 ineffective check or back pressure 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) "By-pass." Any system of piping or other arrangement whereby the water may be diverted, around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which normally contains sewage or other waste or liquid which would be capable of importing 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. (1979 Code, sec. 8-401)

¹The regulations in this chapter are recommended by the Tennessee Department of Public Health for adoption by cities.

See title 4 for the plumbing code and title 13 for provisions providing for the administration of the water and sewer systems.

8-402. Regulated. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or interconnection 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, by-pass, or interconnection is at all times under the direct supervision of the superintendent of the water works of the city of Moscow. (1979 Code, sec. 8-402)

8-403. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply, or stores water in an uncovered or insanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the water works a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or interconnection will be permitted upon the premises until the construction and operation of same have received the approval of the Tennessee Department of Public Health, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the water works. (1979 Code, sec. 8-403)

8-403. Violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the water works. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the water works shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been discontinued. (1979 Code, sec. 8-404)

CHAPTER 5

REGULATION OF LITTER, HANDBILLS, AND JUNK AUTOMOBILES
ETC.

SECTION

- 8-501. Definitions.
- 8-502. Litter in public places.
- 8-503. Placement of litter in receptacle so as to prevent scattering.
- 8-504. Sweeping litter into streets, etc., prohibited; premises to be kept clean.
- 8-505. Litter thrown by persons in vehicles.
- 8-506. Truck loads causing litter.
- 8-507. Litter in parks.
- 8-508. Littering bodies of water prohibited.
- 8-509. Throwing or distributing handbills in public places.
- 8-510. Placing handbills on vehicles.
- 8-511. Depositing handbills on uninhabited or vacant premises.
- 8-512. Distribution of handbills where properly posted prohibited.
- 8-513. Distributing handbills at inhabited private premises.
- 8-514. Dropping litter from aircraft.
- 8-515. Posting notices prohibited.
- 8-516. Litter on occupied private property.
- 8-517. Owner to maintain premises free of litter.
- 8-518. Burning in streets, etc.
- 8-519. Burning on city's dumping ground.
- 8-520. Accumulation of junk automobiles prohibited.
- 8-521. Litter on vacant lots and clearing of litter from open private property by city.

8-501. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Aircraft" is any contrivance now known or hereafter invented used or designated for navigation and for flight in the air. The word "aircraft" shall include helicopters, lighter-than-air dirigibles, and balloons.

(2) "Authorized private receptacle" is a litter storage and collection receptacle as required and authorized in the municipal code.

(3) "City" is the City of Moscow, Tennessee.

(4) "Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature.

(5) "Garbage" is putrescible animal and vegetable waste resulting from the transporting, handling, preparing, cooking, and consuming of food.

(6) "Litter" is "garbage," "refuse," and "rubbish" as defined herein and all other waste material which is thrown or deposited as herein prohibited.

(7) "Newspaper" is any newspaper of general circulation, or any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed, and recorded with any recording officer as provided by general law; and in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

(8) "Non-commercial handbill" is any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(9) "Park" is a public park, reservation, playground, recreation center, or any other public area in the city, and the buildings and structures thereon owned or used by the city and devoted to active, inactive, or passive recreation.

(10) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

(11) "Private premises" is any privately owned parcel of land, dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited temporarily or continuously, and whether uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such land, dwelling, house, building, or other structure.

(12) "Public place" is any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, grounds and buildings, and commons.

(13) "Refuse" is all organic and inorganic waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned or junk automobiles, other junk, and market and industrial waste.

(14) "Rubbish" is nonputrescible waste consisting of both combustible and non-combustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

(15) "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a public way, including devices used exclusively upon stationary rails or tracks. (1979 Code, sec. 8-501)

8-502. Litter in public places. No person shall throw or deposit litter in or upon any street, sidewalk, or other public places such as drive-in eating establishments within the city except in public receptacles, in authorized private receptacles for collection, or in official city dumps, except as may be permitted by the health officer. (1979 Code, sec. 8-502)

8-503. Placement of litter in receptacles so as to prevent scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried, or deposited by the elements upon any street, sidewalk, or other public place or upon private property. Private receptacles shall be made secure from overturning and scattering of their contents by dogs or other animals. (1979 Code, sec. 8-503)

8-504. Sweeping litter into streets, etc., prohibited; premises to be kept clean. No person shall sweep into or deposit in any gutters, street, or other public place within the city the accumulation of litter from any building or lot or from any private sidewalk or driveway. Persons owning or occupying any property or place of business shall keep the sidewalks and parkway in front of their premises free of litter. (1979 Code, sec. 8-504)

8-505. Litter thrown by persons in vehicles. No person, while a driver or a passenger in a vehicle, shall throw or deposit litter upon any street, alley, road, public way, or other public place within the city, or upon private property. (1979 Code, sec. 8-505)

8-506. Truck loads causing litter. No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley, or other public place any mud, dirt, sticky substances, litter, or foreign matter of any kind. (1979 Code, sec. 8-506)

8-507. Litter in parks. No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (1979 Code, sec. 8-507)

8-508. Littering bodies of water prohibited. No person shall throw or deposit litter in any fountain, pond, lake, river, stream, or any other body of water anywhere within the city. (1979 Code, sec. 8-508)

8-509. Throwing or distributing handbills in public places. No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street, public way, or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. (1979 Code, sec. 8-509)

8-510. Placing handbills on vehicles. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. (1979 Code, sec. 8-510)

8-511. Depositing handbills on uninhabited or vacant premises. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (1979 Code, sec. 8-511)

8-512. Distribution of handbills where properly posted prohibited. No person shall throw, deposit, or distribute any commercial or non-commercial handbill upon any private premises if requested by the owner, occupant, or agent thereof not to do so, or if there is placed on said premises a sign bearing the words "No Trespassing", "No Peddlers or Agents", "No Advertisements," or any similar notice, indicating in any manner that the owner, occupant, or agent thereof of said premises does not desire to be molested or have his right of privacy disturbed, or to have any such handbills left upon such premises. (1979 Code, sec. 8-512)

8-513. Distributing handbills at inhabited private premises. No person shall throw, deposit, or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited except by handing or transmitting any such handbill directly to the owner, occupant, or agent then present in or upon such private premises with permission to do so. Provided, however, that in case of inhabited private premises which are not posted as provided in this chapter, such person may place or deposit any such handbill in or upon such inhabited private premises unless requested, not to do so; and provided such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifting about such premises or sidewalks, streets, or other public places, and further provided that mailboxes may not be so used when so prohibited by Federal postal laws or regulations.

The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. (1979 Code, sec. 8-513)

8-514. Dropping litter from aircraft. No person in an aircraft shall throw out, drop, or deposit within the city any litter, handbill, or any other object. (1979 Code, sec. 8-514)

8-515. Posting notices prohibited. No person shall post or affix any notice, poster, or other paper or device calculated to attract attention of the public, to any lamp post, public utility pole, or shade trees, or upon any public structure or building, except as may be authorized or permitted by law. When permitted, these signs must be removed by the person putting them up after their period of usefulness is over. (1979 Code, sec. 8-515)

8-516. Litter on occupied private property. No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried, or deposited by the elements upon any street, sidewalk, other public place, or upon any private property. (1979 Code, sec. 8-516)

8-517. Owner to maintain premise free of litter. The owner, occupant, or person in control of any private property or business property shall at all times maintain the premises free of litter. (1979 Code, sec. 8-517)

8-518. Burning in streets, etc. It shall be unlawful for any person to build or maintain a fire or fires or to burn or cause to be burned any leaves, grass, paper, trash, or any other kind of litter or rubbish on any sidewalk, roadway, street, or public right of way within the City of Moscow, including drainage ditches and shoulders of the road or street. (1979 Code, sec. 8-518)

8-519. Burning on city's dumping grounds. It shall be unlawful for any person to set fire to or burn any papers, trash, or garbage deposited upon the dumping grounds used by the city for the depositing or dumping of such trash or garbage collected by the city without the permission of the health officer. (1979 Code, sec. 8-519)

8-520. Accumulation of junk automobiles prohibited. It shall be unlawful for any person to permit, suffer, or allow the accumulation of any old, abandoned, or worthless automobiles or parts thereof upon any private property or vacant lots owned, occupied, or under the control of such person, and the same is hereby declared a nuisance. The owner and/or occupant of such lot or private property shall not be penalized if, within five (5) days after being notified of the same, he or they remove the offending conditions. Failure to comply with such notice within five days shall be a misdemeanor.

