

**THE  
PIPERTON  
MUNICIPAL  
CODE**

Prepared by the

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

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

April 2004

*Change 8*  
*February 20, 2024*

**CITY OF PIPERTON, TENNESSEE**

**MAYOR**

Henry Coats

**VICE MAYOR**

Mike Binkley

**COMMISSIONERS**

David Crislip  
Russ Fletcher  
Bret Morris

**RECORDER**

Beverly Holloway

## Preface

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

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

The able assistance of Linda Dean, Administrative Specialist, is gratefully acknowledged.

Steve Lobertini  
Codification Consultant

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

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

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<sup>1</sup>Ord. #12-98, August 1998, provides that only the caption of ordinances will be read at first and second readings.

No such ordinance shall take effect until the ordinance, or its caption, is published except as otherwise provided in chapter 54 part 5 of this title.  
(6-20-218)

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**TITLE 1**

**GENERAL ADMINISTRATION<sup>1</sup>**

**CHAPTER**

1. BOARD OF COMMISSIONERS.
2. MAYOR.
3. MISCELLANEOUS.
4. CODE OF ETHICS.

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<sup>1</sup>Charter reference

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

Municipal code references

Building, plumbing, electrical and gas: title 12.

Fire department: title 7.

Utilities: title 18.

Water: title 18.

Zoning: title 14.

## CHAPTER 1

### BOARD OF COMMISSIONERS<sup>1</sup>

#### SECTION

1-101. Time and place of regular meetings.

1-102. Order of business.

1-103. General rules of order.

1-104. Compensation.

**1-101. Time and place of regular meetings.** The board of commissioners shall hold regular monthly meetings at 6:00 P.M. on the third Tuesday of each month at 6:00 P.M., at the Piperton City Hall, 3575 Highway 196. (Ord. #2-75, Nov. 1974, as amended by Ord. #13-98, Oct. 1998, Ord. #117-07, Oct. 2007, and Ord. #323-20, May 2020 *Ch6\_04-20-21*)

**1-102. Order of business.** At each meeting of the governing body 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) Questions on matters from the audience.
- (5) Communications from the mayor.

#### <sup>1</sup>Charter reference

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

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

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

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

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

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

Taxation

Power to levy taxes: § 6-22-108.

Change tax due dates: § 6-22-113.

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

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

- (6) Agenda items.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (Ord. #2-75, Nov. 1974, modified)

**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 governing body 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. (Ord. #2-75, Nov. 1974)

**1-104. Compensation.** Effective December 1, 1998, the board of commissioners shall be compensated as follows:

- (1) Commissioner in charge of finances--\$125.00 per month
- (2) All other commissioners--\$200.00 per month.
- (3) Elected officials serving on the planning commission shall not be entitled to receive additional compensation for the second commission seat. (Ord. #2-96, May 1996, as amended by Ord. #271-16, Oct. 2006)

**CHAPTER 2****MAYOR**<sup>1</sup>**SECTION**

## 1-201. Compensation.

**1-201. Compensation.**<sup>2</sup> The salary of the mayor is fixed at four hundred dollars (\$400.00) per month, the salary of the vice mayor is fixed at three hundred dollars (\$300.00) per month, and salaries of the commissioners are fixed at two hundred dollars (\$200.00) per month. (Ord. #2-96, May 1996, as replaced by Ord. #271-16, Oct. 2006)

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<sup>1</sup>Charter reference

For general charter provisions dealing with the election and duties of the mayor and vice mayor, see Tennessee Code Annotated, title 6, chapter 20, part 2, particularly §§ 6-20-201 and 6-20-203.

<sup>2</sup>Charter references

For detailed provisions of the charter outlining the election, power and duties of the mayor see Tennessee Code Annotated, title 6, chapter 20, part 2, particularly, §§ 6-20-209, 6-20-213, and 6-20-219. For specific charter provisions in part 2 related to the following subjects, see the section indicated:

Election: § 6-20-201.

General duties: §§ 6-20-213 and 6-20-219.

May introduce ordinances: § 6-20-213.

Presiding officer: §§ 6-20-209 and 6-20-213.

Seat, voice and vote on board: § 6-20-213.

Signs journal, ordinances, etc.: § 6-20-213.

## CHAPTER 3

### MISCELLANEOUS

#### SECTION

1-301. Ordinance readings to be by caption only.

1-302. Election date.

**1-301. Ordinance readings to be by caption only.** The procedure to read only the caption of ordinances on both readings be and the same is hereby adopted. (Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.) (Ord. #12-98, Aug. 1998)

**1-302. Election date.** The date for municipal elections shall be fixed as the date of the regular November election as defined in Tennessee Code Annotated, § 2-1-104, as set forth in Tennessee Code Annotated, § 6-20-102. (Ord. #2-87, April 1987)

## CHAPTER 4

### CODE OF ETHICS<sup>1</sup>

#### SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in nonvoting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Outside employment.
- 1-409. Ethics complaints.
- 1-410. Violations.

**1-401. Applicability.** This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words

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

Campaign finance---T.C.A. Title 2, Chapter 10.

Conflict of interests---T.C.A. § 6-54-107, 108; 12-4-101, 102.

Consulting fee prohibition for elected municipal officials---T.C.A. §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office)---T.C.A. § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information---T.C.A. § 39-16-401 and the following sections.

Ouster law---T.C.A. § 8-47-101 and the following sections.



"municipal" and "municipality" include these separate entities. (as added by Ord. #100-06, Dec. 2006)

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

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interest; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #100-06, Dec. 2006)

**1-403. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote take place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official may recuse himself from voting on the measure. (as added by Ord. #100-06, Dec. 2006)

**1-404. Disclosure of personal interest in nonvoting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself<sup>1</sup> from the exercise of discretion in the matter. (as added by Ord. #100-06, Dec. 2006)

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

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

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #100-06, Dec. 2006)

**1-406. Use of information.** An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #100-06, Dec. 2006)

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

(2) an official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #100-06, Dec. 2006)

**1-408. Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #100-06, Dec. 2006)

**1-409. Ethics complaints.** (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #100-06, Dec. 2006)

**1-410. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #100-06, Dec. 2006)

**TITLE 2**

**BOARDS AND COMMISSIONS, ETC.**

**[RESERVED FOR FUTURE USE]**

## TITLE 3

### MUNICIPAL COURT<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

#### CITY JUDGE

#### SECTION

- 3-101. City judge.  
3-102. Qualifications.

**3-101. City judge.** Pursuant to § 6-21-501 of the city's charter the board of commissioners shall appoint a city judge to serve at the will of the board.

A contract covering salary and benefits will be executed between the appointed judge and the city. This contract will be approved by the city

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#### <sup>1</sup>Charter references

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

##### City judge:

Appointment and term: § 6-21-501.

Compensation: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

##### City court operations:

Appeals from judgment: § 6-21-508.

Appearance bonds: § 6-21-505.

Arrest warrants: § 6-21-504.

Docket maintenance: § 6-21-503.

##### Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

commission prior to the judge's appointment becoming effective. (Ord. #3-87, Dec. 1987, as amended by Ord. #3-89, Oct. 1989)

**3-102. Qualifications.** The city judge shall be an attorney licensed to practice in the State of Tennessee. (Ord. #3-87, Dec. 1987)

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

3-201. Maintenance of docket.

3-202. Disposition and report of fines, penalties, and costs.

3-203. Disturbance of proceedings.

3-204. Penalty.

3-205. Court costs.

3-206. Collection agency to collect unpaid fines, etc.

**3-201. Maintenance of docket.** The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; and all other information that may be relevant. (Ord. #3-87, Dec. 1987, as replaced by Ord. #195-11, March 2011)

**3-202. Disposition and report of fines, penalties, and costs.** All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of commissioners a report accounting for the collection or non-collection of all fines, penalties and costs imposed by his court during the current month and to date for the current fiscal year. (Ord. #3-87, Dec. 1987)

**3-203. 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. (Ord. #3-87, Dec. 1987)

**3-204. Penalty.** Any person violating the provisions of this chapter shall be punished by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. Each day any violation of the chapter continues shall constitute a separate offense. 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 any punitive or remedial action where called for or permitted under the provisions of another chapter or other applicable law. (Ord. #3-87, Dec. 1987)

**3-205. Court costs.** (1) Court costs for the City of Piperton Municipal Court are hereby established as one hundred dollars (\$100.00).

(2) Electronic citation regulations and fees.

(a) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction.

(c) Such fee shall be assessable as court cost and paid by the defendant for any offense cited in a traffic citation delivered that, results in a plea of guilty or nolo contendere, or a judgment of guilty. This fee shall be in addition to all other fees, taxes and charges. (as added by Ord. #60-05, Aug. 2005, amended by Ord. #97-06, Oct. 2006, replaced by Ord. #224-13, June 2013, and amended by Ord. #241-14, Aug. 2014)

**3-206. Collection agency to collect unpaid fines, etc.** (1) The city, subject to approval of the board of mayor and commissioners, may authorize the employment of a collection agency to collect fines and costs assessed by the Piperton City Court where the fines and costs have not been collected with sixty (60) days after they were due;

(2) The contract with such collection agency shall be in writing and conform to all provisions set forth in Tennessee Code Annotated, § 40-24-105(e) (1) - (4). (as added by Ord. #194-11, March 2011, and replaced by Ord. #366-23, Feb. 2023 *Ch8\_02-20-24*)



## CHAPTER 3

### WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

**3-301. Issuance of arrest warrants.**<sup>1</sup> The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (Ord. #3-87, Dec. 1987)

**3-302. Issuance of summonses.** When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (Ord. #3-87, Dec. 1987, as replaced by Ord. #197-11, May 2011)

**3-303. Issuance of subpoenas.** The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (Ord. #3-87, Dec. 1987)

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<sup>1</sup>State law reference

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

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

3-401. Appearance bonds authorized.

3-402. Bond amounts, forms, and conditions.

3-403. Appeals.

**3-401. Appearance bonds authorized.** When the city court is not in session or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the city court clerk, or in the absence of the city court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (Ord. #3-87, Dec. 1987)

**3-402. Bond amounts, forms, and conditions.** An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in such sum as the city judge shall prescribe, not to exceed the sum of two hundred 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 shall be made in the form of cash. (as added by Ord. #199-11, May 2011)

**3-403. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (as added by Ord. #200-11, May 2011)

**TITLE 4****MUNICIPAL PERSONNEL****CHAPTER**

1. TRAVEL REGULATIONS.
2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

**CHAPTER 1****TRAVEL REGULATIONS****SECTION**

- 4-101. Purpose.
- 4-102. Enforcement.
- 4-103. Travel policy.
- 4-104. Travel reimbursement policy.
- 4-105. Travel requests.
- 4-106. Travel documentation.
- 4-107. Transportation.
- 4-108. Lodging.
- 4-109. Meals and incidentals.
- 4-110. Miscellaneous expenses.
- 4-111. Entertainment.
- 4-112. Travel reconciliation.
- 4-113. Disciplinary action.

**4-101. Purpose.** The purpose of this chapter and referenced regulations is to bring the city into compliance with public Acts 1993, chapter 433. This Act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this policy is expanded to cover regular city employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #11-98, Aug. 1998)

**4-102. Enforcement.** The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #11-98, Aug. 1998)

**4-103. Travel policy.** 1. In the interpretation and application of this policy, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, the employees of such boards and committees and all other municipal employees who are traveling on official municipal business and whose travel was authorized in accordance with this policy. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this policy.

2. Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals, registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

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

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

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

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

6. To qualify for reimbursement, travel expenses must be:

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

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

The CAO may make exceptions for unusual circumstances.

Expenses considered excessive will not be allowed.

7. Claims of twenty five dollars (\$25.00) or more for travel expense reimbursement must be supported by the original paid receipt unless otherwise exempted in this policy.

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

9. Milage and motel expenses incurred within the city are not ordinarily considered eligible expenses for reimbursement. (Ord. #11-98, Aug. 1998)

**4-104. Travel reimbursement policy.** Authorized travelers shall be reimbursed for ordinary and necessary expenses incurred while traveling on official city business, according to the federal travel regulation rates. The city's travel reimbursement rates will automatically change when the federal rates are adjusted. The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #11-98, Aug. 1998)

**4-105. Travel requests.** To insure reimbursement for official travel, an approved travel authorization form is required. Lack of pre-approval does not prohibit reimbursement, but pre-approval does assure reimbursement within the limits of the City Travel Policy. All costs associated with the travel should be reasonably estimated and shown on the travel request form. An approved request form is needed before advanced expenses are paid or travel advances are authorized. A copy of the conference program, if applicable, should be attached to the form. If the program is not available prior to the travel, submit it with the reimbursement form. (Ord. #11-98, Aug. 1998)

**4-106. Travel documentation.** It is the responsibility of the authorized traveler to:

1. Prepare and accurately describe the travel,
2. Note on the reimbursement form all direct payments and travel advances made by the city, and
3. Sign and file the reimbursement form with the necessary supporting documents and original receipts.

The reimbursement form should be filed with the finance department within ten (10) days of return or at the end of the month, whichever is more practical. (Ord. #11-98, Aug. 1998)

**4-107. Transportation.** 1. All potential costs should be considered when selecting the modes of transportation. For example, airline travel may be cheaper than automobile when time away from work and increased meal and lodging costs are considered. When time is important, or when the trip is so long that other modes of transportation are not cost-beneficial, air travel is encouraged.

2. If the traveler goes outside the state by means other than air, the reimbursement will be limited to air fare at tourist or economy class, ordinary expenses during the meeting dates, and one day's meals and motel before and after the meeting. The traveler will be required to take annual leave for any additional time taken beyond the day before and the day after the meeting dates.