If the occupant of a premises is a tenant, however, and is not responsible for the accumulation of old, abandoned, or worthless automobiles, etc., on the premises, he may absolve himself of responsibility by notifying the owner that such conditions exist. It will then become the owner's sole responsibility to see that such conditions are removed. (1979 Code, sec. 8-520)

8-521. Litter on vacant lots and cleaning of litter from open private property by city. No person shall throw or deposit litter on any open or vacant private property within the city without the approval of the board of mayor and aldermen and, if the person wishing to deposit the litter does not own the property, the permission of the owner.

(1) Notice to remove. The health officer of the city is hereby authorized to notify the owner of any open or vacant private property within the city, or the agent of such owner, properly to dispose of litter located on such owner's property. Such notice shall be by registered mail addressed to said owner at his last known address.

(2) Action upon non-compliance. Upon the failure, neglect, or refusal of any owner or agent so notified, properly to dispose of litter within thirty (30) days after receipt of written notice provided for in sub-section (1), or within sixty (60) days after the date of such notice in the event the same is returned to the city by the postal authorities because of its inability to make delivery thereof, the health officer is hereby authorized to pay for the disposing of such litter or to order its disposal by the city.

(3) Charge for removal. When the city has effected the removal of such litter or has paid for its removal, the actual cost thereof plus accrued interest at the rate of six per cent (6%) per annum from the date of the completion of the removal shall be charged to the owner of such property. (1979 Code, sec. 8-521)

TITLE 9

MOTOR VEHICLES AND TRAFFIC¹

CHAPTER

1. MISCELLANEOUS.
2. SPEED LIMITS.
3. TURNING MOVEMENTS.
4. STOPPING AND YIELDING.
5. PARKING.
6. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. Motor vehicle requirements.
- 9-102. Authorized emergency vehicles defined.
- 9-103. Operation of authorized emergency vehicles.
- 9-104. Following emergency vehicles.
- 9-105. Running over fire hoses, etc.
- 9-106. Driving on streets closed for repairs, etc.
- 9-107. Reckless driving.
- 9-108. Prohibiting the operation of three-wheel and/or other off-road, all-terrain type motor vehicles on the city streets.
- 9-109. Unlaned streets.
- 9-110. Laned streets.
- 9-111. Yellow lines.
- 9-112. Miscellaneous traffic-control signs, etc.
- 9-113. General requirements for traffic-control signs, etc.
- 9-114. Unauthorized traffic-control signs, etc.
- 9-115. Presumption with respect to traffic-control signs, etc.
- 9-116. School safety patrols.
- 9-117. Driving through funerals or other processions.
- 9-118. Damaging pavements.

¹For provision prohibiting littering streets from automobiles, see title 8, Chapter 5.

For provisions relating to obstructions and/or excavations in public streets, alleys, sidewalks, and rights of way see title 12 in this code.

- 9-119. Clinging to vehicles in motion.
- 9-120. Riding on outside of vehicles.
- 9-121. Backing vehicles.
- 9-122. Projections from the rear of vehicles.
- 9-123. Causing unnecessary noise.
- 9-124. Vehicles and operators to be licensed.
- 9-125. Passing.
- 9-126. Bicycle riders, etc.

9-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by §§ 55-9-201 et seq., of the Tennessee Code Annotated. (1979 Code, sec. 9-101)

9-102. Authorized emergency vehicles defined. Authorized emergency vehicles shall be the department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1979 Code, sec. 9-102)

9-103. Operation of authorized emergency vehicles.¹ (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 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police

¹See section 9-401 in this code for provisions with respect to the operation of other vehicles upon the approach of emergency vehicles.

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 provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1979 Code, sec. 9-103)

9-104. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred (500) feet or drive or park any vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1979 Code, sec. 9-104)

9-105. 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. (1979 Code, sec. 9-105)

9-106. 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. (1979 Code, sec. 9-106)

9-107. 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. (1979 Code, sec. 9-107)

9-108. Prohibiting the operation of three-wheel and/or other off-road, all-terrain type motor vehicles on the city streets. The operation of unregistered three-wheel and/or other off-road, all-terrain type motor vehicles on the city streets of Moscow, Tennessee is prohibited.

(1) Definition. Any motor-vehicle primarily intended for off-road, or all-terrain use and which are not registered, or subject to registration under provision of the "Tennessee Motor Vehicle Title and Registration Law" for on street use.

(2) Violation. It shall be unlawful for any person to violated any provision of this section. Any violation may be punished by the penalty imposed by the general penalty clause for the city code. (Ord. # 9-84)

9-109. 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.

(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. (1979 Code, sec. 9-109)

9-110. 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. (1979 Code, sec. 9-110)

9-111. 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. (1979 Code, sec. 9-111)

9-112. Miscellaneous traffic-control signs, etc.¹ 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 willfully to violate or fail to comply with the reasonable directions of any police officer. (1979 Code, sec. 9-112)

9-113. 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

¹See also sections 9-405--9-409 in this code.

Highways,¹ published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive. (1979 Code, sec. 9-113)

9-114. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1979 Code, sec. 9-114)

9-115. 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 authority. All presently installed traffic-control signs, signals, markings, and devices are hereby expressly authorized, ratified, approved, and made official. (1979 Code, sec. 9-115)

9-116. 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. (1979 Code, sec. 9-116)

9-117. 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. (1979 Code, sec. 9-117)

9-118. Damaging pavements. No person shall operate or cause to be operated upon any street of the city any vehicle, motor propelled or otherwise,

¹This manual costs three dollars and fifty cents (\$3.50) and may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402.

which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1979 Code, sec. 9-118)

9-119. 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, or other public way or place. (1979 Code, sec. 9-119)

9-120. 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. (1979 Code, sec. 9-120)

9-121. 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. (1979 Code, sec. 9-121)

9-122. 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 ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) 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. (1979 Code, sec. 9-122)

9-123. 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. (1979 Code, sec. 9-123)

9-124. 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." (1979 Code, sec. 9-124)

9-125. 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. (1979 Code, sec. 9-125)

9-126. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

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

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

Every motorcycle or 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 any such motorcycle or motor driven cycle shall be required to wear safety goggles 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.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1979 Code, sec. 9-126)

CHAPTER 2

SPEED LIMITS

SECTION

9-201. In general.

9-202. At intersections.

9-203. In school zones.

9-204. In congested areas.

9-201. 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 forty (40) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1979 Code, sec. 9-201)

9-202. 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. (1979 Code, sec. 9-202)

9-203. In school zones. Generally, pursuant to section 55-8-153, Tennessee Code Annotated, special speed limits in school zones 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.

When 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. (1979 Code, sec. 9-203)

9-204. 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. (1979 Code, sec. 9-204)

CHAPTER 3

TURNING MOVEMENTS

SECTION

9-301. Generally.

9-302. Right turns.

9-303. Left turns on two-way roadways.

9-304. Left turns on other than two-way roadways.

9-305. U-turns.

9-301. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1979 Code, sec. 9-301)

9-302. Right turns. Both the approach for a right turn and a right turn shall be made as closely as practicable to the right hand curb or edge of the roadway. (1979 Code, sec. 9-302)

9-303. 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. (1979 Code, sec. 9-303)

9-304. 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. (1979 Code, sec. 9-304)

9-305. U-turns. U-turns are prohibited. (1979 Code, sec. 9-305)

¹See section 55-8-143, Tennessee Code Annotated.

CHAPTER 4

STOPPING AND YIELDING

SECTION

- 9-401. Upon approach of authorized emergency vehicles.
- 9-402. When emerging from alleys, etc.
- 9-403. To prevent obstructing an intersection.
- 9-404. At railroad crossings.
- 9-405. At "stop" signs.
- 9-406. At "yield" signs.
- 9-407. At traffic-control signals generally.
- 9-408. At flashing traffic-control signals.
- 9-409. Stops to be signaled.

9-401. Upon approach of authorized emergency vehicles. Upon the immediate approach of an authorized emergency vehicle¹ making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1979 Code, sec. 9-401)

9-402. 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. (1979 Code, sec. 9-402)

9-403. To prevent obstructing an intersection. No driver shall enter any intersection or marked cross walk unless there is sufficient space on the other side of such intersection or cross walk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or cross walk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1979 Code, sec. 9-403)

¹See section 9-102 in this code for definition of "authorized emergency vehicle."

9-404. 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. (1979 Code, sec. 9-404)

9-405. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the cross walk on the near side of the intersection or, if there is no cross walk, then immediately before entering the intersection and shall remain standing until he can proceed through the intersection in safety. (1979 Code, sec. 9-405)

9-406. 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. (1979 Code, sec. 9-406)

9-407. 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 cross walk 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.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

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

(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.