3. Exceptions. When the traveler extends the trip with personal time to take advantage of discount fares, the reimbursement will be limited to the lesser of:

- a. The actual expenses incurred including meals and lodging, or
  - b. The amount that would have been incurred for non-discounted fares using the least expensive rates available.
4. All expenses and savings associated with extending the trip must be submitted with the expense reimbursement form.
5. Air. a. When possible, the traveler should make full use of discounts for advance airline reservations and advance registration. The traveler should request conference, government, or weekend rates, whichever is cheaper, when making lodging or rental car reservations. The city will pay for tourist or economy class air travel. The traveler should get the cheapest reasonable fare and take advantage of "Super Saver" or other discount fares. Airline travel can be paid by direct billing to the city.
- b. Mileage credits for frequent flyer programs accrue to the individual traveler. However, the city will not reimburse for additional expenses, such as circuitous routing, extended stays, layovers to schedule a particular carrier, upgrading from economy to first class, for travelers to accumulate additional mileage or for other personal reasons.
  - c. The city will not reimburse travel by private aircraft unless authorized in advance by the CAO.
6. Rail or bus. The city will pay for actual cost of ticket.
7. Vehicles. Automobile transportation may be used when a common carrier cannot be scheduled, when it is more economical, when a common carrier is not practical, or when expenses can be reduced by two or more city employees traveling together.
- a. Personal vehicle. Employees should use city vehicles when possible. Use of a private vehicle must be approved in advance by the CAO. The city will pay a mileage rate not to exceed the rate established by the standard internal revenue service mileage allowance. The miles for reimbursement shall be paid from origin to destination and back by the most direct route. Necessary vicinity travel related to the official city business will be reimbursed. However, mileage in excess of the Rand-McNally mileage must be documented as necessary and business-related. If an indirect route is taken, the Rand-McNally mileage table will be used to determine the mileage to be reimbursed.
- If a privately owned automobile is used by two or more travelers on the same trip, only the traveler who owns or has custody of the automobile will be reimbursed for mileage. It is the responsibility of the traveler to provide adequate insurance to hold harmless the city for any liability from the use of the private vehicle. In no event will mileage reimbursement, plus vicinity travel and associated automobile costs, exceed the lowest reasonable available air fare and associated air fare travel costs.

Travelers will not be reimbursed for automotive repair or breakdowns when using their personal vehicle.

b. City vehicle. The city may require the employee to drive a city vehicle. If a city vehicle is provided, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable business. The employee will be reimbursed for expenses directly related to the actual and normal use of the city vehicle when proper documentation is provided. Out-of-town repair cost to the city vehicle in excess of one hundred dollars (\$100.00) must be cleared with the proper city official before the repair is authorized.

c. Rental cars. Use of a rental car is not permitted unless it is less expensive or otherwise more practical than public transportation. Approval of car rental is generally required in advance by the CAO. Always request the government or weekend rate, whichever is cheaper. Anyone who uses a rental car for out-of-state travel must obtain liability coverage from the vendor.

d. Fines for traffic or parking violations will not be reimbursed by the city.

e. Reasonable tolls will be allowed when the most direct travel route requires them.

f. Taxi, limousine, and other transportation fares. i. When an individual travels by common carrier, reasonable fares will be allowed for necessary ground transportation. Bus or limousine service to and from airports should be used when available and practical. The traveler will be reimbursed for parking fees and mileage for travel to and from the local airport, provided such cost does not exceed normal taxi/limousine fares. Documentation of expenses is required.

ii. Reasonable transportation fares between lodging quarters and meetings, conferences, or meals will be reimbursed. Original receipts are required for claims of five dollars (\$5.00) or more. Transportation costs incurred for personal purposes are not reimbursable.

iii. Reimbursement claims for taxis, limousines, or other ground transportation must be listed separately on the expense form, claiming the destination and amount of each fare. (Ord. #11-98, Aug. 1998)

**4-108. Lodging.** Authorized travelers shall be reimbursed for actual, reasonable and necessary expenses incurred for lodging in a publicly licensed lodging facility during official business travel requiring an overnight stay. Authorized travelers sharing lodging shall report the expense on a pro-rated basis. Original lodging receipts must be submitted with the reimbursement form. (Ord. #11-98, Aug. 1998)

**4-109. Meals and incidentals.** Authorized travelers shall be reimbursed for the actual, reasonable and necessary expenses for meals consumed while on official city travel. If such expenses amount to less than twenty five dollars (\$25.00) per day, documentation will not be required. If the meals are included as a part of the conference or seminar charge, the authorized traveler shall not be reimbursed for costs incurred in eating elsewhere. Should an authorized traveler pay for the total cost of a meal shared with other authorized travelers, the total cost will be reimbursed to the paying traveler if the other travelers are identified on the original receipt. Original receipts for meals must be submitted with the reimbursement form. (Ord. #11-98, Aug. 1998)

**4-110. Miscellaneous expenses.** 1. Registration fees for approved conferences, conventions, seminars, meetings, and other educational programs will be allowed and, when applicable, will include the cost of official banquets, meals, lodging and registration fees. Registration fees should be specified on the original travel request form and can include a request for pre-registration fee payment.

2. The traveler may be reimbursed for up to five dollars (\$5.00) per day for personal phone calls while on official travel without documentation as original receipt.

3. An allowance up to four dollars (\$4.00) for hotel/motel check-in and baggage handling will be reimbursable without documentation or original receipts.

4. Laundry, valet service, tips and gratuities are considered personal expenses and are not reimbursable.

5. For travel outside the United States, all expenses claimed must be converted to U.S. dollars. The conversion rate and computation should be shown on each receipt. (Ord. #11-98, Aug. 1998)

**4-111. Entertainment.** 1. The city may pay for certain entertainment expenses provided that:

- a. The entertainment is appropriate in the conduct of city business;
- b. The entertainment is approved by the CAO;
- c. The group or individuals involved are identified; and
- d. Documentation is attached to the expense form to support the entertainment expense claims.

2. To request reimbursement for authorized entertainment expenses the following must be included with the expense reimbursement form.

- a. Original receipts from the vendor (restaurant, caterer, ticket office, etc.). Reasonable tips and gratuities included on the receipt by the vendor are reimbursable.



b. An explanation of the purpose of the entertainment and the number and identity of the persons or group entertained. (Ord. #11-98, Aug. 1998)

**4-112. Travel reconciliation.** 1. Within ten (10) days of return from travel, or by the end of the month, the traveler is expected to complete and file the expense reimbursement form. It must be certified by the traveler that the amount due is true and accurate. Original receipts documenting the expenses must be attached.

2. If the city provided a travel advance or made advanced payment, the traveler should include that information on the expense reimbursement form. In the case of advances, the form should have a reconciliation summary, reflecting total claimed expenses with advances and city pre-payments indicated. The balance due the traveler or the refund due the city should be clearly shown below the total claim on the form or in a cover memo attached to the front of the form.

3. If the traveler received a travel advance that exceeds the expenses claimed, the traveler shall attach a check made payable to the city for that difference.

4. The CAO will address special circumstances and issues not covered in this policy on a case-by-case basis. (Ord. #11-98, Aug. 1998)

**4-113. Disciplinary action.** Violation of the travel rules can result in disciplinary action for employees. Travel fraud can result in criminal prosecution of officials and/or employees. (Ord. #11-98, Aug. 1998)

## CHAPTER 2

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM<sup>1</sup>

#### SECTION

- 4-201. Title.
- 4-202. Purpose.
- 4-203. Coverage.
- 4-204. Standards authorized.
- 4-205. Variances from standards authorized.
- 4-206. Administration.
- 4-207. Funding the program.

**4-201. Title.** This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Piperton. (as added by Ord. #54-04, Jan. 2005, and replaced by Ord. #279-17, May 2017)

**4-202. Purpose.** The City of Piperton in electing to update the established program plan will maintain an effective and comprehensive Occupational Safety and Health Program Plan for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
  - (a) Top management commitment and employee involvement;
  - (b) Continually analyze the worksite to identify all hazards and potential hazards;
  - (c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
  - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

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<sup>1</sup>The Plan of Operation for the Occupational Safety and Health Program for the City of Piperton, including Appendices I through IV is included in the Appendix to this municipal code.

(4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (as added by Ord. #54-04, Jan. 2005, and replaced by Ord. #279-17, May 2017)

**4-203. Coverage.** The provisions of the occupational safety and health program plan for the employees of the City of Piperton shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (as added by Ord. #54-04, Jan. 2005, and replaced by Ord. #279-17, May 2017)

**4-204. Standards authorized.** The occupational safety and health standards adopted by the City of Piperton are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.<sup>1</sup> (as added by Ord. #54-04, Jan. 2005, and replaced by Ord. #279-17, May 2017)

**4-205. Variances from standards authorized.** Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Variances from Occupational Safety and Health Standards, chapter 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing.

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 50, chapter 3.

The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (as added by Ord. #54-04, Jan. 2005, and replaced by Ord. #279-17, May 2017)

**4-206. Administration.** For the purposes of this chapter, Piperton's Fire Chief is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the Public Sector, chapter 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (as added by Ord. #54-04, Jan. 2005, and replaced by Ord. #279-17, May 2017)

**4-207. Funding the program.** Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the Piperton Board of Mayor and Commissioners. (as added by Ord. #54-04, Jan. 2005, and replaced by Ord. #279-17, May 2017)

## TITLE 5

### MUNICIPAL FINANCE AND TAXATION<sup>1</sup>

#### CHAPTER

#### 1. MISCELLANEOUS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

5-101. Official depository for city funds.

5-102. Business tax established.

5-103. Purchases requiring sealed bids.

5-104. Litigation tax levied.

**5-101. Official depository for city funds.** The official depositories for all city funds are as follows:<sup>2</sup>

	<u>Financial Institution</u>	<u>Address</u>
1.	First Tennessee Bank	Collierville, Tennessee
2.	The Piperton Bank, a/k/a The Bank of Fayette Co.	Piperton, Tennessee
3.	Independent Bank	Memphis, Tennessee
4.	Rossville Savings Bank	Rossville, Tennessee
5.	National Bank of Commerce, a/k/a SunTrust Bank	Collierville, Tennessee
6.	First Citizens National Bank	Oakland, Tennessee
7.	Landmark Community Bank	Collierville, Tennessee
8.	Pinnacle Financial Partners	Memphis, Tennessee

(Ord. #02-01, April 2001, as amended by Ord. #27-02, Oct. 2002, Ord. #52-04, Nov. 2004, Ord. #227-13, Aug. 2013, and Ord. #297-18, Nov. 2018 *Ch6\_04-20-21*)

**5-102. Business tax established.** (1) Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations,

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<sup>1</sup>Charter reference

Finance and taxation: title 6, chapter 22.

<sup>2</sup>Charter reference

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

occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act"<sup>1</sup> are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act.

(2) License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the city manager to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (Ord. #14-98, Dec. 1998)

**5-103. Purchases requiring sealed bids.** All purchases for the City of Piperton of twenty-five thousand dollars (\$25,000) or more shall require formal sealed bids. (Ord. #14-99, Sept. 1999, as replaced by Ord. #386-23, Dec. 2023 *Ch8\_02-20-24*)

**5-104. Litigation tax levied.** There is hereby levied and imposed a privilege tax on litigation in all cases arising under the laws and ordinances of the city instituted in the City Court of Piperton, Tennessee in the amount of twelve dollars and twenty-five cents (\$12.25). This litigation tax is imposed and is to be collected only when a judgment is entered against the defendant and in the same manner set forth in Tennessee Code Annotated, title 67, chapter 4, as the same may be amended.

The privilege taxes collected pursuant to this section shall be deposited into the general fund of the City of Piperton, Tennessee. (as added by Ord. #143-08, Sept. 2008)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 67-4-701, et seq.

**TITLE 6****LAW ENFORCEMENT****CHAPTER****1. POLICE AND ARREST.****CHAPTER 1****POLICE AND ARREST<sup>1</sup>****SECTION**

6-101. When policemen to make arrests.

6-102. Disposition of persons arrested.

6-103. Citations in lieu of arrest in non-traffic cases.

6-104. Summonses in lieu of arrest.

**6-101. When policemen to make arrests.** 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 probable cause to believe the person has committed it. (as added by Ord. #62-05, Aug. 2005)

**6-102. Disposition of persons arrested.** 1. For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinances shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond with the city court clerk, or, if the city court clerk is not available, with the ranking police officer on duty. If the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.

2. Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender. (as added by Ord. #62-05, Aug. 2005)

**6-103. Citations in lieu of arrest in non-traffic cases.**<sup>1</sup> Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the board of mayor and commissioners appoints the police chief, duly sworn police officers, and reserve police officers in the police department, the fire chief in the fire department and the building inspector in the building department special police officers having the authority to issue citations in lieu of arrest. The fire chief in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 1 of this municipal code of ordinances. The building inspector in the building department shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in title 12 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with Tennessee Code Annotated, § 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (as added by Ord. #62-05, Aug. 2005)

**6-104. Summonses in lieu of arrest.** Pursuant to Tennessee Code Annotated, § 7-63-201, et seq., which authorizes the board of mayor and commissioners to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control, environmental and animal control, the board designates the chief of police, duly sworn police officers and reserve officers and the building inspector to issue ordinance summonses in those areas. These enforcement officers may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control,

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.



environmental or animal control, may issue an ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summoned notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may

1. Have a summons issued by the clerk of the city court, or
2. May seek the assistance of a police officer to witness the violation.

The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-102 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (as added by Ord. #62-05, Aug. 2005)

**TITLE 7****FIRE PROTECTION AND FIREWORKS**<sup>1</sup>**CHAPTER**

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

**CHAPTER 1****FIRE CODE****SECTION**

7-101. Fire code adopted.

**7-101. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating exits, egress capacity, stairways, fire escapes, travel distance to egress, special locking arrangements in place of assembly occupancies, in any building or structure. The International Fire Code,<sup>2</sup> 2018 edition, with Fire Appendices B, D, E, F, G, H, I, J, and N, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code as fully as if copied herein verbatim, and is hereinafter referred to as the fire code. (Ord. #10-93, Oct. 1993, as replaced by Ord. #220-12, Jan. 2013, and amended by Ord. #310-19, Sept. 2019 *Ch6\_04-20-21*)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

**CHAPTER 2****FIRE DEPARTMENT<sup>1</sup>****SECTION**

7-201. Fire department established.

**7-201. Fire department established.** 1. A fire department is established that will be owned and operated by the city.

2. Firemen will be volunteers working under the direction of an appointed fire chief and an assistant fire chief. (Ord. #1B-78, Sept. 1978)

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<sup>1</sup>Charter references

For detailed charter provisions governing the operation of the fire department, see Tennessee Code Annotated, title 6, chapter 21, part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

Fire chief

Appointment: § 6-21-701.

Duties: § 6-21-702.

Emergency: § 6-21-703.

Fire marshal: § 6-21-704

Firemen

Appointment: § 6-21-701.

Emergency powers: § 6-21-703.

## CHAPTER 3

### MISCELLANEOUS

#### SECTION

7-301. Fire hydrant water pressure.

7-302. Structures 1,000 feet or more from fire hydrant.

7-303. Sprinkler systems.

7-304. Emergency vehicles' ability to reach structures 250 feet from public road.

**7-301. Fire hydrant water pressure.** 1. The City of Piperton reaffirms and adopts a minimum water fire flow pressure of 1500 gallons per minute as the city's goal, with a 10% differential of the 1500 gallons per minute, which might be waived.

2. Any fire fighting unit will not pump the water pressure at a fire hydrant below 20 p.s.i. This restriction applies to mutual aid forces also who are called to assist in fighting a fire within the Piperton Water System area. The respective fire department chief will instruct his assigned pumper operator to utilize the gauges of the pumper unit to govern the intake as 20 p.s.i. minimum during the operation. (Ords. #3-38, Aug. 1983 and #11-01, July 2001)

**7-302. Structures 1,000 feet or more from fire hydrant.** Any primary residential structure proposed to be erected after the effective date of this section that is located 1000 feet or more from the nearest hydrant, as measured from the fire hydrant running along all weather roads to the rear of all such structures, must meet the following conditions, to-wit:

1. Provide a dependable water supply, i.e. fire hydrant within 250 feet of the structure that will deliver enough water as determined by the fire chief or fire marshal (1500 gallons per minute minimum), so that the fire department can extinguish the fire. The water supply can be achieved through the extension of the city water line, a private water supply, or a pond provided with a dry hydrant.

2. A sprinkler system installed in compliance with NFPA regulations may be substituted for condition (1) above.

3. If the water supply is provided by a dry hydrant, then an all weather road must be extended so that an emergency vehicle can travel to the hydrant and park in a manner that provides functional access to the dry hydrant.

4. Hydrant repairs and maintenance will be the responsibility of the property owner. If the hydrant will not operate properly, it will be the property owner's responsibility (at his expense) to repair the hydrant to the fire chief's standards. The City of Piperton may inspect the hydrants to insure that they are being properly maintained. Hydrants must be compatible with the City of Piperton's standards.

The fire chief or fire marshal having jurisdiction must approve all designs before the building permit can be issued and must also approve the installation before the certificate of occupancy can be issued. (Ord. #31-03, Feb. 2003)

**7-303. Sprinkler systems.**<sup>1</sup> All new construction or renovations of more than twenty-five percent (25%) of existing construction not already required to be equipped with a sprinkler system of the type and design as required by the building code that has been adopted by the city shall be equipped with automatic fire sprinkler systems installed according to the N.F.P.A. 13, 13D or 13R in all classifications of occupied structures, as follows: Assembly, educational, health care, detention and correctional, mercantile, multifamily residential, business, industrial and storage associated with the previous categories. This section specifically excludes single family residential homes and home occupations associated with such structures. (Ord. #06-01, June 2001)

**7-304. Emergency vehicles' ability to reach structures 250 feet or 1000 feet from public road.** On any parcel of property where any primary residential structure is proposed to be erected after the effective date of this section so that such structure will be set back more than 250 feet from a public road, the following minimum requirements must be met:

1. Entrance off a public way must be constructed so that the largest responding emergency vehicle can safely turn onto the private drive without jeopardizing or damaging the emergency vehicle.
2. An all weather road must be constructed to insure that the responding emergency vehicle can safely travel the road to reach the structure.
3. Roadways must be kept free of obstruction to a width of at least 15 feet and height of at least 12 feet.
4. A turn-around must be provided in a size and of a design adequate to insure that emergency vehicles can safely turn around without being placed in jeopardy.
5. It will be the responsibility of the property owner(s) to maintain the private drive at the property owner(s) expense. If the private drive is not maintained to the city's standards, the City of Piperton will notify owner(s) in writing of the nature of the discrepancy. If necessary repairs have not been made within thirty (30) days of notification (or as soon thereafter as weather permits), the City of Piperton may make the necessary repairs and bill the owner(s) for all cost of repairs, including legal fees and expenses.

The fire chief or fire marshal having jurisdiction must approve the road design before a building permit can be issued, and the completed road must be

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<sup>1</sup>Municipal code reference

Automatic sprinkler systems: title 20.

inspected for compliance before a certificate of occupancy can be issued.  
(Ord. #31-03, Feb. 2003)

**CHAPTER 4**

**FIREWORKS**

**SECTION**

7-401. Sale of fireworks prohibited.

**7-401. Sale of fireworks prohibited.** The sale of fireworks is not permitted within the corporate limits of the City of Pipeston. (Ord. #3-95, Nov. 1995)

**TITLE 8****ALCOHOLIC BEVERAGES<sup>1</sup>****CHAPTER**

1. BEER.
2. REGULATION OF RETAIL PACKAGE STORES.

**CHAPTER 1****BEER<sup>2</sup>****SECTION**

- 8-101. Beer board established.
- 8-102. Meetings of the beer board.
- 8-103. Record of beer board proceedings to be kept.
- 8-104. Requirements for beer board quorum and action.
- 8-105. Powers and duties of the beer board.
- 8-106. Hearings before the beer board.
- 8-107. Permit required for engaging in beer business.
- 8-108. Privilege tax.
- 8-109. Beer permits shall be restrictive.
- 8-110. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-111. Prohibited conduct or activities by beer permit holders.
- 8-112. Suspension and revocation of beer permits.
- 8-113. Civil penalty in lieu of suspension or revocation.
- 8-114. Sales legalized; conditions generally.
- 8-115. Definitions.
- 8-116. Permit classification, application and restrictions.
- 8-117. Proof of payment required.
- 8-118. Display of licenses required.
- 8-119. Right to inspect premises of licensee.
- 8-120. Loss of clerk's certification for sale to minor.
- 8-121. Interference with public health, safety and morals prohibited: on-premises permit--distance.

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

<sup>2</sup>State law reference

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



- 8-122. Interference with public health, safety and morals prohibited: off-premises permit--distance.
- 8-123. Method of measuring location distance; prohibitions.
- 8-124. Separate sanitary toilets required.
- 8-125. Beer tax assessed.
- 8-126. Penalty imposed for non-payment of beer tax.
- 8-127. License revocation for failure to pay beer tax.
- 8-128. Affidavit of permit holder.
- 8-129. Bond required.
- 8-130. Prohibition of "brown bagging."
- 8-131. Violations.

**8-101. Beer board established.** There is hereby established a beer board to be composed of the board of mayor and commissioners. The mayor shall be the chairman of the beer board. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)

**8-102. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)

**8-103. Record of beer board proceedings to be kept.** The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: the date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)

**8-104. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)

**8-105. Powers and duties of the beer board.** (1) The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale,

distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter.

(2) The chairman of the beer board may call a special session of the beer board upon notification of a violation of this chapter. The permit holder in violation shall be summoned to appear at a designated time and place. The summons shall be issued by the charging officer.

(3) The beer board may restrict beer permits to off-premises consumption only or on-premises consumption only.

(4) For on-premises permits, the applicant must serve at least one hot meal a day at tables provided for that purpose with a menu available during the regular hours. It is further required that a minimum of seventy percent (70%) of the gross revenues of the establishment be from food sales. Reporting procedures for establishments holding on-premises permits are herewith established. Reporting forms shall be provided to establishments holding Class I permits and shall detail food sale and alcoholic beverage sale percentages on the annual basis and shall be due on or before January 31. The licensee will submit copies of all sales tax returns related to that period, including, but not all inclusive of sales and use tax return and liquor-by-the-drink return, with appropriate documentation. These returns will be subject to audit by the city. Reporting year shall be January 1 through December 31. The finance department shall send the city clerk/recorder an annual list of businesses which have complied with this requirement, and the city clerk/recorder will keep a record of such compliance. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)

**8-106. Hearings before the beer board.** (1) All matters brought before the beer board will be heard in the following order:

- (a) Requests for continuances;
- (b) Rehearings and decisions where no protests have been received;
- (c) Special hearings;
- (d) Violations in which permit holders are represented by counsel and/or at the request of the police;
- (e) Applications for issuance of beer permits;
- (f) Rehearings and decisions where protests have been received.

(2) Those permit holders charged with violations will be given written notice not less than five (5) days in advance to appear before the beer board to answer charges.

(3) All alleged permit violators at the hearing have the right to plead not guilty to any or all of the charges, to have assistance of counsel, to cross examine witnesses and to testify and present witness(es) and evidence on his or her behalf.

(4) All witnesses in a contested matter before the beer board shall first be sworn in by the city clerk/recorder, a representative from that office

authorized to administer an oath or by a certified court reporter prior to any testimony or evidence being given.

(5) Hearsay evidence is admissible in hearings before the beer board.

(6) The beer board has no power to subpoena or require the presence of any witness.

(7) A transcript recording shall be made of all contested beer board hearings. The city clerk/recorder shall be advised by the permit holder, prior to the hearing, that a transcribed recording is required. The cost of such a recording shall be divided equally between the permit holder and the city. All other matters before the beer board shall be tape-recorded.

(8) After hearing all the testimony in a given case, the beer board may take the following action:

(a) Dismiss any and all charges;

(b) Place on probation for up to one (1) year, pursuant to the limitations and restrictions imposed by Tennessee Code Annotated, §§ 57-5-608 and 57-5-108;

(c) Suspend the beer permit for any number of days or indefinitely, pursuant to the limitations and restrictions imposed by Tennessee Code Annotated, §§ 57-5-608 and 57-5-108;

(d) Revoke the beer permit, pursuant to the limitations and restrictions imposed by Tennessee Code Annotated, §§ 57-5-608 and 57-5-108;

(e) Offer a civil monetary penalty as an alternative to suspension or revocation, not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense, to a responsible vendor if the permit or license holder and the clerk making the sale have complied with the requirements of Tennessee Code Annotated, § 57-5-601, et seq. (Tennessee Responsible Vendor Act of 2006.)

(f) Offer a civil monetary penalty as an alternative to suspension or revocation, not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense, to a vendor who is not a responsible vendor in accordance with the requirements of Tennessee Code Annotated, § 57-5-601, et seq. (Tennessee Responsible Vendor Act of 2006), or to a responsible vendor under the same act if the vendor or clerk making the sale to a minor fails to comply with the requirements of Tennessee Code Annotated, § 57-5-606.

(g) If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days from the date of the hearing within which to pay the civil penalty to the city clerk/recorder before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed

withdrawn. The permit holders' payment of the civil penalty shall not affect the options provided by subsection (10) of this section.

(9) In assessing a penalty, the beer board may consider the past record of the permit holder and location.

(10) Upon receiving an adverse ruling by the beer board, an applicant or permit holder:

(a) Accept the decision and penalty;

(b) File a writ of certiorari in the Fayette County Circuit or Chancery Courts.

(11) The penalty assessed by the beer board will take effect on the fifteenth (15th) day after the beer board decision at 12:01 A.M. and will be continuously enforced throughout the period of suspension or revocation. In the event a permit holder requests a re-hearing or files a writ of certiorari, the enforcement period will become effective upon completion of the re-hearing or the disposition of the writ of certiorari. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)

**8-107. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Pipeperon. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter and Tennessee Code Annotated, §§ 57-5-101 through 57-5-416. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)

**8-108. Privilege tax.** Effective January 1, 1994, there is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association, engaged in the sale, distribution, storage or manufacture of beer, shall remit the tax on January 1, 1994, and each successive January 1 to the City of Pipeperon, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)

**8-109. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted so as to authorize sales only for off premise or on premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)

**8-110. 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. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)

**8-111. Prohibited conduct or activities by beer permit holders.**

(1) It shall be unlawful for any beer permit holder to allow any of the following activities in a licensed establishment.

(a) 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;

(b) Make or allow any sale, give away or otherwise dispose of beer between the hours of 3:00 A.M. and 8:00 A.M. during any night of the week; and between 3:00 A.M. and noon on Sunday;

(c) Make or allow any sale of beer to a person under twenty-one (21) years of age;

(d) Allow any person under twenty-one (21) years of age to loiter in or about his place of business;

(e) Allow the owner or any employee to consume alcoholic beverages while on duty. An owner is always assumed to be on duty while in his or her establishment and in the public part of the business;

(f) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person;

(g) Allow drunk persons to loiter about his premises;

(h) Allow consumption of beer in an establishment restricted to off-premises consumption;

(i) Serve or sell or allow to be served or sold beer to any person in or on any motor vehicle or allow any person to consume beer while in a motor vehicle parked on this premises;

(j) Allow assaults, fighting, damaging of property and breaches of the peace occurring on or in the premises where beer is sold;

(k) Allow consumption of beer at any point closer than two hundred feet (200') from the point of sale, when an off-premises permit only is held by licensee;

(l) Fail to prominently display a current beer permit;

(m) Fail to provide at least one (1) working telephone for incoming and outgoing calls at all times;

(n) Allow the sale or consumption of beer from any location under suspension by the beer board;

(o) Sell, serve or allow to be sold on his or her premises any alcoholic beverage with an alcoholic content of more than five percent (5%) weight, unless such location holds a valid, current mixed drink license issued by the Tennessee Alcoholic Beverage Commission;

(p) Not to comply with the laws of the State of Tennessee and the City of Piperton regarding beer; and

(q) Fail to comply with the restrictions; it shall be unlawful for any permit holder of an on-premises license to:

(i) Employ any minor under the age of eighteen (18) in the sale or serving of beer;

(ii) Allow any minor under the age of twenty-one (21) to frequent his or her place of business, except where the business is a restaurant and in that case said minor shall only be allowed in the business for the sole purpose of eating of prepared food from the menu;

(iii) Allow dancing on his or her premises by employees or agents of the business;

(iv) Allow pool or billiard playing in the same room where beer is consumed;

(v) Fail to provide sufficient lighting for customers to adequately read a menu and for employees to properly inspect the age and identification cards of its customers;

(vi) Permit customers or employees to be nude, topless or bottomless at any time; and

(vii) No permit shall be issued to a business location with pinball or video game machines exceeding four (4) in number.

(r) Make or allow any sale of beer for off-premise consumption to any person who does not present to the permit holder or any employee thereof a valid, government issued document, such as a driver's license, or other form of identification which includes the photograph and birth date of the adult consumer attempting to purchase the beer. Those persons exempt under state law from the requirement of having photo identification shall present identification that is acceptable to the permit holder.

(2) All above violations observed openly shall be considered prima facie evidence that the violation is allowed by the permit holder and the burden of

proof to prove otherwise shall be shifted to the permit holder. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)

**8-112. Suspension and revocation of beer permits.** The beer board shall have the power to suspend or 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 suspended or revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)

**8-113. Civil penalty in lieu of suspension or revocation.** Pursuant to Tennessee Code Annotated, § 57-5-108, the board may assess a civil penalty against a permit holder in lieu of suspension or revocation of said permit. The board may:

(1) Offer a civil monetary penalty as an alternative to suspension or revocation, not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense, to a responsible vendor if the permit or license holder and the clerk making the sale have complied with the requirements of Tennessee Code Annotated, § 57-5-601, et seq. (Tennessee Responsible Vendor Act of 2006)

(2) Offer a civil monetary penalty as an alternative to suspension or revocation, not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense, to a vendor who is not a responsible vendor in accordance with the requirements of Tennessee Code Annotated, § 57-5-601, et seq. (Tennessee Responsible Vendor Act of 2006), or to a responsible vendor under the same act if the vendor or clerk making the sale to a minor fails to comply with the requirements of Tennessee Code Annotated, § 57-5-606.