(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. (1979 Code, sec. 9-407)

9-408. At flashing traffic-control signals. (1) Whenever an illuminate flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. (2) This section shall not apply at railroad grade crossings. Conduct of drivers of

vehicles approaching railroad grade crossings shall be governed by the rules set forth in section 9-404 of this code. (1969 Code, sec. 9-408)

9-409. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1979 Code, sec. 9-409)

¹See section 55-8-143, Tennessee Code Annotated.

CHAPTER 5

PARKING

SECTION

- 9-501. Generally.
- 9-502. Angle parking.
- 9-503. Occupancy of more than one space.
- 9-504. Where prohibited.
- 9-505. Loading and unloading zones.
- 9-506. Presumption with respect to illegal parking.

9-501. 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 the City of Moscow 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. Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 a.m. and 5:00 a.m. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

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. (1979 Code, sec. 9-501)

9-502. 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 angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1979 Code, sec. 9-502)

9-503. 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. (1979 Code, sec. 9-503)

9-504 Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or 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 cross walk.
- (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. (1979 Code, sec. 9-504)

9-505. 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. (1979 Code, sec. 9-505)

9-506. 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. (1979 Code, sec. 9-506)

CHAPTER 6

ENFORCEMENT

SECTION

- 9-601. Issuance of traffic citations.
- 9-602. Failure to obey citation.
- 9-603. Illegal parking.
- 9-604. Impoundment of vehicles.
- 9-605. Disposal of "abandoned motor vehicles."

9-601. 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. (1979 Code, sec. 9-601)

9-602. 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. (1979 Code, sec. 9-602)

9-603. 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. (1979 Code, sec. 9-603)

9-604. 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. (1979 Code, 9-604)

9-605. Disposal of "abandoned motor vehicles." "Abandoned motor vehicles" as defined in section 55-16-103, Tennessee Code Annotated, shall be impounded and disposed of by the Police department in accordance with the provisions of sections 55-16-103 through 55-16-109, Tennessee Code Annotated. (1979 Code, sec. 9-605)

TITLE 10

OFFENSES--MISCELLANEOUS¹

CHAPTER

1. GENERALLY.
2. ENUMERATED.

CHAPTER 1

GENERALLY

SECTION

10-101. Misdemeanors of the state adopted.

10-101. Misdemeanors of the state² adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the Common Law to be misdemeanors are hereby designated and declared to be offenses against the City of Moscow also. Any violation of any such law within the corporate limits is also a violation of this section. (1979 Code, sec. 10-101)

¹For offenses relating to animals and fowls, see title 3 in this code; for offenses relating to fireworks, etc., see the fire code adopted in title 7; 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.

²See sections 39-1-103 and 39-1-104 of the Tennessee Code Annotated for definition of "misdemeanor."

CHAPTER 2

ENUMERATED

SECTION

- 10-201. Assault and battery.
- 10-202. Disturbing the peace.
- 10-203. Disorderly houses.
- 10-204. Immoral conduct.
- 10-205. Obscene literature, etc.
- 10-206. Indecent or improper exposure or dress.
- 10-207. Window peeping.
- 10-208. Profanity, etc.
- 10-209. Escape from custody or confinement.
- 10-210. Resisting or interfering with city personnel.
- 10-211. Impersonating a government officer or employee.
- 10-212. Weapons and firearms generally.
- 10-213. Air rifles, etc.
- 10-214. Throwing of missiles.
- 10-215. Gambling.
- 10-216. Promotion of gambling.
- 10-217. False emergency alarms.
- 10-218. Loitering.
- 10-219. Prowling.
- 10-220. Vagrancy.
- 10-221. Trespassing on trains.
- 10-222. Minors in beer places.
- 10-223. Abandoned refrigerators, etc.
- 10-224. Curfew for minors.
- 10-225. Malicious mischief.
- 10-226. Trespassing.
- 10-227. Public drunkenness.
- 10-228. Drinking beer, etc., on streets, etc.
- 10-229. Coercing people not to work.
- 10-230. Caves, wells, cisterns, etc.
- 10-231. Interference with traffic.
- 10-232. Anti-noise regulations.
- 10-233. Fortune telling, etc.
- 10-234. Wearing masks.

10-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (1979 Code, sec. 10-201)

10-202. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1979 Code, sec. 10-202)

10-203. 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 knowingly to visit any such house for the purpose of engaging in such activities. (1979 Code, sec. 10-203)

10-204 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. (1979 Code, sec. 10-204)

10-205. Obscene literature, etc. it shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of lending, selling, or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed, or filmed matter containing obscene language, prints, pictures, or descriptions manifestly intended to corrupt the morals. (1979 Code, sec. 10-205)

10-206. Indecent or improper exposure or dress. It shall be unlawful for any person to appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or otherwise to make any indecent exposure of his or her person. (1979 Code, sec. 10-206)

10-207. 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. (1979 Code, sec. 10-207)

10-208. 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. (1979 Code, sec. 10-208)

10-209. 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. (1979 Code, sec. 10-209)

10-210. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to 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. (1979 Code, sec. 10-210)

10-211. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1979 Code, sec. 10-211)

10-212. 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. (1979 Code, sec. 10-212)

10-913. 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. (1979 Code, sec. 10-213)

10-214. Throwing of missiles. It shall be unlawful for any person to throw maliciously 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. (1979 Code, sec. 10-214)

10-215. Gambling. it shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (1979 Code, sec. 10-215)

10-216. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (1979 Code, sec. 10-216)

10-217. False emergency alarms. It shall be unlawful for any person intentionally to 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. (1979 Code, sec. 10-217)

10-218. Loitering. It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, or idle in, upon, or about any way or place customarily open to public use. (1979 Code, sec. 10-218)

10-219. 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 night, between the hours of midnight and 6:00 A.M., without any visible or lawful business and when unable to give a satisfactory account of himself. (1979 Code, sec. 10-219)

10-220. Vagrancy. It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, willfully to neglect to apply himself to some honest occupation. (1979 Code, sec. 10-220)

10-221. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or 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. (1979 Code, sec. 10-221)

10-222. Minors in beer places. No person under eighteen (18) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1979 Code, sec. 10-222)

10-223. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1979 Code, sec. 10-223)

10-224. Curfew for minors. It shall be unlawful for any person under the age of eighteen (18) years to be abroad at night between 11:00 p.m. and 5:00 a.m. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1979 Code, sec. 10-224)

10-225. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper remove, or withhold real or personal property which does not belong to him. (1979 Code, sec. 10-125)

10-226. 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 leave promptly the private premises of any person who requests or directs him to leave. (1979 Code, sec. 10-226)

10-227. Public drunkenness. (See the Tennessee Code Annotated, sections 39-17-310, et seq.; see also title 33, ch. 8) (1979 Code, sec. 10-227)

10-228. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park,

public school ground, or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1979 Code, sec. 10-228)

10-229. 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. (1979 Code, sec. 10-229)

10-230. 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. (1979 Code, sec. 10-230)

10-231. 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 unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1979 Code, sec. 10-231)

10-232. 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, truck, 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 ampli-

fication 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, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper 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 week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the process of the work.

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

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

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, 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. (1979 Code, sec. 10-232)

10-233. 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. (1979 Code, sec. 10-233)

10-234. 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 ten (10) years.
- (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 leaving a special permit issued by the city recorder to wear a traditional holiday costume. (1979 Code, sec. 10-234)

TITLE 11

PLANNING AND ZONING

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. GENERAL ZONING PROVISIONS.
3. ESTABLISHMENT OF DISTRICTS.
4. PROVISIONS GOVERNING RESIDENTIAL DISTRICTS.
5. PROVISIONS GOVERNING BUSINESS DISTRICTS.
6. PROVISIONS GOVERNING INDUSTRIAL DISTRICTS.
7. ENFORCEMENT.
8. BOARD OF ZONING APPEALS.
9. 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 mayor and aldermen selected by the board of mayor and aldermen; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members 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. (1979 Code, sec. 11-101)

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 title 13 of the Tennessee Code Annotated. (1979 Code, sec. 11-102)

11-103. Additional powers.¹ Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1979 Code, § 11-103)

¹To make this section effective the city should request the State Planning Office, under authority granted by section 13-3-102 of the Tennessee Code Annotated, to designate the municipal planning commission as a regional planning commission.

CHAPTER 2

GENERAL ZONING PROVISIONS¹

SECTION

- 11-201. Title.
- 11-202. Purpose.
- 11-203. Definitions.
- 11-204. General provisions.
- 11-205. Non-conformities.
- 11-206. Only one principal building on any lot.
- 11-207. Reduction in lot area prohibited.
- 11-208. Required yard cannot be used by another building.
- 11-209. Rear yard abutting a public street.
- 11-210. Obstruction to vision at street intersection prohibited.
- 11-211. Off-street automobile storage.
- 11-212. Off-street loading and unloading space.
- 11-213. Access control.
- 11-214. Lot of record.
- 11-215. Front yards.
- 11-216. Group housing project.