(3) If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days from the date of the hearing within which to pay the civil penalty to the city clerk/recorder before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. The permit holders payment of the civil penalty shall not affect the options provided by subsection (10) of § 8-106. (Ord. #16-99, Dec. 1999, amended by Ord. #49-04, Oct. 2004, and replaced by Ord. #231-13, Dec. 2013)

**8-114. Sales legalized; conditions generally.** It shall be lawful to transport, store, sell, distribute, possess, receive or manufacture beer of alcoholic content of not more than five percent (5%) by weight or any other

beverage of like alcoholic content within the corporate limits of the city, subject to all the regulations, limitations and restrictions provided by Tennessee Code Annotated, title 57, chapter 5, or other laws of the state and subject to the rules, regulations, limitations and restrictions hereinafter provided or hereafter promulgated. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)

**8-115. Definitions.** (1) "Beer" means and includes beers, ales, malt liquors and every other liquid containing alcohol and capable of being consumed by a human being, other than patent medicine, wine as defined in Tennessee Code Annotated, § 57-3-101, alcoholic beverage where the latter contains an alcoholic content of five percent (5%) or more by weight or more or products or beverages containing less than one half of one percent (0.5%) of alcohol by volume;

(2) "Church" means a building where persons regularly assemble for religious worship, which building is maintained, controlled and owned by a religious body or institution organized to sustain public worship;

(3) "City" means the City of Piperton, Tennessee;

(4) "Clerk" means any person working in a capacity to sell beer directly to consumers for off premise consumption;

(5) "License" means the license issued pursuant to this chapter;

(6) "Licensee" means any person to whom such license has been issued pursuant to this chapter;

(7) "Moral turpitude" means premeditated murder, all sex-related crimes, the illegal possession or sale of schedule I and II controlled substances, as defined by Tennessee Code Annotated, §§ 39-17-405 to 39-17-408, and embezzlement;

(8) "Responsible vendor" means a vendor that has received certification from the alcoholic beverage commission pursuant to Tennessee Code Annotated, § 57-5-601, et seq. (Tennessee Responsible Vendor Act of 2006);

(9) "Retailer" means any person who sells at retail any beverage for sale of which a license is required under the provisions of this chapter;

(10) "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale;

(11) "School" means an institution of learning including but not limited to parochial, private, public school as defined by the city's zoning ordinance and child care facilities as defined by the city's zoning ordinance;

(12) "Tennessee Code Annotated" means the Tennessee Code Annotated. Words importing the masculine gender include the feminine and the neuter, and the singular includes the plural; and

(13) "Vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off premise consumption. (Ord. #16-99, Dec. 1999, as replaced by Ord. #231-13, Dec. 2013)



**8-116. Permit classification, application and restrictions.**

(1) Permits shall be issued by class as follows:

(a) Class I. "Across-the-counter" licenses for on-premises consumption only.

(b) Class II. "Package sales" licenses for off-premises consumption only;

(2) Applications for a beer permit. (a) The application for the beer permit shall state the class or classes of permits requested. The number of businesses for which permits may be issued is unlimited; provided, however, an owner who operates two or more restaurants or other businesses within the same building may, in his or her sole discretion, operate all or some of the businesses pursuant to the same permit. Such multiple use permits must be issued for the classes applicable to the conduct of the businesses.

(b) All classes of permits shall be issued to the owner of the business, whether a person, firm, corporation, joint stock company, syndicate or association. A permit shall be valid:

(i) Only for the owner to whom the permit is issued and cannot be transferred to another owner. If the owner is a corporation, a change in ownership shall occur when control of at least fifty percent (50%) of the stock of the corporation is transferred to a new owner;

(ii) Only for a single location and cannot be transferred to another location. A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business; and

(iii) Only for a business operating under the name identified in the permit application.

(c) A permit holder must return a permit to the beer board within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business name; provided, however, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business name. This provision shall have no application to the temporary closing of a business for the purpose of constructing improvements, provided the business reopens under the same name and ownership.

(d) Each applicant shall disclose the following information on the application for a beer permit:

(i) Name of applicant;

(ii) Name of applicant's business;

(iii) Location of the business by street address or other geographical description to permit an accurate determination of conformity with the requirements of state law and this subchapter;

(iv) If beer will be sold at two (2) or more restaurants or businesses in the same building pursuant to the same permit, a description of all such businesses;

(v) Persons, firms, corporations, joint stock companies, syndicates or associations having at least a five percent (5%) ownership interest in the applicant;

(vi) Identity and address of a representative to receive annual tax notices and any other communication from the beer board;

(vii) An acknowledgment that no person, firm, joint stock company, syndicate or association having at least a five percent (5%) ownership interest in the applicant nor any person to be employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or any other crime involving moral turpitude within the past ten (10) years;

(viii) The class of permit being requested and an acknowledgment that if the applicant desires to change the method of sale or operation in the future that a new application will be submitted to the beer board requesting a new permit;

(ix) Such other relevant information as may be required from time to time by the beer board;

(x) Affirmative acknowledgment that the applicant or permit holder shall amend or supplement the application promptly if a change in circumstances affects any information submitted on or with the application; and

(xi) The applicant's certification that the owner of the business or its representative has read and is familiar with all provisions of this chapter.

(e) Any applicant making a false statement in the application shall forfeit the permit and shall not be eligible for any type beer permit for a period of ten (10) years.

(f) In no event shall a permit be issued without a full and proper hearing before the beer board and a majority vote therefore in favor of such issuance.

(3) Beer permits to 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, distribution and manufacturing. 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 or her permit. It shall likewise be

unlawful for him or her not to comply with any and all express conditions or restrictions which may be written into his or her beer permit by the beer board.

(4) Procedures for obtaining a beer permit. The following procedures must be followed by all applicants in seeking a hearing for a beer permit before the City of Piperton Beer Board:

(a) Applicant will complete an official application form and return the form to the city clerk at least thirty (30) days prior to the next regularly scheduled meeting of the beer board;

(b) Applicants must secure the signatures of at least ten (10) citizens who reside in the City of Piperton. This shall certify that they know the applicant and will testify as to the character and moral standing of the applicant:

(i) If the applicant is unable to obtain the above, signatures of business owners within Piperton or Fayette County will be accepted, provided they have known the applicant at least five (5) years and provided a letter from the applicant is also submitted as to why signatures of Piperton residents were not obtained.

(ii) Applicants who are unable to meet either of the above requirements shall appear before the city clerk/recorder so he or she may solicit sufficient information to conduct a complete background investigation.

(c) Applicant must secure a telephone for the proposed business location;

(d) The city shall place, at the applicant's expense, a public notice in the newspaper of general circulation within the community prior to the consideration of the application by the beer board. The notice shall be published at least seven (7) days prior to the meeting of the beer board and shall notify the public of the intent to sell beer at a particular location;

(e) If the application is for a place of business where beer has not been sold in the last twelve (12) months, all property owners within one thousand feet (1,000') of the proposed location shall be notified by the United States mail at least one (1) week before consideration by the beer board, giving the name of the applicant, type of permit requested, and the time and date of the hearing;

(f) Applicant shall place a conspicuous window sign on the proposed location at least two feet (2') by three feet (3') with the letters at least four inches (4") in size notifying the public of the intent to sell beer at that location; and

(g) Any applicant denied issuance of a beer permit may file a writ of certiorari in Fayette County Circuit or Chancery Courts.

(5) Restrictions on the issuance of beer permits. The beer board shall be guided by the following restrictions and limitations in the deliberation and issuance of beer permits within the corporate limits of the City of Piperton:

(a) Owners must be a citizen or resident alien lawfully admitted into the United States, or if a syndicate or association, all members thereof must be citizens or resident aliens lawfully admitted to the United States. If a club or lodge, it must be incorporated and operating pursuant to a charter or bylaws of the State of Tennessee and exist other than for the sale of alcoholic beverages;

(b) No permit to engage in the beer business shall be granted by the beer board to any person who is under twenty-one (21) years of age;

(c) Any individual may be employed where beer is sold, whether such individual is a citizen or alien resident of the United States, provided other requirements regulating the sale of beer are met. A minimum age of eighteen (18) years is required for all employees involved in the sale or serving of beer;

(d) The applicant will certify on his or her application the names and addresses of all other persons or firms who have any financial interests whatsoever in the business proposed to be established;

(e) Applicant will certify on his or her application that he or she has read and is familiar with all provisions of this chapter;

(f) The beer board may restrict beer permits to off-premises consumption only or on-premises consumption only;

(g) (i) For on-premises permits, the applicant must serve at least one hot meal a day at tables provided for that purpose with a menu available during the regular hours. It is further required that a minimum of seventy percent (70%) of the gross revenues of the establishment be from food sales. Reporting procedures for establishments holding on-premises and combination permits are herewith established. Reporting forms shall be provided to establishments holding class I permits and shall detail food sale and alcoholic beverage sale percentages on the annual basis and shall be due on or before January 31. The licensee will submit copies of all sales tax returns related to that period, including, but not inclusive of sales and use tax return and liquor-by-the-drink return, with appropriate documentation. These returns will be subject to audit by the city. Reporting year shall be January 1 through December 31. The finance department shall send the city clerk/recorder an annual list of businesses which have complied with this requirement, and the city clerk/recorder will keep a record of such compliance.

(ii) For business establishments meeting meal regulations, it is recognized that individuals less than twenty-one (21) years of age may frequent the business for meal purposes.

(h) For off-premises consumption permits, the applicant will not allow any consumption on the premises or on the sidewalks, streets or property within the immediate premises to be not less than two hundred feet (200'), including the building and parking lot, and no such beverages will be kept for sale in such premises except in the original containers or packages;

(i) No permit shall be issued in violation of any state law or the Zoning Code of the City of Piperton;

(j) The beer board, at its discretion, may refuse to issue a permit for any place of business which in the period immediately preceding the application for a permit was operated in such a manner as to create a public nuisance or which was operated in such a manner as to materially contribute with places of like character in its vicinity in the creation or maintaining of a public nuisance. In determining whether a permit shall be issued, the beer board shall consider the character of the neighborhood, the space available for the building, the space available for off-street parking and the effect of the business on neighboring users;

(k) Each applicant for a beer permit shall pay to the city clerk/recorder a minimum business license fee and gross receipts tax annually in order to renew the beer permit. The city clerk/recorder will notify businesses which fail to pay the annual renewal tax by certified mail not later than February 28 and such failure to file and pay the tax shall result in presentation to the beer board for possible revocation;

(l) No permit will be issued to a spouse, child, relative, employee, or other person having interest in the business of a licensee whose permit has been revoked in the past twelve (12) months;

(m) No permit to engage in the beer business shall be granted by the beer board to any applicant, if the applicant, any person, firm, joint stock company, syndicate or association having at least a five percent (5%) ownership in the applicant, or any person to be employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or any other crime involving moral turpitude within the past ten (10) years; and

(n) Distance requirements described in §§ 8-121 and 8-122.

(6) Notice given of permit suspension or revocation. The board shall cause the city attorney or city manager to give written notice to the Fayette County Sheriff of the suspension or revocation of any permit;

(7) The owner or applicant of an establishment with a beer permit must notify the beer board of any change in home address within ten (10) days; and

(8) The owner and/or lessee of a business licensed for beer sales, in any class, shall be required to complete and sign an affidavit that he, she or they have read the ordinance governing the sale and consumption of beer and

acknowledge responsibility to strictly enforce the beer ordinance in their establishment. Such affidavits shall be signed annually and kept on file in the city clerk/recorder's office with the beer permit. Failure to complete the required affidavit shall be considered basis for license revocation. (as added by Ord. #231-13, Dec. 2013)

**8-117. Proof of payment required.** It shall be unlawful for any person to sell, store, distribute or manufacture beer without having first exhibited a receipt for the taxes provided for in the state's "business tax act." (as added by Ord. #231-13, Dec. 2013)

**8-118. Display of licenses required.** Persons granted licenses to carry on any of the businesses or undertakings contemplated by this chapter shall, before being qualified to do business, display and post and keep displayed and posted such license in a conspicuous place on the premises of such licensee. (as added by Ord. #231-13, Dec. 2013)

**8-119. Right to inspect premises of licensee.** The duly authorized representatives of the city shall have the right to inspect the premises of any business licensed under this chapter during the hours when such establishments are open for the conducting of business. (as added by Ord. #231-13, Dec. 2013)

**8-120. Loss of clerk's certification for sale to minor.** If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-506, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #231-13, Dec. 2013)

**8-121. Interference with public health, safety and morals prohibited: on-premises permit--distance.** No permit authorizing the sale of beer for on-premises consumption will be issued when such business would cause congestion or traffic or would interfere with school or churches, or would otherwise interfere with the public health, safety and morals of the citizens of the City of Piperton. In no event will a beer permit be issued authorizing the on-premises storage for sale or sale of beer at places within two-hundred fifty feet (250') of any school or church. (as added by Ord. #231-13, Dec. 2013)

**8-122. Interference with public health, safety and morals prohibited: off-premises permit--distance.** No permit authorizing the sale

of beer for off-premises consumption will be issued when such business would cause congestion or traffic or would interfere with schools or churches, or would otherwise interfere with the public health, safety and morals of the citizens of the City of Piperton. In no event will a beer permit be issued authorizing the manufacture, storage or sale of beer for off-premises consumption at places within two-hundred fifty feet (250') of any school or church. (as added by Ord. #231-13, Dec. 2013)

**8-123. Method of measuring location distance; prohibitions.**

Whenever in this chapter a distance is specified within which beer for on-premises or off-premises consumption is prohibited, that distance shall be measured in a straight line from the closest point on the building of the school or church, to the closest point on the building of the permit applicant. (as added by Ord. #231-13, Dec. 2013)

**8-124. Separate sanitary toilets required.** It shall be unlawful for a permit holder to fail to provide and maintain separate sanitary toilet facilities for men and women. (as added by Ord. #231-13, Dec. 2013)

**8-125. Beer tax assessed.** In accordance with Tennessee Code Annotated, title 57, chapter 6, there shall be imposed upon the sale of beer at wholesale within the City of Piperton a seven percent (7%) tax upon wholesale price of beer sold in the City of Piperton pursuant to section 4, chapter 76 of Public Acts of Tennessee of 1953. (as added by Ord. #231-13, Dec. 2013)

**8-126. Penalty imposed for non-payment of beer tax.** In the event that a person, firm or corporation responsible for payment of wholesale beer tax under chapter 76 of the Public Acts of Tennessee for 1953 fails to make said payment by the twentieth (20th) of the following month following their collection, there shall be assessed a penalty of ten percent (10%) of the amount due per month for each month or portion of the month of non-payment. (as added by Ord. #231-13, Dec. 2013)

**8-127. License revocation for failure to pay beer tax.** In the event that the wholesale beer tax, pursuant to chapter 46 of the Public Acts of Tennessee of 1953 remains unpaid for a period of ninety (90) days, said nonpayment shall be reported to the Beer Board of the City of Piperton and to the board of mayor and commissioners, and there shall be scheduled a hearing before the beer board for revocation. After the expiration of ninety (90) days of nonpayment, said revocation proceedings shall be mandatory and payment thereafter, but prior to the beer board hearing, shall be accepted, yet the revocation will remain on the agenda for a hearing. (as added by Ord. #231-13, Dec. 2013)

**8-128. Affidavit of permit holder.** The owner and/or lessee of a business license for beer sales, in any class, shall be required to complete and sign an affidavit that he, she or they have read the ordinance governing the sale and consumption of beer and acknowledge responsibility to strictly enforce the beer ordinance in their establishment. Such affidavits shall be signed annually and kept on file in the city clerk/recorder's office with the beer permit. Failure to complete the required affidavit shall be considered basis for license revocation. (as added by Ord. #231-13, Dec. 2013)

**8-129. Bond required.** Every person to whom a permit is issued shall, before selling at retail any beverage permitted to be sold under this subchapter, execute and file with the City of Piperton, a bond in the sum of two thousand five hundred dollars (\$2,500.00). The bond shall be conditioned that the principal thereof will pay any fine arising from any violation of this subchapter which may be assessed against such principal or any agent or employee thereof by the beer board, city court or any court of competent jurisdiction to which any suit from the city court is appealed. The bond shall be executed by some solvent surety company authorized to do business in the State of Tennessee or by solvent personal sureties approved by the city attorney. (as added by ord. #231-13, dec. 2013)

**8-130. Prohibition of "brown bagging."** No owner, operator or employee of any restaurant, club or other business of every kind and description, shall permit or allow any person to open, or to have open, or to consume inside or on the premises a bottle, can, flask or container of any kind or description, of beer unless the business has a current license or permit under this section for the sale of beer on-premises, and the beer consumed was purchased at said business. (as added by Ord. #231-13, Dec. 2013)

**8-131. Violations.** Except as provided in § 8-120, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #231-13, Dec. 2013)



## CHAPTER 2

### REGULATION OF RETAIL PACKAGE STORES

#### SECTION

- 8-201. Definition of alcoholic beverages.
- 8-202. Consumption of alcoholic beverages on premises.
- 8-203. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-204. Annual privilege tax to be paid to the city clerk/recorder.
- 8-205. Consumption of alcohol in municipal parks and playgrounds prohibited.
- 8-206. Advertisement of alcoholic beverages.
- 8-207. Chapter not applicable to beer.
- 8-208. Severability.
- 8-209. -- 8-213. [Deleted.]

**8-201. Definition of alcoholic beverages.** As used in this chapter, unless the context indicates otherwise: Alcoholic beverages means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (as added by Ord. #151-2008, Oct. 2008, and replaced by Ord. #232-13, Dec. 2013)

**8-202. Consumption of alcoholic beverages on premises.** Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of the City of Piperton, Tennessee. It is the intent of the board of mayor and commissioners that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Piperton, Tennessee, the same as if said code sections were copied herein verbatim. (as added by Ord. #151-2008, Oct. 2008, and replaced by Ord. #232-13, Dec. 2013)

**8-203. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.** Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, § 301, for the City of Piperton General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate or association engaging in the business of selling at retail in the City of Piperton on alcoholic beverages for consumption on the premises were sold. (as added by Ord. #151-2008, Oct. 2008, and replaced by Ord. #232-13, Dec. 2013)

**8-204. Annual privilege tax to be paid to the city clerk/recorder.**

Any person, firm, corporation, joint stock company syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Piperton shall remit annually to the city clerk recorder the appropriate tax described in § 8-203. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #151-2008, Oct. 2008, and replaced by Ord. #232-13, Dec. 2013)

**8-205. Consumption of alcohol in municipal parks and playgrounds prohibited.** (1) It shall be a violation of this chapter for any person to consume and/or possess alcoholic beverages, beer or wine in municipal parks and playgrounds.

(2) Violations of this section shall be subject to the violator to a penalty not to exceed a fine of fifty dollars (\$50.00) for each violation. (as added by Ord. #151-2008, Oct. 2008, and replaced by Ord. #232-13, Dec. 2013)

**8-206. Advertisement of alcoholic beverages.** All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, title 57, chapter 4, shall be in accordance with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord. #151-2008, Oct. 2008, and replaced by Ord. #232-13, Dec. 2013)

**8-207. Chapter not applicable to beer.** No provision of this chapter shall be considered or construed as in any way modifying, changing or restricting the rules and regulations governing the sale, storage, transportation, etc., or tax upon beer or other liquor with an alcoholic content of five percent (5%) or less that are regulated under other laws. (as added by Ord. #151-2008, Oct. 2008, and replaced by Ord. #232-13, Dec. 2013)

**8-208. Severability.** If any provision of this chapter or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to that end the provisions of this chapter that are declared to be severable. (as added by Ord. #151-2008, Oct. 2008, and replaced by Ord. #232-13, Dec. 2013)

**8-209–8-213. [Deleted.]** (as added by Ord. #151-2008, Oct. 2008, and deleted by Ord. #232-13, Dec. 2013)

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.****CHAPTER**

1. PEDDLERS, SOLICITORS, ETC.
2. YARD SALES.
3. CABLE TELEVISION.

**CHAPTER 1****PEDDLERS, SOLICITORS, ETC.****SECTION**

- 9-101. Definitions.
- 9-102. Exemptions.
- 9-103. Permit required.
- 9-104. Permit procedure.
- 9-105. Restrictions on peddlers, street barkers and solicitors.
- 9-106. Restrictions on transient vendors.
- 9-107. Display of permit.
- 9-108. Suspension or revocation of permit.
- 9-109. Expiration and renewal of permit.
- 9-110. Violation and penalty.

**9-101. Definitions.** Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

1. "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

2. "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

3. "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the city or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the

purchaser in excess of ten dollars (\$10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one of the following conditions:

a. Has a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

b. Is a member of United Way, Community Chest or similar "umbrella" organizations for charitable or religious organizations.

c. Has been in continued existence as a charitable or religious organization in Fayette County for a period of two (2) years prior to the date of its application for registration under this chapter.

4. "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

5. "Transient vendor"<sup>1</sup> means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

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<sup>1</sup>State law references

Tennessee Code Annotated, § 62-30-101 et seq. contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from Tennessee Code Annotated, § 62-30-101(3). Note also that Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of \$50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).

6. "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade. (as added by Ord. #63-05, Aug. 2005)

**9-102. Exemptions.** The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. (as added by Ord. #63-05, Aug. 2005)

**9-103. Permit required.** No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter. (as added by Ord. #63-05, Aug. 2005)

**9-104. Permit procedure.** 1. Application form. A sworn application containing the following information shall be completed and filed with the city recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

a. The complete name and permanent address of the business or organization the applicant represents.

b. A brief description of the type of business and the goods to be sold.

c. The dates for which the applicant intends to do business or make solicitations.

d. The names and permanent addresses of each person who will make sales or solicitations within the city.

e. The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

f. Tennessee state sales tax number, if applicable.

2. Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars (\$20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

3. Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit

and provide a copy of the same to the applicant. Permits shall not be transferred, assigned, sold or otherwise given to another person or entity that is not listed on the original permit application.

4. Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the permit. (as added by Ord. #63-05, Aug. 2005)

**9-105. Restrictions on peddlers, street barkers and solicitors.** No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

1. Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city.

2. Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

3. Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

4. Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.

5. Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited", or similar language carrying the same meaning, is located. (as added by Ord. #63-05, Aug. 2005)

**9-106. Restrictions on transient vendors.** A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth. (as added by Ord. #63-05, Aug. 2005)

**9-107. Display of permit.** Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand. (as added by Ord. #63-05, Aug. 2005)

**9-108. Suspension or revocation of permit.** 1. Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the city recorder for any of the following causes:

- a. Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or
- b. Any violation of this chapter.

2. Suspension or revocation by the board of mayor and commissioners. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and commissioners, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (as added by Ord. #63-05, Aug. 2005)

**9-109. Expiration and renewal of permit.** The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days. (as added by Ord. #63-05, Aug. 2005)

**9-110. Violation and penalty.** In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense. (as added by Ord. #63-05, Aug. 2005)

## CHAPTER 2

### YARD SALES

#### SECTION

- 9-201. Definitions.
- 9-202. Property permitted to be sold.
- 9-203. Permit required.
- 9-204. Permit procedure.
- 9-205. Permit conditions.
- 9-206. Hours of operation.
- 9-207. Exceptions.
- 9-208. Display of sale property.
- 9-209. Display of permit.
- 9-210. Advertising.
- 9-211. Persons exempted from chapter.
- 9-212. Violations and penalty.

**9-201. Definitions.** For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

1. "Garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance,<sup>1</sup> for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold.

2. "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (as added by Ord. #63-05, Aug. 2005)

**9-202. Property permitted to be sold.** It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property. (as added by Ord. #63-05, Aug. 2005)

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<sup>1</sup>Municipal code reference

Zoning ordinance: title 14, chapter 2.



**9-203. Permit required.** No garage sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefore from the city recorder. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them. Permits may be obtained for any nonresidential location. (as added by Ord. #63-05, Aug. 2005)

**9-204. Permit procedure.** 1. Application. The applicant or applicants for a garage sale permit shall file a written application with the city recorder at least three (3) days in advance of the proposed sale setting forth the following information:

- a. Full name and address of applicant or applicants.
- b. The location at which the proposed garage sale is to be held.
- c. The date or dates upon which the sale shall be held.
- d. The date or dates of any other garage sales by the same applicant or applicants within the current calendar year.
- e. A statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale.
- f. A statement that the applicant will fully comply with this and all other applicable ordinances and laws.

2. Permit fee. An administrative processing fee of five dollars (\$5.00) for the issuance of such permit shall accompany the application.

3. Issuance of permit. Upon the applicant complying with the terms of this chapter, the city recorder shall issue a permit. (as added by Ord. #63-05, Aug. 2005)

**9-205. Permit conditions.** The permit shall set forth and restrict the time and location of such garage sale. No more than three (3) such permits may be issued to one residential location, residence and/or family household during any calendar year. If members of more than one residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences. No more than six (6) permits may be issued for any nonresidential location during any calendar year. (as added by Ord. #63-05, Aug. 2005)

**9-206. Hours of operation.** Garage sales shall be limited in time to no more than 9:00 A.M. to 6:00 P.M. on three (3) consecutive days or on two (2) consecutive weekends (Saturday and Sunday). (as added by Ord. #63-05, Aug. 2005)

**9-207. Exceptions.** 1. If sale not held because of inclement weather. If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather

conditions, and an affidavit by the permit holder to this effect is submitted, the city recorder shall issue another permit to the applicant for a garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee is required.

2. **Fourth sale permitted.** A fourth garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the city recorder. (as added by Ord. #63-05, Aug. 2005)

**9-208. Display of sale property.** Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. (as added by Ord. #63-05, Aug. 2005)

**9-209. Display of permit.** Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public, or any city official. (as added by Ord. #63-05, Aug. 2005)

**9-210. Advertising.** 1. **Signs permitted.** Only the following specified signs may be displayed in relation to a pending garage sale:

a. **Two signs permitted.** Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the garage sale is being conducted.

b. **Directional signs.** Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises on which the garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed.

2. **Time limitations.** No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

3. **Removal of signs.** Signs must be removed each day at the close of the garage sale activities. (as added by Ord. #63-05, Aug. 2005)

**9-211. Persons exempted from chapter.** The provisions of this chapter shall not apply to or affect the following:

1. Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

2. Persons acting in accordance with their powers and duties as public officials.

3. Any sale conducted by any merchant or mercantile or other business establishment wherein such sale would be permitted by zoning

regulations of the City of Piperton, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances. (as added by Ord. #63-05, Aug. 2005)

**9-212. Violations and penalty.** Any person found guilty of violating the terms of this chapter shall be subject to a penalty under the general penalty provision of this code. (as added by Ord. #63-05, Aug. 2005)

**CHAPTER 3**

**CABLE TELEVISION**

**SECTION**

9-301. To be furnished under franchise.

**9-301. To be furnished under franchise.** Cable television shall be furnished to the City of Piperton and its inhabitants under franchise granted by the Board of Mayor and Commissioners of the City of Piperton, Tennessee. The rights, powers, duties and obligations of the City of Piperton and its inhabitants are clearly stated in the franchise agreement dated June 23, 1987, a copy of which is in the office of the city recorder. (as added by Ord. #63-05, Aug. 2005)

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

1. IN GENERAL.
2. DOGS AND CATS.

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

- 10-101. Running at large prohibited.
- 10-102. Keeping of animals restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Seizure and disposition of animals.
- 10-107. Violation and penalty.

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

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (Ord. #1-88 A, June 1988, as replaced by Ord. #68-05, Sept. 2005)

**10-102. Keeping of animals restricted.** Horses, mules, cows, swine, sheep, goats and emus shall be restricted to one animal per acre within the city limits of Piperton. The owner of other animals kept shall be ordered to reduce their number when the animals become a nuisance and/or obnoxious due to noise, odor or other reasons. (Ord. #1-88 A, June 1988, as replaced by Ord. #68-05, Sept. 2005)

**10-103. 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 which they are kept shall at all times be maintained in a clean and sanitary condition. (Ord. #1-88 A, June 1988, as replaced by Ord. #68-05, Sept. 2005)

**10-104. 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 and safety.

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

It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (as added by Ord. #68-05, Sept. 2005)

**10-105. Keeping in such manner as to become a nuisance prohibited.** The owner of other animals or fowl shall be ordered to reduce their number when the animals or fowls become a nuisance because of either noise, odor, contagious disease, or other reasons. (as added by Ord. #68-05, Sept. 2005)

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

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and commissioners, to cover the costs of impoundment and maintenance. (as added by Ord. #68-05, Sept. 2005)

**10-107. Violation and penalty.** Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day the violation shall continue shall constitute a separate offense. (as added by Ord. #68-05, Sept. 2005)

## CHAPTER 2

### DOGS AND CATS

#### SECTION

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

**10-201. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-115) or other applicable law. (Ord. #2-81, June 1981, as replaced by Ord. #68-05, Sept. 2005)

**10-202. Dogs to wear tags.** It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (Ord. #2-81, June 1981, as replaced by Ord. #68-05, Sept. 2005)

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

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (Ord. #2-81, June 1981, as replaced by Ord. #68-05, Sept. 2005)

**10-204. 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 to provide reasonably for the protection of other animals and persons. A violation of this

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<sup>1</sup>State law reference

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

section shall subject the offender to a penalty under the general penalty provision of this code. (Ord. #2-81, June 1981, as replaced by Ord. #68-05, Sept. 2005)

**10-205. Noisy dogs prohibited.** No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (Ord. #2-81, June 1981, as replaced by Ord. #68-05, Sept. 2005)

**10-206. Confinement of dogs suspected of being rabid.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (Ord. #2-81, June 1981, as replaced by Ord. #68-05, Sept. 2005)

**10-207. Seizure and disposition of dogs.** Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and commissioners. If the dog is wearing a tag, the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and commissioners, or the dog will be sold or humanely destroyed. If the dog is not wearing a tag, it shall be sold or humanely destroyed unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar. (Ord. #2-81, June 1981, as replaced by Ord. #68-05, Sept. 2005)

**10-208. Destruction of vicious or infected dogs running at large.** When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded, it may be summarily destroyed by any policeman or other properly designated officer.<sup>1</sup> (Ord. #2-81, June 1981, as replaced by Ord. #68-05, Sept. 2005)

**10-209. Violation and penalty.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the

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<sup>1</sup>State law reference

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



general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (Ord. #2-81, June 1981, as replaced by Ord. #68-05, Sept. 2005)

## TITLE 11

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

#### CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. FIREARMS AND MISSILES.
5. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
6. MISCELLANEOUS.