11-201. Title. Chapter 2 through 9 of this title shall be known and may be cited as the zoning ordinance of Moscow, Tennessee, and the map herein referred to which is identified by the title, "Official Zoning Map, Moscow, Tennessee," and all explanatory matters thereon are hereby adopted and made a part of chapters 2 through 9 of this title. The official zoning map shall be located in the city hall and shall be identified by the signature of the mayor attested by the recorder. The official zoning map may be amended under the procedures set forth in chapter 9 of this title, provided, however, that no amendment of the official zoning map shall become effective until after such

¹The zoning provisions set out in this title in chapters 2 through 9 are taken from ordinance 54, which was passed on final reading August 4, 1975, and which took effect fifteen days after that date. One catchline has been added and others slightly changed. Some of the sections and subsections have been renumbered. Otherwise, only such minor changes in the wording as necessary to adapt the zoning ordinance to this code have been made. It is the intention of the board in adopting chapters 2 through 9 herein to continue in effect the provisions of the above-referred-to zoning ordinance. It is expressly not the intention of the board hereby to enact any new zoning regulations.

change and entry has been made on said map and signed by the mayor and attested, by the recorder. (1979 Code, sec. 11-201)

11-202. 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 transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (1979 Code, sec. 11-202)

11-203. Definitions. Unless otherwise stated the following words shall, for the purpose of chapters 2 through 9 of this title have the meaning herein 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, twenty (20) feet or less in width.

(2) "Building." Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, bill-boards, signs, and similar structures whether stationary or movable.

(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. Swimming pools shall be considered accessory buildings in residential districts.

(3) "Dwelling, single-family." A detached residential dwelling unit other than a mobile home designed for and occupied by one family only.

(a) "Dwelling, multiple-family." A residential building designed for or occupied by not less than two nor more than four families, with the number of families in residence not exceeding the number of dwelling units provided.

(b) "Apartments." A residential building designed for or occupied by five or more families, with the number of families in residence not exceeding the number of dwelling units provided.

(c) "Townhouse." A building consisting of a series of three or more attached dwelling units with separate entrance.

(4) "Dwelling unit." One room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

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

(6) "Lot." A piece, parcel, or plot of land in one ownership, which may include one (1) or more lots of record, occupied or to be occupied by buildings and accessory buildings and including the open spaces required under chapters 2 through 9 of this title. All lots shall front on and have access to a street.

(a) "Lot line." The boundary dividing a given lot from a street, an alley, or adjacent lots.

(b) "Lot of record." A lot the boundaries of which are filed as a legal record.

(7) "Mobile home." A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks and other temporary or permanent foundations, connection to utilities, and the like. The character of a mobile home as a non-permanent dwelling shall not be changed in the view of chapters 2 through 9 of this title by removal of the wheels and/or carriage or placement on a permanent foundation.

A travel trailer is not to be considered as a mobile home.

(a) "Independent mobile home." A mobile home equipped with interior toilet and bathing facilities and fixtures for connection to such facilities to permanent water supply and sewage collection systems.

(b) "Travel trailer."

(8) "Nonconforming use." A use of a building or of land lawful at the time of the enactment of the provisions of chapters 2 through 9 of this title¹ that

¹Ordinance 54, from which the provisions of chapters 2 through 9 of this title were derived, was passed on final reading August 4, 1975, and provided that its provisions would be in effect fifteen days after passage.

does not conform with the provisions of those chapters for the district in which it is located.

(9) "Nonconforming structure." A structure which was lawfully constructed prior to enactment or amendment of the provisions of chapters 2 through 9 of this title that does not conform with the provisions of those chapters for the district in which it is located.

(10) "Store." 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 other than for a janitor or domestic employee shall not be counted as a story.

(11) "Street." Any public or private way set aside for public travel twenty-one (21) feet or more in width. The word "street" shall include the words "road," "highway," and "thoroughfare."

(12) "Total floor area." The area of all floors of a building including finished attic, finished basements, and covered porches.

(13) "Yard." A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

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

(14) "Clinic." A facility for the examination and treatment of ill an afflicted human out-patients; provided, however, that patients are not kept overnight except under emergency conditions. This includes doctor and dental offices.

(15) "Mobile home park." Any plot of ground upon which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation. (1979 Code, sec. 11-203)

11-204. General provisions. For the purpose of chapters 2 through 9 of this title, there shall be certain general provisions which shall apply to the city as a whole as follows. (1979 Code, sec. 11-204)

11-205. Non-conformities. (1) When in the districts established by chapters 2 through 9 of this title or amendments that may later be adopted there exist uses and/or structures which were lawful before the provisions of chapters 2 through 9 of this title were passed¹ or amended, but which would be prohibited, regulated, or restricted under the terms hereof or future amendment, the following shall apply:

(a) Any non-conforming structure may not be:

(i) Extended except in conformity with chapters 2 through 9 of this title.

(ii) Rebuilt or repaired after damage exceeding seventy-five (75) per cent of replacement value except in conformity with the provisions of chapters 2 through 9 of this title.

(b) Any non-conforming use of land may not be:

(i) Changed to another non-conforming use which would be more detrimental to the district in which it is located.

(ii) Extended, except in conformity with chapters 2 through 9 of this title.

(c) Any non-conforming use of structure may not be:

(i) Changed to another non-conforming use.

(ii) Re-established after discontinuance of one year.

(d) Any structure used for a non-conforming use shall not be rebuilt or repaired after damage exceeding seventy-five (75) per cent of replacement cost unless the use and structure conform to the provisions of chapters 2 through 9 of this title.

(e) All non-conforming signs and billboards shall be torn down, altered, or otherwise made to conform within one (1) year from the date of the adoption of the provisions of chapters 2 through 9 of this title.²

(f) All non-conforming junk yards, commercial animal yards, and lumber yards not on the same lot with a plant, sales building, or

¹The ordinance from which the provisions of chapters 2 through 9 of this title were derived was passed on August 4, 1975, and provided that its provisions would take effect fifteen days after passage.

²The ordinance from which the provisions of chapters 2 through 9 of this title were derived was passed on August 4, 1975, and provided that its provisions would take effect fifteen days after passage.

factory shall be torn down, altered, or otherwise, made to conform to the provisions of chapters 2 through 9 of this title within five (5) years from the adoption of the provisions of chapter 2 through 9 of this title. (1979 Code, sec. 11-205)

11-206. Only one principal building on any lot. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot. This provision does not prohibit group housing developments as permitted under section 11-216 of this title. (1979 Code, sec. 11-206)

11-207. Reduction in lot area prohibited. No lot even though it may consist of one or more adjacent lots of record shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of chapters 2 through 9 of this title are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. (1979 Code, sec. 11-207)

11-208. Required yard cannot be used by another building. No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space required under these regulations for another building. (1979 Code, sec. 11-208)

11-209. Rear yard abutting a public street. When the 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 than the distance required for sideyards on adjoining properties fronting on that street. (1979 Code, sec. 11-209)

11-210. Obstruction to vision at street intersection prohibited. On a corner lot not in a B-2 (central business) district, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of two and one-half (2½) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall. (1979 Code, sec. 11-210)

11-211. Off-street automobile storage. (1) There shall be provided, at the time of erection of any building or structure, or at the time any adjacent

building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking space of at least two hundred (200) square feet per space with vehicular access to a street or alley; the city reserves the right to control ingress and egress over private rights-of-way. Off-street parking space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.

(a) Dwelling: Not less than one (1) space for each single family dwelling and not less than 1-1/2 spaces for each unit or apartment.

(b) Boarding houses, rooming houses: Not less than one (1) space for each room or unit occupied by boarders or roomers.

(c) Tourist accommodations: Not less than one (1) space for each room or unit offered for tourist accommodations.

(d) Office buildings, manufacturing or other industrial building or use: Not less than one (1) space for each two (2) persons employed computed on the basis of total number of employees on the two largest consecutive shifts. In addition, there shall be sufficient parking for all vehicles used directly in the conduct of such office or industrial use.

(e) Retail uses: In all business districts, except a B-2 (central business) district, not less than one (1) space for each one hundred (100) square feet of store sales area.

(f) Theaters, auditoriums, stadiums, churches or other use designed to draw an assembly of persons: Not less than one (1) space for each five (5) seats provided in such place of assembly, except in a B-2 (central business) district.