#### CHAPTER 1

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

#### SECTION

- 11-101. Drinking alcoholic beverages in public, etc.  
 11-102. Minors in beer places.  
 11-103. Violations and penalty.

**11-101. Drinking alcoholic beverages in public, etc.** It shall be unlawful for any person to drink, consume or have an open can, container or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (as added by Ord. #64-05, Aug. 2005)

**11-102. Minors in beer places.** No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on-premises consumption. (as added by Ord. #64-05, Aug. 2005)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated, § 68-24-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

**11-103. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. (as added by Ord. #64-05, Aug. 2005)

**CHAPTER 2****FORTUNE TELLING, ETC.****SECTION**

11-201. Fortune telling, etc.

**11-201. Fortune telling, etc.** It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. A violation of this section shall subject the offender to a penalty under the general penalty provision of this code. (as added by Ord. #64-05, Aug. 2005)

## CHAPTER 3

### OFFENSES AGAINST THE PEACE AND QUIET

#### SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-303. Violation and penalty.

**11-301. Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (as added by Ord. #64-05, Aug. 2005)

**11-302. Anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

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

(c) **Yelling, shouting, etc.** Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the

quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, and between 8:00 A.M. and 4 P.M. on Saturday, 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. In the interest of public health and safety, when the National Weather Service has issued excessive heat warnings or heat advisories, construction hours will be permitted to commence at 6:00 A.M. and cease at dusk for that period.

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

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

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefore is secured from the board of mayor and commissioners. 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. (as added by Ord. #64-05, Aug. 2005, and amended by Ord. #360-22, Aug. 2022 *Ch8\_02-20-2024*, and Ord. #372-23, June 2023 *Ch8\_02-20-24*)

**11-303. Violation and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. (as added by Ord. #64-05, Aug. 2005)

## CHAPTER 4

### FIREARMS AND MISSILES

#### SECTION

11-401. Throwing missiles.

11-402. Discharge of firearms.

**11-401. Throwing missiles.** It shall be unlawful for any person maliciously or negligently to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. A violation of this section shall subject the offender to a penalty of up to fifty dollars (\$50) for each offense. (as added by Ord. #64-05, Aug. 2005)

**11-402. Discharge of firearms.** (1) The City of Piperton prohibits the discharge of firearms within the city limits, including all City of Piperton owned property, except as specifically permitted by this section, and

(2) Specifically permits the discharge of firearms for lawful purposes, by City of Piperton property owners and/or guests of said property owners holding written authorization, within areas of the city that meet all the following conditions:

(a) Is zoned as RC (Rural Conservation), and

(b) Is not within two hundred (200) yards of a development or a habitation as defined by Tennessee Code Annotated, § 39-14-401, without the owner's permission, and

(3) Specifically permits the use of a firearm when engaging in lawful hunting activities under rules promulgated by the Tennessee Wildlife Resources Agency, and

(4) Specifically permits the lawful use of firearms within an indoor shooting/firing range approved by the City of Piperton per city zoning ordinances. (as added by Ord. #259-15, Feb. 2016)



## CHAPTER 5

### TRESPASSING AND INTERFERENCE WITH TRAFFIC

#### SECTION

- 11-501. Trespassing.  
 11-502. Interference with traffic.  
 11-503. Violation and penalty.

**11-501. Trespassing.** (1) On premises open to the public. (a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.<sup>1</sup> (as added by Ord. #64-05, Aug. 2005)

**11-502. 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

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<sup>1</sup>Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

with the free passage of pedestrian or vehicular traffic thereon. (as added by Ord. #64-05, Aug. 2005)

**11-503. Violation and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. (as added by Ord. #64-05, Aug. 2005)

## CHAPTER 6

### MISCELLANEOUS

#### SECTION

11-601. Abandoned refrigerators, etc.

11-602. Caves, wells, cisterns, etc.

11-603. Posting notices, etc.

11-604. Resisting or interfering with an officer or employee of the City of Piperton.

**11-601. Abandoned refrigerators, etc.** It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child. A violation of this section shall subject the offender to a penalty under the general penalty provision of this code. (as added by Ord. #64-05, Aug. 2005)

**11-602. 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. A violation of this section shall subject the offender to a penalty under the general penalty provision of this code. (as added by Ord. #64-05, Aug. 2005)

**11-603. Posting notices, etc.** No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. A violation of this section shall subject the offender to a penalty under the general penalty provision of this code. Each posting of such unauthorized notice shall constitute a separate offense. (as added by Ord. #64-05, Aug. 2005)

**11-604. Resisting or interfering with an officer or employee of the City of Piperton.** It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties, which shall specifically include, but not be limited to, blinking headlights of vehicles to warn of police presence. (as added by Ord. #86-06, June 2006)

## TITLE 12

### BUILDING, UTILITY, ETC. CODES

#### CHAPTER

1. CODES ADOPTED.  
2-10. DELETED.

#### CHAPTER 1

#### CODES ADOPTED<sup>1</sup>

#### SECTION

- 12-101. Codes adopted.  
12-102. Property code review.  
12-103. Prohibition and interference.  
12-104. Codes available.

**12-101. Codes adopted.** The board of mayor and commissioners of the City of Piperton, Tennessee, for the purposes of regulating the construction, alterations, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to the building or structure, hereby adopts the 2018 International Building Code, 2018 Mechanical Code, 2018 International Plumbing Code, 2018 International Fuel Gas Code, 2018 International Energy Conservation Code, 2018 International Existing Building Code, 2018 ICC Performance Code for Buildings and Facilities, 2018 International Property Maintenance Code, 2018 International Green Construction Code, 2018 International Swimming Pool and Spa Code, 2018 International Private Sewage Disposal Code, 2018 International Zoning Code, and 2018 International Fire Code and with Fire Appendices B, D, E, F, G, H, I, J, and N, and the 2018 International Residential Code, together with the amendments set out below.

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: title 18.

**2009 IECC – Table 402.1.1  
Insulation and Fenestration Requirements by Component<sup>a</sup>**

Climate Zone	Fenestration U-Factor <sub>b</sub>	Skylight U-Factor <sub>b</sub>	Glazed Fenestration SHGC <sub>b,e</sub>	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value <sub>i</sub>	Floor R-Value	Basement Wall R-Value <sub>e</sub>	Slab R-Value & Depth <sub>d</sub>	Crawl Space Wall R-Value <sub>c</sub>
3	.50	.65	.30	30	13	5/8	19	5/13	0	5/13

- a. R-values are minimums. U-factors and SHGC are maximums. R-19 batts compressed into a nominal 2 x 6 framing cavity such that the R-value is reduced by R-1 or more shall be marked with the compressed batt R-value in addition to the full thickness R-value.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- c. "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.
- d. R-5 shall be added to the required slab edge R-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Zones 1 through 3 for heated slabs.
- e. There are no SHGC requirements in the Marine Zone.
- f. Basement wall insulation is not required in warm-humid locations as defined by Figure 301.1 and Table 301.1.
- g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, insulation sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.

- i. The second R-value applies when more than half the insulation is on the interior of the mass wall.
- j. For impact rated fenestration complying with Section R301.2.1.2 of the International Residential Code or Section 1609.1.2 of the International Building Code, the maximum U-factor shall be 0.75 in Zone 2 and 0.65 in Zone 3.

**0780-02-23-.02 ADOPTION BY REFERENCE.**

(1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum codes and standards for the construction of one (1) and two (2) family dwellings, townhouses, and additions thereto of thirty (30) square feet or more of interior space in the State of Tennessee shall be those prescribed in the following publications:

- (a) International Residential Code (IRC), 2018 edition, published by the International Code Council, Inc. (ICC), 500 New Jersey Avenue Northwest, 6th Floor, Washington, D.C., 20001 and Appendix Q except that:

- 5. Section N1102.4.1.2 (R402.4.1.2) Testing is replaced with Section N1102.4.2.1 Testing Option and Section N1102.4.2.2 Visual Inspection from 2009 IRC.

- 6. Section N1103.3.3 (R403.3.3) Duct Testing (Mandatory) and Section N1103.3.4 (R403.3.4) Duct Leakage (Prescriptive) are optional.

- 7. Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirement by Component and Table N1102.1.4 (R402.1.4) Equivalent U-Factors from 2018 IRC are replaced with Table N1102.1 Insulation and Fenestration Requirements by Component and Table N1102.1.2 Equivalent U-Factor from 2009 IRC.

- 8. Section N1102.4.4 (R402.4.4) Rooms Containing Fuel-Burning Appliances is deleted in its entirety.

- 9. Table N 1102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnoted "I":  
"Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in

Zone 3 when a Fenestration U-Factor of .50 or lower is used, a Skylight U-Factor of .65 or lower is used, a Glazed Fenestration SHGC of .30 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."

10. Table N1102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "m":

"Log walls complying with ICC400 and with a minimum average wall thickness of 5" of greater shall be permitted in Zone 4 when a Fenestration U-Factor or .35 or lower is used, a Skylight U-Factor of .60 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."

(b) International Energy Conservation Code (IECC), 2018 edition, published by the ICC, except that:

1. Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option form 2009 IECC.

2. Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are optional.

3. Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent U-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2009 IECC.

(2) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:

(a) Any provision superseded by law;

(b) An optional or recommended, rather than mandatory, standard or practice; or

(c) Any agency, procedure, fees, or penalties for administration or enforcement purposes inconsistent with these rules.

- (3) The provisions of the cited publication adopted by reference in paragraph (1) shall govern the manner in which;
- (a) The codes and standards are applied to construction of one (1) and two (2) family dwellings, townhouses, and additions thereto of thirty (30) or more square feet of interior space as defined in this chapter;
  - (b) Occupancies and types of construction are classified for the purpose of determining minimum requirements of the codes and standards; and
  - (c) The specific requirement of the codes and standards may be modified to permit the use of alternate materials or methods of construction. (Ord. #1-93, April 1993, as replaced by Ord. #159-09, Feb. 2009, amended by Ord. #180-10, June 2010, and Ord. #188-10, Jan. 2011, replaced by Ord. #237-14, June 2014 and Ord. #310-19, Sept. 2019 *Ch6\_04-20-21*, amended by Ord. #327-20, Sept. 2020 *Ch6\_04-20-21*, and replaced by Ord. #387-24, Feb. 2024 *Ch8\_02-20-24*)

**12-102. Priority code review.** In the event of incompatible or conflicting regulations between any of the codes adopted by this ordinance and other city codes and/or ordinances, the more stringent and restrictive requirements shall prevail. (Ord. #1-93, April 1993, as replaced by Ord. #159-09, Feb. 2009, Ord. #237-14, June 2014, Ord. #310-19, Sept. 2019 *Ch6\_04-20-21*, Ord. #327-20, Sept. 2020 *Ch6\_04-20-21*, and Ord. #387-24, Feb. 2024 *Ch8\_02-20-24*)

**12-103. Prohibition and interference.** Any person interfering with the building official or such official's assistants in the performance of their duties shall be guilty of a misdemeanor. (as added by Ord. #159-09, Feb. 2009, and replaced by Ord. #237-14, June 2014, Ord. #310-19, Sept. 2019 *Ch6\_04-20-21*, Ord. #327-20, Sept. 2020 *Ch6\_04-20-21*, and Ord. #387-24, Feb. 2024 *Ch8\_02-20-24*)

**12-104. Codes available.** The codes adopted by this ordinance shall be available for use and inspection by the public at Piperton City Hall during regular business hours. (as added by Ord. #159-09, Feb. 2009, replaced by Ord. #237-14, June 2014, Ord. #310-19, Sept. 2019 *Ch6\_04-20-21*, Ord. #327-20, Sept. 2020 *Ch6\_04-20-21*, and Ord. #387-24, Feb. 2024 *Ch8\_02-20-24*)



**CHAPTER 2**

(as deleted by Ord. #159-09, Feb. 2009)

**CHAPTER 3**

(as deleted by Ord. #159-9, Feb. 2009)

**CHAPTER 4**

(as deleted by Ord. #159-09, Feb. 2009)

**CHAPTER 5**

(as deleted by Ord. #159-09, Feb. 2009)

**CHAPTER 6**

(as deleted by Ord. #159-09, Feb. 2009)

**CHAPTER 7**

(as deleted by Ord. #159-09, Feb. 2009)

**CHAPTER 8**

(as deleted by Ord. #159-09, Feb. 2009)

**CHAPTER 9**

(as deleted by Ord. #159-09, Feb. 2009)



**CHAPTER 10**

(as deleted by Ord. #159-09, Feb. 2009)

## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.
4. JUNKED VEHICLE ORDINANCE.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Violations and penalty.
- 13-108. Dirt, debris and construction vehicles prohibited on rights-of-way for longer than twenty-four (24) hours.
- 13-109. Parking regulations.

**13-101. Smoke, soot, cinders, etc.** It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (Ord. #2-78, Oct. 1978, as replaced by Ord. #65-05, Aug. 2005)

**13-102. Stagnant water.** It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (Ord. #2-78, Oct. 1978, as replaced by Ord. #65-05, Aug. 2005)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Wastewater treatment: title 18, chapter 2.