(g) Public building: Not less than one (1) space for each two hundred (200) square feet of total floor area of all floors in building except basement, except in a B-2 (central business) district.

(h) Medical offices: Three (3) patients' parking spaces per staff doctor, plus two (2) per three (3) employees, plus one (1) per staff doctor.

(i) Funeral homes: One space for each company vehicle plus one space for each three (3) seats in meeting room.

(2) Parking space maintained in connection with an existing and continuing main building or structure on the effective date of the provisions of chapters 2 through 9 of this title¹ up to the number required by chapters 2

¹The ordinance from which these provisions were derived was passed on August 4, 1975, and provided that its provisions would take effect fifteen days after passage.

(continued...)

through 9 of this title shall be continued and may not be counted as serving a new structure or addition; nor may any parking space be substituted for a loading space, nor any loading space substituted for a parking space.

(3) If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. (1979 Code, sec. 11-211)

11-212. Off-street loading and unloading space. Every building or structure used for business or trade shall provide adequate space for the loading or unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street. (1979 Code, sec. 11-212)

11-213. 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 on a lot of less than 400' but more than 100' in width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.

(3) The point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection.

(4) Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.

(5) No curbs on city streets or rights-of-way shall be cut or altered without written approval of the building inspector.

(6) Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the board of

(...continued)

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.

(7) Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways, or the provisions of this section, whichever is higher. (1979 Code, sec. 11-213)

11-214. Lot of record. Where the owner of a lot consisting of one or more adjacent lots of official record at the adoption of the provisions of chapters 2 through 9 of this title¹ does not own sufficient land to enable him to conform to the yard or other requirements of these chapters, an application may be submitted to the board of zoning appeals for a variance from the terms of chapters 2 through 9 of this title,¹ in accordance with section 11-804. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the board of zoning appeals. (1979 Code, sec. 11-214)

11-215. Front yards. The front yard requirements of chapters 2 through 9 of this title for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such cases, the minimum front yard shall be the average of the existing front yard depths on the developed lots. (1979 Code, sec. 11-215)

11-216. Group housing project. In the case of a group housing project of two or more buildings to be constructed on a plot of ground not subdivided into the customary streets and lots, and which will not be subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of chapters 2 through 9 of this title to the individual building units in such housing projects, the application of the terms of chapters 2 through 9 of this title may be varied by the board of zoning appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by chapters 2 through 9 of this title in the district in which the proposed project is to be located. However, in no case shall the board of zoning appeals authorize a use

¹The ordinance from which chapters 2 through 9 of this title were derived was passed on August 4, 1975, and provided that its provisions would take effect fifteen days after passage.

prohibited in the district in which the project is to be located, or a smaller area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of chapters 2 through 9 of this title permit in such district. (1979 Code, sec. 11-216)

CHAPTER 3

ESTABLISHMENT OF DISTRICTS

SECTION

11-301. Classification of districts.

11-302. Boundaries of districts.

11-301. Classification of districts. For the purpose of chapters 2 through 9 of this title, Moscow, Tennessee is hereby divided into four (4) districts, designated as follows:

| | |
|-----|-------------------------------------|
| R-1 | Residential |
| B-1 | General Business |
| B-9 | Central Business District |
| M-1 | Industrial (1979 Code, sec. 11-301) |

11-302. Boundaries of districts. (1) The boundaries of districts in section 11-301 of this title are hereby established as shown on the official zoning map entitle "Zoning Map of Moscow, Tennessee," which is a part of chapters 2 through 9 of this title and which is on file in the city hall.

(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 the enactment of the provisions of chapters 2 through 9 of this title. Questions concerning the exact locations of district boundaries shall be determined by the board of zoning appeals.

(3) Where a district boundary divides a lot as existing at the time the provisions of chapters 2 through 9 of this title take effect¹ and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended to twenty (20) feet within the more restricted district within said lot. (1979 Code, sec. 11-302)

¹Fifteen days after August 4, 1975.

CHAPTER 4

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

SECTION

11-401. R-1 (Residential) Districts.

11-401. R-1 (Residential) Districts. Within the R-1 (Residential) Districts as shown on the zoning map of Moscow, Tennessee, the following regulations shall apply:

(1) Uses permitted.

(a) Single and multiple-family dwellings and apartments.

(b) Accessory buildings customarily incidental to any aforementioned permitted use.

(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.

(d) Mobile home parks provided all provisions of the mobile home park ordinance¹ are complied with.

(2) Uses permissible on appeal.

(a) Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, funeral homes provided they are located on a street of at least a collector classification, and railroad rights-of-way shall be permitted as a matter of right; provided, however, that the provisions of chapters 2 through 9 of this title are observed and subject to approval of the site plans by the board of zoning appeals. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of chapters 2 through 9 of this title, the power to specify access points and driveway and parking locations, and similar sites design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

(b) The board of zoning appeals may at its discretion permit county, state, or federal uses; public utilities facilities; cemeteries;

¹See title 5, chapter 5 of this code.

hospitals for human care except primarily for mental cases; kindergartens; philanthropic institutions and clubs, except a club the chief activity of which is customary general farming uses; gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; 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 may require in order to preserve and protect the character of the district in which the proposed use is located.

(c) 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:

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

(ii) the principals and employees engaged in proposed use shall be residents of the dwelling unit in which the proposed use is located;

(iii) not more than fifteen (15) per cent of the total floor area in dwelling unit shall be devoted to proposed use;

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

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

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

(vii) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.

(viii) the provisions of this section shall not be used under any circumstances to permit barber shops, beauty shops, gift shops, florist shops, or business or professional offices.

(3) Uses prohibited. Any other use or structure not specifically permanent or permissible on appeal in this section is prohibited. This shall include advertising signs or billboards except as specifically permitted by these provisions.

(4) Location of accessory building.

(a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) per cent 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.

(5) Regulations controlling lot area, lot width, yards, building, coverage, and building shall be so as to comply with the following requirements:

(a) Minimum required lot area.

- | | |
|--|--|
| (i) Dwelling units- single and multiple family | 15,000 square feet for the first dwelling unit plus 4,000 square feet for each additional dwelling unit. |
| (ii) Churches | Two (2) acres or 200 square feet of lot area per auditorium seat, whichever is greater. |
| (iii) Schools | Five (5) acres plus one (1) acre for each 100 students. |
| (iv) Apartments | 30,000 square feet minimum with 2,000 sq. ft. per dwelling unit. |
| (v) Other uses | As required by the board of zoning appeals. |

(b) Minimum required lot width at the building line.

- | | |
|------------------------------|---|
| (i) Dwellings and apartments | 100 feet |
| (ii) Churches | 100 feet |
| (ii) Other uses | As required by the board of zoning appeals. |

(c) Minimum required front yard.

- | | |
|------------------------------|---------|
| (i) Dwellings and apartments | 30 feet |
|------------------------------|---------|

- | | | | |
|-------|-------|--|---|
| | (ii) | Churches | 35 feet |
| | (iii) | Other uses | 35 feet or more as required by the board of zoning appeals. |
| | (d) | Minimum required rear yard. | |
| | (i) | Dwellings and apartments | 15 feet |
| | (ii) | Churches | 25 feet |
| | (iii) | Other uses | 15 feet or more as required by the board of zoning appeals. |
| | (e) | Minimum required side yard on each side of lot. | |
| | (i) | Dwellings | 10 feet |
| | (ii) | Churches | 25 feet |
| | (iii) | Other uses | 10 feet or more as required by the board of zoning appeals. |
| lots. | (f) | Minimum required side yard for side facing streets on corner | 30 feet |
| | (g) | Maximum lot coverage by all buildings. | |
| | (i) | Dwellings, apartments and accessories. | 35% |
| | (ii) | Churches | 30% |
| | (iii) | Other uses | 50% or less as required by the board of zoning appeals. |
| | (h) | Maximum permitted height of structures. | |

(i) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet, however.

(ii) On a lot less than fifty (50) feet in width at the building line, no building shall exceed one and one-half (1½) stories or twenty-five (25) feet in height.

(iii) No accessory building shall exceed two (2) stories in height.

(iv) Free standing poles, spires, towers, antennae, and similar structures not designed for or suitable to human occupancy may exceed the height provisions of this section provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line. (1979 Code, sec. 11-401)

CHAPTER 5

PROVISIONS GOVERNING BUSINESS DISTRICTS

SECTION

11-501. B-1 (General Business) Districts.

11-502. B-2 (Central Business) District.

11-501. B-1 (General Business) Districts. Within the B-1 zoning map of 1 (General Business) Districts as shown on Moscow, Tennessee, the following regulations shall apply:

(1) Uses permitted.