**13-103. Weeds.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city manager to cut such vegetation when it has reached a height of over one (1) foot. (Ord. #15-98, Jan. 1999, as replaced by Ord. #65-05, Aug. 2005)

**13-104. Overgrown and dirty lots. Prohibition.** Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush, and/or the accumulation of debris, trash, litter, or garbage, or any combination of the preceding elements, so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals. For the purposes of this prohibition, portions of land, whether improved or unimproved, within the city that are not kept, cut, clipped or controlled as frequently as necessary to ensure that weeds, grass and noxious growths do not exceed a height of six inches (6") on a residentially zoned parcel and twelve inches (12") on a nonresidential zoned parcel, except for those parcels containing five (5) acres or more land area, shall be deemed to violate this section. Grass shall be cut a minimum of three (3) times per growing season. Areas designated by the city as conservation easements or natural areas shall be exempt from the provisions set forth herein, but may be regulated as set forth elsewhere in the code of ordinances.

Parcels containing five (5) acres or more land area that fronts public street or roadway or adjoins a developed area shall be cleared of all weeds, tall grass and other noxious vegetation within one hundred feet (100') of the property line adjoining the developed area and within one hundred feet (100') of the pavement edge of any street or roadway adjoining the subject parcel to and including the right-of-way to the pavement edge. A "developed" area shall refer to a platted subdivision or lot of record. Excluded here from are natural wooded areas containing trees on the subject property. The property owner shall be responsible for mowing grass and noxious vegetation only to the edge of the trees on said property including areas along adjoining developed areas of public right-of-ways. (as added by Ord. #65-05, Aug. 2005, amended by Ord. #223-13, June 2013, and replaced by Ord. #313-19, Oct. 2019 *Ch6\_04-20-2123*, and Ord. #383-23, Oct. 2023 *Ch8\_02-20-24*)

**13-105. 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 city manager and dispose of such animal in such manner as the city manager shall direct. (as added by Ord. #65-05, Aug. 2005)

**13-106. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become

or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (as added by Ord. #65-05, Aug. 2005)

**13-107. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #65-05, Aug. 2005)

**13-108. Dirt, debris and construction vehicles prohibited on rights-of-way for longer than twenty-four (24) hours.** No debris, dirt, construction vehicles or construction material shall remain on public rights-of-way for more than twenty-four (24) hours, and further, that no debris, dirt or construction materials or scraps shall be allowed to accumulate on the construction site for more than two (2) weeks. In the event a contractor is unable to remedy a specific problem as may be cited within five (5) working days, the City of Piperton shall notify in writing the contractor in advance as to the measures it will take to remedy the problem. When the measures have been accomplished, the City of Piperton shall invoice the contractor for all expenses incurred, as necessary.

All construction sites are required to have a construction exit from construction sites prior to commencing any construction activity. A "construction exit" is defined as a stone-stabilized pad located at a point where vehicular traffic will be leaving a construction site. Construction exits should be made of non-erodible material, typically rock or gravel, two inches (2") minimum size, with a minimum bed thickness of six inches (6"). The width and length of the construction exit is required to be approximately ten feet by twenty feet (10' x 20'). The construction exit is required to be maintained in a condition that will prevent tracking or flow of material onto the public right-of-way. Any materials tracked from the site onto public rights-of-way must be removed within twenty-four (24) hours. Failure to comply with this section shall result in a "stop work order" being issued, stopping all construction activity until compliance is complete. (as added by Ord. #125-05, June 2008, and replaced by Ord. #193-11, March 2011)

**13-109. Parking regulations.** No recreational vehicle, motor home, truck camper, travel trailer, tent trailer, camping trailer, motorized dwelling, fifth wheel, mobile home, house trailer, boat, boat-trailer, semi-trailer, horse trailer, general purpose trailer, airplane glider, off-highway motor vehicle, snowmobile, sand buggy, dune buggy, all-terrain vehicle, tractor, implement of husbandry, special mobile equipment or any other major recreational/farm

equipment shall be parked or stored on any part of the required front or side yard of a lot used for residential purposes, nor otherwise parked or stored any closer to the public street than the building line of the principle residential structure. In the case of a corner lot containing front yards upon more than one (1) public street, the parking of any of the above described vehicles or implements shall be required to be parked or stored behind the rear and/or side building line of the principle residential structure.

All other vehicles not listed above, including, but not limited to automobiles, trucks, motorcycles, etc., and that require a current state registration license tag required to operate on public streets and highways may be parked on any part of the required front or side yard of a lot used for residential purposes, including corner lots, to the extent that all such vehicles shall be parked on a hard dustless surface driveway or parking pad constructed of concrete, asphalt, or an alternative surface type approved by the city. For lots on which a gravel driveway or similar surfaced parking pad was legally constructed prior to the enactment of this section or that may be otherwise permitted under other parts of the City of Piperton Zoning Ordinance or Subdivision Regulations, that gravel surface shall serve as a permitted driveway or parking pad so long as it contains at least four inches (4") of gravel or aggregate sufficient for an all weather road base. (as added by Ord. #312-19, Dec. 2019 ***Ch6\_04-20-21***)

## CHAPTER 2

### SLUM CLEARANCE<sup>1</sup>

#### SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of order.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

**13-201. Findings of board.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and commissioners finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (Ord. #1-88, July 1988, as replaced by Ord. #65-05, Aug. 2005)

**13-202. Definitions.** (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

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

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

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

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

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

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (Ord. #1-88, July 1988, as replaced by Ord. #65-05, Aug. 2005)

**13-203. Public officer designated; powers.** There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (Ord. #1-88, July 1988, as replaced by Ord. #65-05, Aug. 2005)

**13-204. Initiation of proceedings; hearings.** Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer. (Ord. #1-88, July 1988, as replaced by Ord. #65-05, Aug. 2005)

**13-205. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation

or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

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

2. If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (Ord. #1-88, July 1988, as replaced by Ord. #65-05, Aug. 2005)

**13-206. When public officer may repair, etc.** If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (Ord. #1-88, July 1988, as replaced by Ord. #65-05, Aug. 2005)

**13-207. When public officer may remove or demolish.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as added by Ord. #65-05, Aug. 2005)

**13-208. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Fayette County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may



collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Fayette County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Pipeperon to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #65-05, Aug. 2005)

**13-209. Basis for a finding of unfitness.** The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Pipeperon. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (as added by Ord. #65-05, Aug. 2005)

**13-210. Service of complaints or orders.** Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the county. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Fayette County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #65-05, Aug. 2005)

**13-211. Enjoining enforcement of order.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying

out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as added by Ord. #65-05, Aug. 2005)

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

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #65-05, Aug. 2005)

**13-213. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #65-05, Aug. 2005)

**13-214. Structures unfit for human habitation deemed unlawful.** It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to

continue shall constitute a separate offense. (as added by Ord. #65-05, Aug. 2005)

## CHAPTER 3

### JUNKYARDS

#### SECTION

- 13-301. Definitions.
- 13-302. Junkyard screening.
- 13-303. Screening methods.
- 13-304. Requirements for effective screening.
- 13-305. Maintenance of screens.
- 13-306. Utilization of highway right-of-way.
- 13-307. Non-conforming junkyards.
- 13-308. Permits and fees.
- 13-309. Violations and penalty.

**13-301. Definitions.** (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, discarded or dismantled appliances, or junked, dismantled or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers.

(3) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

(4) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(5) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk is not visible from the highways and streets of the city. (Ord. #1-80, Oct. 1980, as replaced by Ord. #65-05, Aug. 2005, and amended by Ord. #196-11, May 2011)

**13-302. Junkyard screening.** Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to bring the junkyard into compliance with this chapter. (Ord. #1-80, Oct. 1980, as replaced by Ord. #65-05, Aug. 2005)

**13-303. Screening methods.** The following methods and materials for screening are given for consideration only:

(1) Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

(2) Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

(3) Architectural barriers. The utilization of:

(a) Panel fences made of metal, plastic, fiberglass, or plywood.

(b) Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood or others treated with a preservative.

(c) Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

(4) Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen. (Ord. #1-80, Oct. 1980, as replaced by Ord. #65-05, Aug. 2005)

**13-304. Requirements for effective screening.** Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the city. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

(1) Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

(2) Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

(3) Screening shall be located on private property and not on any part of the highway right-of-way.

(4) At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area. (Ord. #1-80, Oct. 1980, as replaced by Ord. #65-05, Aug. 2005)

**13-305. Maintenance of screens.** The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the city.

If not replaced within sixty (60) days, the city shall replace said screening and shall require payment upon demand. Failure to pay in full shall result in the fee plus interest to be assessed to the property and shall be combined with the subsequent taxation of the property by the city. (Ord. #1-80, Oct. 1980, as replaced by Ord. #65-05, Aug. 2005)

**13-306. Utilization of highway right-of-way.** The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition. (Ord. #1-80, Oct. 1980, as replaced by Ord. #65-05, Aug. 2005)

**13-307. Non-conforming junkyards.** Those junkyards within the city and lawfully in existence prior to the enactment of this code, which do not conform with the provisions of the code shall be considered as "non-conforming." Such junkyards shall be subject to the following conditions, any violation of which shall terminate the non-conforming status:

- (1) The junkyard must continue to be lawfully maintained.
- (2) There must be existing property rights in the junk or junkyard.
- (3) Abandoned junkyards shall no longer be lawful.
- (4) The location of the junkyard may not be changed for any reason.

If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the city.

(5) The junkyard may not be extended or enlarged. (Ord. #1-80, Oct. 1980, as replaced by Ord. #65-05, Aug. 2005)

**13-308. Permits and fees.** It shall be unlawful for any junkyard located within the city to operate without a "Junkyard Control Permit" issued by the city.

(1) Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The city's fiscal year begins on July 1 and ends on June 30 the year next following.

(2) Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars (\$50.00) which is not subject to either proration or refund.

(3) All applications for an original or renewal permit shall be made on a form prescribed by the city.

(4) Permits shall be issued only to those junkyards that are in compliance with these rules.

(5) A permit is valid only while held by the permittee and for the location for which it is issued. (Ord. #1-80, Oct. 1980, as replaced by Ord. #65-05, Aug. 2005)

**13-309. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this

code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #65-05, Aug. 2005)

## CHAPTER 4

### JUNKED VEHICLE ORDINANCE

#### SECTION

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

**13-401. Definitions.** For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

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

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

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

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

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

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.

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

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including



but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.

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

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

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

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

(viii) General environment in which the vehicle sits, including but not limited to, vegetation that has grown up around, in, or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle. (as added by Ord. #126-08, June 2008)

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

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

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

(3) To park, store, keep, maintain on private property a junk vehicle. (as added by Ord. #126-08, June 2008)

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

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

property maintenance, and other regulations governing the building in which such vehicle is enclosed.

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

(3) No person shall park, store, keep, and maintain on private property a junk vehicle for any period time if it poses an immediate threat to the health and safety of citizens of the city. (as added by Ord. #126-08, June 2008)

**13-404. Enforcement.** Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of the ordinance on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the building inspector finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may (1) request the city judge to issue a summons, or (2) request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 et seq., or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. In addition, pursuant to Tennessee Code Annotated, § 55-5-122, the municipal court may issue an order to remove vehicles from private property. (as added by Ord. #126-08, June 2008)

**13-405. Penalty for violations.** Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. (as added by Ord. #126-08, June 2008)

**TITLE 14****ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION ORDINANCE.
4. MOBILE HOME PARK ORDINANCE.
5. EROSION AND SEDIMENT CONTROL.

**CHAPTER 1****MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.  
14-102. Organization, powers, duties, etc.

**14-101. Creation and membership.** Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 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 governing body selected by the governing body; the other three (3) members shall be appointed by the mayor. The compensation of the members of the planning commission shall be set by resolution. 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 governing body shall run concurrently with their respective terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (Ord. #1-75, Oct. 1974, as amended by Ord. #48-04, Sept. 2004)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (Ord. #1-75, Oct. 1974)

## CHAPTER 2

### ZONING ORDINANCE

#### SECTION

14-201. Land use to be governed by zoning ordinance.

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of Piperton shall be governed by Ordinance # 5-97, titled "Zoning Ordinance, Piperton, Tennessee," and any amendments thereto.<sup>1</sup> (Ord. # 5-97, Nov. 1997)

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<sup>1</sup>Ordinance #5-97, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Amendments to the zoning map are of record in the office of the city recorder.

Ordinance #96-06 pertaining to telecommunication regulation in the City of Piperton is of record in the office of the city recorder.

## CHAPTER 3

### FLOOD DAMAGE PREVENTION ORDINANCE<sup>1</sup>

#### SECTION

- 14-301. Statutory authorization, findings of fact, purpose and objectives.
- 14-302. Definitions.
- 14-303. General provisions.
- 14-304. Administration.
- 14-305. Provisions for flood hazard reduction.
- 14-306. Variance procedures.
- 14-307. Legal status provisions.

**14-301. Statutory authorization, findings of fact, purpose and objectives.** (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-2-202 delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Piperton, Tennessee Board of Mayor and Commissioners, does ordain as follows:

(2) Findings of fact. (a) The Piperton Board of Mayor and Commissioners wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(a) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.

(b) Areas of Piperton are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

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<sup>1</sup>Ordinances adopting certain FEMA flood maps are of record in the office of the city recorder.

(a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;

(d) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

(4) **Objectives.** The objectives of this ordinance are:

(a) To protect human life and health;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodable areas;

(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas;

(g) To ensure that potential buyers are notified that property is in a floodable area; and,

(h) To establish eligibility for participation in the National Flood Insurance Program. (Ord. #2-93, April 1993)

**14-302. Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

(1) "Accessory structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

(a) Accessory structures shall not be used for human habitation.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

(e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(2) "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

(3) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

(4) "Appeal" means a request for a review of the building official's interpretation of any provision of this ordinance or a request for a variance.

(5) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

(6) "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

(7) "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(8) "Building", for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure.")

(9) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

(10) "Erosion" means the process of the gradual wearing away of land masses. This peril is not per se covered under the program.

(11) "Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(12) "Existing construction" any structure for which the "start of construction" commenced before the effective date of this ordinance.

(13) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

(14) "Existing structures" see "existing construction."

(15) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(16) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(17) "Flood elevation determination" means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

(18) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

(19) "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(20) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(21) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(22) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(23) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(24) "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(25) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.



(26) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

(27) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior, or

(ii) Directly by the Secretary of the Interior in states without approved programs.

(28) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(29) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(30) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(31) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(32) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(33) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(34) "National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

(35) "New construction" any structure for which the "start of construction" commenced on or after the effective date of this ordinance. The term also includes any subsequent improvements to such structure.

(36) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.

(37) "100-year flood" see "base flood".

(38) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(39) "Recreational vehicle" means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(40) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(41) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(42) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing,

grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(43) "State coordinating agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.

(44) "Structure", for purposes of this ordinance, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

(45) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(46) "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;

(b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

(47) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(48) "Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

(49) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(50) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (Ord. #2-93, April 1993)

**14-303. General provisions.** (1) Application. This ordinance shall apply to all areas within the incorporated area of Piperton, Tennessee.

(2) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activity.