(a) Retail sales; automobile sales; automobile parts; bakery and dairy products; drugs and pharmaceutical; clinics; florist shops, gift shops, book stores; newspaper stands; groceries; hardware; boats and boating equipment; sporting goods; mobile homes sales; paint and wallpaper; agricultural implements; furniture; household appliances; floor coverings and draperies; nurseries and greenhouses; beverage stores.

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

(c) Manufacturing, processing, or fabrication, manufacturing 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 manufacturing.

(d) Churches; 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 or building customarily incidental to the above permitted uses.

(g) Mobile home parks; provided all provisions of the mobile home park ordinance¹ are complied

¹See title 5, chapter 5 of this code.

(2) Uses permitted on appeal. Any other use which in the opinion of the board of zoning appeals is similar in character and not detrimental to the neighborhood may be permitted on appeal.

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

(4) Regulations controlling lot area, lot width, yards, building coverage, and building height.

(a) Minimum required lot area.

(i) Churches Two (2) acres or 200 sq. ft. of lot area per auditorium seating space, whichever is greater.

(ii) Other uses No minimum requirement.

(b) Minimum required lot width at the building line.

(i) Gasoline service station 120 feet

(ii) Churches 100 feet

(iii) Other uses No minimum requirements.

(c) Minimum required front yard.

(i) All uses 25 feet

(d) Minimum required rear yard.

(i) All uses 20 feet

(e) Minimum, required side yard on each side of lot.

(i) Churches 25 feet

(ii) 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.

(iii) 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 on corner lots. 25 feet

(g) Installations essential to the business operation shall be set back from the street or alley so that any service rendered by the business will not obstruct a public way.

(h) Maximum permitted height of structures.

(i) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet, however.

(ii) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1½) stories or twenty-five (25) feet in height.

(iii) No accessory building shall exceed two (2) stories in height.

(iv) Free standing poles, spires, towers, antennae, and similar structures not designed for or suitable to human occupancy may exceed the height provisions of this section provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line. (1979 Code, sec. 11-501)

11-502. B-2 (Central Business) District. Within the B-2 (Central Business) District as shown on the zoning map of Moscow, Tennessee, the following regulations shall apply:

(1) Uses permitted.

(a) Retail sales; bakery and dairy products; drugs and pharmaceutical; florist shops; gift shops; book stores; groceries; hardware; clothing and dry-goods; hobby shops; camera shops; sporting goods; paint and wallpaper; furniture; household appliances; floor coverings and draperies; hats; shoes; air conditioning equipment; automobile parts; tires; jewelry stores; cloth shops; musical instruments; records and phonographs; motorcycle and bicycle sales and service; department stores and general merchandise; and variety stores, automobile service stations, and beverage stores.

(b) Services: banks, saving and loan associations; barber shops and beauty shops; clinics, laundry and dry cleaning pick up stations, self service laundry and dry cleaning; printing business and professional offices; radio and television sales and service; shoe repair; hotels and

motels; restaurants; photography studios; upholstery shops; commercial recreation, movie theaters and billiard parlors; business schools, art and music schools; driving schools; correspondence schools; beauty and barber schools; dancing schools; tailoring and dressmaking; watch repair.

(c) Churches, clubs, and lodge halls; federal, state, and municipal uses.

(d) 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.

(e) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permitted on appeal. Any other use which in the opinion of the board of zoning appeals is similar in character and not detrimental to the neighborhood may be permitted on appeal.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal in this section is prohibited. (1979 Code, sec. 11-502)

CHAPTER 6

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

SECTION

11-601. M-1 (Industrial) Districts.

11-601. M-1 (Industrial) Districts. Within the M-1 (Industrial) Districts as shown on the zoning map of Moscow, Tennessee, the following regulations shall apply:

(1) Uses permitted.

(a) Retail and wholesale sales; automobile sales and service; automobile parts; agricultural implement sales and service; lawnmower sales and service; lumber and building materials; paint, mobile home sales and service; boats and boating equipment sales and service; sporting goods; greenhouse and nursery products; hardware; motorcycle sales and service; and welding supplies.

(b) Services: animal hospitals and clinics; automobile service stations; auto repair garages; truck stops; barber shops; beauty shops; laundry and dry cleaning; restaurants; truck terminals; printing; tire repair and recapping; pest exterminators; sign shops; upholstery shops; plumbing and heating supply; outdoor advertising signs and structures; sheet metal shops; warehousing, including wholesale sales which are predominantly an enclosed warehouse operation, but not including gravel, sand, fertilizers, or other nuisance producing goods.

(c) Manufacturing, processing, or fabrications; canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage goods; glass products made of purchased glass; communication equipment; electronic components and accessories; professional; scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware, and plated ware.

(d) Federal, state, and municipal uses.

(e) Research laboratories.

(f) Accessory use customarily incidental to any aforementioned permitted use.

(2) Uses permitted on appeal.

(a) Any other use may be permitted on appeal which, in the opinion of the board of zoning appeals, is similar in character to those enumerated in subsection (1) of this section and will not be detrimental

to the district in which located, subject to such conditions and safeguards as may be required by the board of zoning appeals.

(b) Auto wrecking yard (junk yard), providing the board of zoning appeals shall consider at least the following factors before granting approval:

(i) The proposed use must front on a street of no lower classification than collector.

(ii) Must be an appropriate distance (as determined by the board of zoning appeals) from all residential districts.

(iii) Adequate screening (as determined by the board of zoning appeals) must be provided.

(3) Uses prohibited. Any use not specifically permitted by the terms of this chapter or permissible on appeal is prohibited. The board of zoning appeals shall specifically not have the authority to permit: single and multi-family dwellings; hotels and motels; bag cleaning; boiler and tank works; crematory; curing, tanning, and storage of raw hides and skins; distillation of bones, coal, wood, or tar; fat rendering; forge plant or foundry; quarry; scrap paper; rag storage, and baling; sawmills; slaughter house or stockyards; smelting; and the manufacture of acetylene, acid, alcohol, ammonia, bleaching powder, chemicals, brick pottery, terra cotta or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, screws and bolts, wire, and tires; or any other use which would cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, or other objectionable conditions.

(4) Regulations controlling yards and building height.

(a) Minimum required front yard.

(i) All uses 35 feet

(b) Minimum required rear yard.

(i) All uses 25 feet

(c) Minimum required side yard on each side of lot.

(i) All uses 25 feet except that on lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of adjacent residential district on the side adjacent to the residential district.

(d) Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.

(e) Maximum permitted height of structures.

(i) No building shall exceed four (4) stories or forty (40) feet in height.

(ii) Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line. (1979 Code, sec. 11-601)

CHAPTER 7

ENFORCEMENT

SECTION

11-701. Enforcing officer.

11-702. Building permits and certificates of occupancy.

11-703. Remedies.

11-701. Enforcing officer. The provisions of chapters 2 through 9 of this title shall be administered and enforced by a building inspector appointed by the board of mayor and aldermen who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of chapters 2 through 9 of this title. (1979 Code, sec. 11-701)

11-702. Building permits and certificates of occupancy. (1) Building permit required.¹ It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the building inspector has issued a building permit for such work.

(2) Issuance of building permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height, and location on the lot 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 chapters 2 through 9 of this title are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of chapters 2 through 9 of this title and other ordinances of the City of Moscow, Tennessee, then in force, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing with the cause.

(a) The issuance of a permit shall in no case be construed as waiving any provision of chapters 2 through 9 of this title.

(b) A building permit shall become void six months from the date of issuance unless substantial progress has been made by that date on the project described therein.

¹See title 4 for the building code.

(3) Certificate of occupancy. No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof are found to be in conformity with the provisions of chapters 2 through 9 of this title. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certification of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of chapters 2 through 9 of this title or, if such certificate is refused, to state such refusal in writing with the cause.

(4) Records. A complete record of such application, sketches, and plans shall be maintained in the office of the building inspector. (1979 Code, sec. 11-702)

11-703. Remedies. in case any building or structure is erected, constructs , reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of chapters 2 through 9 of this title, 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 in proceeding to prevent the occupancy or use of such building, structure, or land. (1979 Code, sec. 11-703)

CHAPTER 8

BOARD OF ZONING APPEALS

SECTION

11-801. Creation and appointment.

11-802. Procedure.

11-803. Appeals; how taken.

11-804. Powers.

11-801. Creation and appointment. A board of zoning appeals is hereby established in accordance with section 13-7-205, Tennessee Code Annotated, Volume 3, same being section 5, chapter 44 of the Public Acts of Tennessee of 1935. The board of zoning appeals shall consist of three members, at least one of whom is a member of the Moscow Municipal Planning Commission. They shall be appointed by the mayor and confirmed by a majority vote of the board of mayor and aldermen. The term of membership shall be three years except that the initial individual appointments to the board shall be terms of one, two, and three years respectively. Vacancies shall be filled for any unexpired term by the mayor with confirmation by the board of mayor and aldermen. (1979 Code, sec. 11-801)

11-802. 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 record. (1979 Code, sec. 11-802)

11-803. Appeals; how taken. An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by a governmental officer, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of chapters 2 through 9 of this title. 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, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. Upon the hearing any person or party may appear and be heard in person, by agent, or by attorney. (1979 Code, sec. 11-803)

11-804. Powers. The board of zoning appeals shall have the following powers:

(1) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of chapters 2 through 9 of this title.

(2) Special exceptions. To hear and decide applications for special exceptions upon which the board of zoning appeals is specifically authorized to pass.

(3) Variance. To hear and decide applications for variance from the terms of chapters 2 through 9 of this title, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of the provisions of chapters 2 through 9 of this title¹ was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or condition of a piece of property the strict application of the provisions of chapters 2 through 9 of this title would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of chapters 2 through 9 of this title. Financial disadvantages to the property owner is no proof of hardship within the purpose of zoning.

(a) In granting a variance, the board may attach thereto such conditions regarding the location, character, or other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of chapters 2 through 9 of this title.

(b) Before any variance is granted it shall be shown that circumstances are attached to the property which do not generally apply to other property in the neighborhood. (1979 Code, sec. 11-804)

¹The ordinance from which chapters 2 through 9 of this title were derived was passed on August 4, 1975, and provided that its provisions would take effect fifteen days after passage.

CHAPTER 9

AMENDMENT

SECTION

11-901. Zoning amendment petition.

11-902. Planning commission review.

11-903. Public hearing on proposed amendment.

11-901. Zoning amendment petition. The board of mayor and aldermen of Moscow, Tennessee may amend the regulations, restrictions, boundaries, or any provision of chapters 2 through 9 of this title. 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 chapters 2 through 9 of this title. (1979 Code, sec. 11-901)

11-902. Planning commission review. No such amendment shall become effective unless the same be first submitted for approval, disapproval, or suggestions to the city planning commission. If the city planning commission, within thirty (30) days after such submission disapproves, it shall require the favorable vote of a majority of the entire membership of the board of mayor and aldermen to become effective. If the city planning commission neither approves nor disapproves such proposed amendment within thirty-five (35) days after such submission, the absence of action shall be considered as approval of the proposed amendment. (1979 Code, sec. 11-902)

11-903. Public hearing on proposed amendment. Upon the introduction of an amendment to chapters 2 through 9 of this title or upon the receipt of a petition to amend the same, the board of mayor and aldermen shall publish a notice of such request for an amendment together with the notice of time set for hearing by the board of mayor and aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Moscow, Tennessee. Said 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. (1979 Code, sec. 11-903)

TITLE 12

STREETS AND OTHER PUBLIC WAYS AND PLACES¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. PROPERTY NUMBERING SYSTEM.

CHAPTER 1

MISCELLANEOUS

SECTION

- 12-101. Obstructing streets, alleys, or sidewalks prohibited.
- 12-102. Trees 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. Obstruction of drainage ditches.
- 12-108. Abutting occupants to keep sidewalks free of snow and ice.
- 12-109. Parades, etc., regulated.
- 12-110. Railroad crossings.
- 12-111. Animals and vehicles on sidewalks.

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. (1979 Code, sec. 12-101)

12-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property

¹For charter provisions relating to streets, etc., see particularly section 1.04, subsections (g) and (h).

For provisions in this code dealing with littering streets and other public ways, regulating distribution of handbills, and prohibiting fires in streets, see title 8, chapter 5. See title 9 in this code for related motor vehicle and traffic regulations.

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. (1979 Code, sec. 12-102)

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. (1979 Code, sec. 12-103)

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. (1979 Code, sec. 12-104)

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. (1979 Code, sec. 12-105)

12-106. Gates or doors opening over streets, alley 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. (1979 Code, sec. 12-106)

12-107. 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. (1979 Code, sec. 12-107)

12-108. Abutting occupants to keep sidewalks free of snow and ice.¹ Immediately after a snow or sleet, abutting occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1979 Code, sec. 12-208)

12-109. 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

¹For provisions requiring abutting occupants to keep the sidewalks free of litter, see title 8, chapter 5.

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. (1979 Code, sec. 12-209)

12-110. Railroad crossings. (1) All railway companies using any rail line intersecting with any public street in the City of Moscow shall give timely warning of the approach of said train by sounding of the horn.

(2) The Southern Railway Company shall install a constant flashing signal at the grade crossing of highway 76 and/or 59 and Southern Railway Company in the City of Moscow. (1979 Code, sec. 12-110)

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. (1979 Code, sec. 12-111)

CHAPTER 2

EXCAVATIONS AND CUTS¹

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 the terms of any such permit; provided, however, any person maintaining pipes, lines, or under the surface of any without a permit when work to be done immediately 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. (1979 Code, sec. 12-201)

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 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

¹Sections 12-201 through 12-209 in this chapter were taken substantially from the ordinance upheld by the Tennessee Supreme Court in the 1960 case of City of Paris, Tennessee v. Paris County Public Utility District, 207 Tenn. 388, 340 S. W. 2d 885.

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1979 Code, sec. 12-202)

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 (\$0.25) 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. (1979 Code, sec. 12-203)

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. (1979 Code, sec. 12-204)

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. (1979 Code, sec. 12-205)

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 the City of Moscow 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. (1979 Code, sec. 12-206)

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. (1979 Code, sec. 12-207)

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. (1979 Code, sec. 12-208)

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. (1979 Code, sec. 12-209)

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. Driveway aprons shall not extend into the street. (1979 Code, sec. 12-210)

CHAPTER 3

PROPERTY NUMBERING SYSTEM

SECTION

12-301. Uniform property numbering system adopted.

12-302. Assignment and display of numbers.

12-303. Administration.

12-301. Uniform property numbering system adopted. A uniform system of numbering properties and principal buildings, as shown on the map entitled and identified by the name "Official Street Names," which is filed in the office of the city recorder, is hereby adopted for use in the City of Moscow. This map and all explanatory matter thereon, is hereby adopted and made a part of this chapter. (1979 Code, sec. 12-301)

12-302. Assignment and display of numbers. (1) All properties or parcels of land within the corporate limits of the City of Moscow shall hereafter be identified by reference to the uniform numbering system adopted herein, provided, that all existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system adopted within six months from the date of passage of the provisions of this chapter.¹

(2) A separate number shall generally be assigned for each twenty-five (25) feet of frontage.

(3) Whenever possible, each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number. However, this does not apply to shopping centers, mobile home parks, apartments, and other multi-family structures with the exception of townhouses and duplexes.

(4) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in such a manner as to be visible from the street on which the property is located. Such numerals may be obtained, at cost, from the city recorder, as provided in section 12-303. (1979 Code, sec. 12-302)

¹The ordinance from which this chapter derives was passed on final reading on May 3, 1976.

12-303. Administration. (1) The city recorder shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of section 12-302.

(2) The recorder shall keep a record of all numbers assigned under this chapter.

(3) The recorder shall issue to any property owner in the city limits upon request and at cost a set of numerals for each principal building or separate front entrance to such building, except for shopping centers, mobile home parks, apartments, and other multi-family structures with the exception of townhouses and duplexes. In doing so, he shall issue only numerals for the number assigned to such building under the provisions of this chapter. Provided, however, that the recorder may issue additional numerals in accord with the official numbering system whenever a property has been subdivided, a new front entrance opened, or undue hardship has been worked on any property owner. (1979 Code, sec. 12-303)

TITLE 13

UTILITIES AND SERVICES¹

CHAPTER

1. WATER.
2. SEWERS.

CHAPTER 1

WATER

SECTION

- 13-101. Application and scope.
- 13-102. Definitions.
- 13-103. Obtaining service.
- 13-104. Application and contract for service.
- 13-105. Service charges for temporary service.
- 13-106. Connection charges.
- 13-107. Main extensions to developed areas.
- 13-108. Main extensions to other areas.
- 13-109. Variances from and effect of preceding rules as to extensions.
- 13-110. Meters.
- 13-111. Meter tests.
- 13-112. Schedule of rates.
- 13-113. Multiple services through a single meter.
- 13-114. Billing.
- 13-115. Discontinuance or refusal of service.
- 13-116. Re-connection charge; penalty for re-connecting service by user.
- 13-117. Termination of service by customer.
- 13-118. Access to customers' premises.
- 13-119. Inspections.
- 13-120. Customer's responsibility for system's property.
- 13-121. Customer's responsibility for violations.

¹See title 4 in this code for the building and utility codes; see title 8 for provisions relating to cross-connections, etc.

See also the charter, particularly sec. 1.04, subsections (f) and (g).

Electricity is currently furnished to the city by the Chickasaw Electric Cooperative. Gas is furnished by the Hardeman-Fayette Utility District.

- 13-122. Supply and resale of water.
- 13-123. Unauthorized use or interference with water supply.
- 13-124. Limited use of unmetered private fire line.
- 13-125. Damages to property due to water pressure.
- 13-126. Liability for cutoff failures.
- 13-127. Restricted use of water.
- 13-128. Interruption of service.

13-101. Application and scope. These rules and regulations are a part of all contracts or receiving water service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1979 Code, sec. 13-101)

13-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water service from the city under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water 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.

(4) "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 bills can be paid at net rates.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) "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. (1979 Code, sec. 13-102)

13-103. Obtaining service. 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. (1979 Code, sec. 13-103)

13-104. Application and contract for service. Each prospective customer desiring water service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for water service, does not take the service by reason of not occupying the 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 these rules, regulations, and general practice, the liability of the city to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1979 Code, sec. 13-104)

13-105. 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 used. (1979 Code, sec. 13-105)

13-106. Connection charges. Service lines will be laid by the city from the water main to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new service line will be laid by the city, the applicant shall pay a connection fee of forty-five dollars (\$45.00).

This fee shall be used to pay the cost of laying such a new service line and appurtenant equipment. If such cost exceeds the amount of the fee, the applicant shall pay to the city the amount of such excess cost when billed therefor.

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 belong to the city. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (1979 Code, sec. 13-106)

13-107. Main extensions to developed areas. The provisions of this section shall apply only to water main extensions of 500 feet or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the city the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The city shall require a cash deposit as security for such minimum bill agreement, in an amount that

does not exceed the estimated cost of the main extension, before making any such requested extension. Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly charges agreed upon, until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons acceptable to the city at which times pro rata amounts of the cash deposit shall also be returned to the depositors. (1979 Code, sec. 13-107)

13-108. Main extensions to other areas. The provisions of this section shall apply to all areas to which the preceding section is not applicable. Customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

For installations under this or the preceding section, cement-lined cast iron pipe, class 150 American Water Works Association Standard, 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 two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. All such lines shall be installed either by city forces or by other forces working directly under the supervision of the city.

Upon completion of such extensions and their approval by the city, such water 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's water system and shall furnish water 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. As further consideration, the city shall repay to the person or persons paying the cost of such a water main extension, for a period of five (5) years, but no longer, from the date of completion of said extension the sum of \$50.00 for each connection that is made to such main extension; provided, however, that the total payments shall in no event exceed the cost of the said extension paid by such person or persons. Provided also, that before making any such payment, the city shall have the right to require that the customer making the connection in question shall sign a contract for water service for a period of time to be fixed by the city, but not to exceed three (3) years.

No repayment shall be made for service line connections not made directly to the water main extension in question, even though such service line

connections are made to a main extended from, or receiving water through, the main extension in question. (1979 Code, sec. 13-108)

13-109. Variances from and effect of preceding rules as to extensions. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with sections 13-107 and 13-108, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the board of mayor and aldermen.

The authority to make water main extensions under sections 13-107 and 13-108 is permissive only and nothing contained therein shall be construed as requiring the city to make water main extensions or to furnish service to any person or persons. (1979 Code, sec. 13-109)

13-110. 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. (1979 Code, sec. 13-110)

13-111. 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" | \$ 2.00 |
| 1 -1/2", 2" | 5.00 |
| 3" | 8.00 |
| 4" | 12.00 |
| 6" and over | 20.00 |

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. (1979 Code, sec. 13-111)

13-112. Schedule of rates. All water furnished by the city shall be measured or estimated in gallons and shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.¹ (1979 Code, sec. 13-112)

13-113. Multiple services through a single meter. No customer shall supply water 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 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. (1979 Code, sec. 13-113)

13-114. Billing. Bills for residential service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

Water bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill

¹Administrative ordinances and resolutions are of record in the recorder's office.

will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. 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.

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.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1979 Code, sec. 13-114)

13-115. Discontinuance or refusal of service. The board of mayor and aldermen shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1979 Code, sec. 13-115)

13-116. Re-connection charge; penalty for re-connecting service by user. Whenever service has been discontinued as provided for above, a re-connection charge of five dollars (\$5.00) shall be collected by the city before service is restored.

If the user reconnects or attempts to reconnect service himself while payment for previous service is in default, such action shall be a misdemeanor subject to the punishment provided in the general penalty clause of this code. (1979 Code, sec. 13-116)

13-117. 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. (1979 Code, sec. 13-117)

13-118. 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. (1979 Code, sec. 13-118)

13-119. Inspections. The city shall have the right, but shall not be obligated to inspect any installation or plumbing system before water 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. (1979 Code, sec. 13-119)

13-120. 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 properly to care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1979 Code, sec. 13-120)

13-121. Customer's responsibility for violations. Where the city furnishes water 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. (1979 Code, sec. 13-121)

13-122. 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. (1979 Code, sec. 13-122)

13-123 Unauthorized use or interference with water supply. No person shall turn on or turn off any of the city stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (1979 Code, sec. 13-123)

13-124 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. (1979 Code, sec. 13-124)

13-125. 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. (1979 Code, sec. 13-125)

13-126. 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 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. (1979 Code, sec. 13-126)

13-127. 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. (1979 Code, sec. 13-127)

13-128. Interruption of service. The city will endeavor to furnish continuous water 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 city water system, 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. (1979 Code, sec. 13-128)

CHAPTER 2

SEWERS¹

SECTION

- 13-201. Use of system regulated.
- 13-202. Permit and supervision required for connecting to system.
- 13-203. Connection fee.
- 13-204. Installation of lateral lines, etc.
- 13-205. Sewer service charges.
- 13-206. Extension policies.

13-201. Use of system regulated. All persons using, desiring, or required to use, the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the superintendent of the sewer system when such rules and regulations have been approved by the board of mayor and aldermen. (1979 Code, sec. 13-201)

13-202. Permit and supervision required or connecting to system. No premises shall be connected to the public sanitary sewer system without a permit from the recorder. Also, all connections to the system must be made under the direct supervision of the superintendent of the sewer system or someone designated by him. (1979 Code, sec. 13-202)

13-203. Connection fee. No permit to connect to the public sanitary sewer system shall be granted unless the applicant first pays to the recorder a sewer connection fee in the sum of \$50.00. (1979 Code, sec. 13-203)

13-204. Installation of lateral lines, etc. When connections to the public sanitary sewer system are required and/or permitted, the city shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract between the city and the property owner to the contrary. All necessary installations within the property lines shall be made by the owner. (1979 Code, sec. 13-204)

13-205. Sewer service charges. Sewer service charges shall be collected from the person billed for water service to any premises with an accessible

¹See title 4 of this code for plumbing regulations and title 8 for health and sanitation provisions relating to the sanitary sewer system, who must connect thereto, etc.

sanitary sewer. The sewer service charge shall be two dollars (\$2.00) per month and shall be added to and combined with the water service charge. 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. (1979 Code, sec. 13-205)

13-206. Extension policies. Insofar as practicable, the various policies set forth in the preceding chapter with respect to extending water service facilities shall also apply to extending sewer service facilities except that where, in such provisions, a six-inch cement-lined cast iron pipe is specified for water purposes, an eight-inch pipe of salt glazed vitrified clay or other construction approved by the board of mayor and aldermen shall be substituted for sewer purposes. (1979 Code, sec. 13-206)

ORDINANCE NO. ____

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION [AND REVISION] OF THE ORDINANCES OF THE CITY OF MOSCOW, TENNESSEE.

WHEREAS some of the ordinances of the city of MOSCOW 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 MOSCOW 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 "MOSCOW Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MOSCOW, TENNESSEE,* THAT:

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

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

Section 3. Ordinances saved from repeal. The repeal provided for in section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing or authorizing the

*The charter may provide for a different ordination clause; use whatever the charter prescribes.

establishment of a social security system or providing or changing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

Section 5. Penalty clause. Unless otherwise specified, wherever in the municipal code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the municipal code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the municipal code shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law.

When any person is fined for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.¹

¹State law reference

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

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

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

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

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

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

Section 10. Date of effect. This ordinance shall take effect from and after its 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 11-9, 1992

Passed 2nd reading 12-14, 1992

Calvin E. Oliver
Mayor

Lee S. Sterling
Recorder