(3) Compliance. No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(4) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

(5) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body, and;
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(6) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Piperton, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Piperton, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #2-93, April 1993)

**14-304. Administration.** (1) Designation of building inspector. The building inspector is hereby appointed to administer and implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the building inspector on forms furnished by him prior to any development activity. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a separate permit for each building or structure from the building inspector.

No man-made change to improve or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling, shall commence until a separate permit has been obtained from the building inspector for each change.

No mobile home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the building inspector.

(3) Duties and responsibilities of the building inspector. Duties of the building inspector shall include, but not be limited to:

(a) Review of all development permits to assure that the requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

(d) All records pertaining to the provisions of this ordinance shall be maintained in the office of the building inspector and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

(e) When unnumbered A zones, base flood elevation data, or floodway data have not been provided by the Federal Emergency Management Agency then the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available

from a federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development meet the requirements of this ordinance. (Ord. #2-93, April 1993)

**14-305. Provisions for flood hazard reduction.** (1) General standards. In all flood prone areas the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance; and,

(j) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance and provided said nonconformity is not extended.

(2) Standards for subdivision proposals. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new

development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards. (Ord. #2-93, April 1993)

**14-306. Variance procedures.** (1) Board of floodplain review.

(a) Creation and appointment. A board of floodplain review is hereby established which shall consist of three members appointed by the chief executive officer. The term of membership shall be four (4) years except that the initial individual appointments to the board of floodplain review shall be terms of one (1), two (2), and three (3) years respectively. Vacancies shall be filled for any unexpired term by the chief executive officer.

(b) Procedure. Meetings of the board of floodplain review shall be held at such times as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the board of commissioners.

(c) Appeals: how taken. An appeal to the board of floodplain review may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty dollars (\$50.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The building inspector shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The board of floodplain review shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant 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 provisions of this ordinance.

(ii) Variance procedures.

(A) The Piperton Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(C) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

(10) The costs of providing governmental services during and after flood conditions including



maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the board of floodplain review may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(b) Variances shall only be issued upon:

(i) A showing of good and sufficient cause,

(ii) A determination that failure to grant the variance would result in exceptional hardship; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice specifying the decreased risk resulting from raising the lowest floor elevation.

(d) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #2-93, April 1993)

**14-307. Legal status provisions.** (1) Conflict with other ordinances. In case of conflict with this ordinance or any part thereof, and the whole or part of any existing or future ordinance of Piperton, Tennessee, the most restrictive shall in all cases apply.

(2) Validity. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (Ord. #2-93, April 1993)

## CHAPTER 4

### MOBILE HOME PARK ORDINANCE

#### SECTION

- 14-401. Definitions.
- 14-402. Regulating mobile homes.
- 14-403. Regulating mobile home parks.
- 14-404. Permit.
- 14-405. Fees for permit.
- 14-406. Application for permit.
- 14-407. Enforcement.
- 14-408. Board of appeals.
- 14-409. Violation and penalty.
- 14-410. Conflicts with other ordinances and regulations.

**14-401. Definitions.** Except as specifically defined herein, all words in this ordinance have their customary dictionary definitions when not inconsistent with the context. For the purposes of this ordinance certain words or terms are defined as follows:

The term "shall" is mandatory.

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. Words used in the present tense include the future.

(1) "Mobile home (trailer)." A detached single-family dwelling unit with 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 with its own chassis, to be transported after fabrication on its own wheels, 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.

(2) "Mobile home park." The term mobile home park shall mean any plot of ground within the City of Pipeperon, on which more than one mobile home occupied for dwelling or sleeping purposes, are located.

(3) "Mobile home space." The term shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(4) "Health officer." The director of the county or district health department having jurisdiction over the community health in a specific area, or his duly authorized representative.

(5) "Permit." A permit is required for mobile home parks. Fees charged under the permit requirements are for inspection and the administration of this ordinance. (Ord. #6-78, Nov. 1978)

**14-402. Regulating mobile homes.** No mobile home shall be used, placed, stored or serviced by utilities within the City of Piperton unless there is posted near the door of said mobile home a valid Tennessee State Electrical Inspection sticker which shall remain on display at all times. (Ord. #6-78, Nov. 1978)

**14-403. Regulating mobile home parks.** (1) Permit for mobile home park. No place or site within the City of Piperton shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless a valid permit issued by the Piperton Building Inspector in the name of such person or persons for the specific mobile home park is held. The Piperton Building Inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this ordinance; see §§ 14-404 and 14-406. Mobile home parks, in existence as of the effective date of this ordinance, shall be required to obtain a mobile home park permit. Pre-existing mobile home parks which cannot comply with the requirements regarding mobile home parks shall be considered as a nonconforming use, provided, however, if at any time the ownership of said park shall change, said new owner shall be given a period not to exceed ninety (90) days in which to comply with current mobile home park regulations in all respects and his failure to do so shall render him ineligible for a mobile home park permit at his then present location.

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. Any expansion of a pre-existing mobile home park shall be in compliance with the provisions of this ordinance.

(2) Inspections by the Piperton Building Inspector. The Piperton 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 Piperton Building Inspector shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.

(3) 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 Piperton Planning Commission.

(4) Minimum size of mobile home park. The tract of land for the 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.

(5) Pre-opening inspection. Minimum number of spaces completed and ready for occupancy before first occupancy is two (2). Before the initial opening of a mobile home park, no trailer space may be occupied until an inspection has been completed and approval obtained by the Piperton Building Inspector and the county health officer. It shall be the responsibility of the owner or operator to request such inspection.

(6) Minimum mobile home space and spacing of mobile homes. Each mobile home space shall be adequate for the type of facility occupying the same. 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 porch, and at least fifteen (15) feet end to end spacing between trailers and any building structure, twenty (20) feet between any trailer and property line and fifty (50) feet from the right-of-way of any public street or highway. In addition, each mobile home space shall contain:

(a) A minimum lot area of three thousand (3,000) sq. ft.

(b) A minimum depth with end parking of automobile equal to the length of the mobile home plus thirty (30) ft.

(c) A minimum depth with side or street parking equal to the length of the mobile home plus fifteen (15) feet; and

(d) A minimum width of at least forty (40) feet and a minimum depth of at least seventy-five (75) feet.

(7) 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 Engineers, Tennessee Department of Health, 606 Cordell Hull Building, Nashville, Tennessee 37219 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.

(8) Sewage disposal. An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each connection, shall be trapped below the frost line and shall reach at least four (4) inches above the surface of the ground. The sewer connection shall be protected by a concrete collar, at least three (3) inches deep and extending twelve (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 subsurface soil absorption 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 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 public sewerage or septic tank system, an officially approved package treatment plant or an officially approved lagoon system may be used.<sup>1</sup>

(9) 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 once per week. (As specified by Regulations six (6) of the Tennessee Trailer Coach Regulation.)

(10) Electrical. An electrical outlet supplying at least 220 volts and sufficient amperage capacity shall be provided for each mobile home space and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code and Tennessee Department of Insurance and Banking Regulation No. 15, entitled, "Regulations Relating to Electrical Installations in the State of Tennessee" and shall satisfy all requirements of the local electric service organization.

(11) Illumination. The park driveways shall be furnished with 175 watt mercury vapor lamps at intervals of two hundred (200) feet approximately thirty (30) feet from the ground. Said lights shall be connected to an automatic switching device regulated to turn on the lamps with darkness and turn them off with daylight.

(12) Streets. Minimum pavement widths of various streets within mobile home parks shall be:

- All streets, except minor streets . . . . . 24 feet
- Minor streets, no parking . . . . . 18 feet

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<sup>1</sup>Where septic tanks are to be used, the Planning Commission shall require certificates of approval by the county health officer.

Street shall have a gravel base consisting of size twenty five (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, 1868, Section 411--compacted to one (1) inch with not less than an average weight of one hundred (100) pounds per square yard.

Streets shall remain the property and responsibility of the owner and will not be dedicated to the county for construction or maintenance.

(13) Parking spaces. Car parking spaces 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. All parking areas shall be of an all weather surface.

Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home space. The size of the individual parking spaces shall be located so access can be gained only from internal streets of the mobile home park.

(14) Buffer strip. An evergreen buffer strip consisting of trees, shrub, or hedge which will grow to a height of not less than ten (10) feet and be spaced not less than ten (10) feet apart shall be planted along all boundaries of the mobile home park. Buffer strips shall be terminated at entrances to public roads a distance sufficient to provide adequate sight clearance for vehicles entering and leaving the park.

(15) Seeding. All park open spaces and lots shall be seeded with suitable lawn grasses. (Ord. #6-78, Nov. 1978)

**14-404. Permit.** The following requirements for permits shall apply to any mobile home park within the City of Piperton.

Mobile home parks. It shall be unlawful for any person or persons to maintain or operate within the City of Piperton any mobile home park unless such person or persons first obtain a permit therefor. (Ord. #6-78, Nov. 1978)

**14-405. Fees for permit.** An annual permit fee shall be required for mobile home parks.

(1) Mobile home parks. The annual permit fee for mobile home parks shall be twenty-five dollars (\$25.00) for up to five (5) spaces and two (2) dollars for each space over five (5) spaces. (Ord. #6-78, Nov. 1978)

**14-406. Application for permit.** (1) Mobile home parks. Applications for a mobile home park shall be filed with and issued by the Piperton Building Inspector subject to the planning commission's approval of the mobile home park plan. Applications shall be in writing and signed by the applicant and shall be accompanied with a plan of the proposed mobile home park. Plans of the proposed mobile home park shall be filed with the Piperton Building Inspector at least seven (7) days prior to the meeting at which it is to be considered. The

plan shall contain the following information and conform to the following requirements.

- (a) The plan shall be clearly and legibly drawn to a scale not smaller than one hundred (100) feet to one inch;
  - (b) Name and address of owner of record;
  - (c) Proposed name of park;
  - (d) North point and graphic scale and date;
  - (e) Vicinity map showing location and acreage of mobile home park;
  - (f) Exact boundary lines of the tract by bearing and distance;
  - (g) Names of owners of record of adjoining land;
  - (h) Existing streets, utilities, easements, and water courses on and adjacent to the tract;
  - (i) 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;
  - (j) Provisions for water supply, sewerage and drainage;
  - (k) Such information as may be required by said county to enable it to determine if the proposed park will comply with legal requirements; and
  - (l) The applications and all accompanying plans and specifications shall be filed in triplicate with the building commissioner.
- (2) Certificates that shall be required are:
- (a) Owner's certification
  - (b) Planning commission's approval signed by secretary;
  - (c) The county health officer and;
  - (d) Any other certificates deemed necessary by the planning commission. (Ord. #6-78, Nov. 1978)

**14-407. Enforcement.** It shall be the duty of the Piperton Building Inspector to enforce provisions of this ordinance. (Ord. #6-78, Nov. 1978)

**14-408. Board of appeals.** (1) The Piperton 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 commissioner the enforcement of this ordinance, may appeal for and receive a hearing by the Piperton Board of Zoning Appeals for an interpretation of pertinent ordinance provisions. In exercising this power of interpretation of this ordinance, the Piperton Board of Zoning Appeals may in conformity with the provisions of this ordinance, reverse or affirm any order, requirement, decision or determination made by the building inspector.

(2) Appeals from board of appeals. Any person or persons or any board, taxpayer, department, aggrieved by any decision of the Piperton 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. (Ord. #6-78, Nov. 1978)

**14-409. Violation and penalty.** Any person or corporation who violates the provisions of the ordinance or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements specified by the Piperton Building Inspector after receipt of thirty-five (35) days written notice of such requirements, shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense and each day of continued violation shall constitute a separate offense, subsequent to receipt of said thirty-five (35) days. (Ord. #6-78, Nov. 1978)

**14-410. Conflicts with other ordinances and regulations.** In a case where a provision of this ordinance is found to be in conflict with a provision of any private or public act or local ordinance or code, the provision which establishes the higher standard for promotion and protection of the health and safety of the people shall prevail. (Ord. #6-78, Nov. 1978)



## CHAPTER 5

### EROSION AND SEDIMENT CONTROL

#### SECTION

- 14-501. Requirements for land disturbance activities.
- 14-502. Criteria for area construction activities.
- 14-503. Construction management techniques or management measures.
- 14-504. Vegetative controls.
- 14-505. Structural controls.
- 14-506. Grading permit and fee.

**14-501. Requirements for land disturbance activities.** A site plan (to scale shall be submitted for review by the City of Piperton Planning Commission, and shall include the following information:

- (1) Project description. Brief narrative describing the purpose and nature of proposed land disturbance activities.
- (2) Vicinity map showing the boundaries of the project, as well as the precise limits of clearing and grading.
- (3) Existing contours and final contours.
- (4) Calculations for runoff estimation and stormwater detention basin design (if applicable), and sizes of sediment basins and traps.
- (5) All trees (eight inches or greater at a height of four feet) to be removed.
- (6) Any adjacent waterbody and/or waterway.
- (7) Marked areas of critical erosion. (If applicable.)
- (8) Marked locations of erosion and sediment control measures.
- (9) Detailed drawing of all control measures.
- (10) Detailed construction notes and maintenance schedule for all erosion and sediment controls.
- (11) A copy of the applicant's executed and approved notice of intent. (If applicable.)

The site plan, and any accompanying plan documents, shall be submitted to the City of Piperton at least thirty (30) business days prior to the planning commission meeting at which it is to be heard.

Any approval of a permit for land disturbance activity shall be conditioned upon the applicant's strict adherence to the attached criteria for area construction activities. (Ord. #12-01, July 2001)

**14-502. Criteria for area construction activities.** Erosion and sediment control plans must include detailed construction specifications for all control measures and must be prepared by trained and experienced personnel. Detailed information, drawings, standards, and specifications for each project shall be submitted for approval.

Best management practices for erosion and sediment controls include construction management measures, vegetative controls, and structural controls. Some control practices can be used independently; others must be used in combination. Erosion controls are not restricted to the following practices. However, alternative measures must be at least as effective in controlling erosion and sedimentation. (Ord. #12-01, July 2001)

**14-503. Construction management techniques or management measures.** (1) Clearing and grubbing must be held to the minimum necessary for grading and equipment operation.

(2) Construction must be sequenced to minimize the exposure time of cleared surface area. Grading activities must be avoided during periods of highly erosive rainfall.

(3) Construction must be staged or phased for large projects. Areas of one phase must be stabilized before another phase can be initiated. Stabilization shall be accomplished by temporarily or permanently protecting the disturbed soil surface from rainfall impacts and runoff.

(4) Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be properly constructed and maintained throughout the construction period.

(5) Regular maintenance is vital to the success of an erosion and sediment control system. All control measures shall be checked weekly and after each rainfall. During prolonged rainfall, daily checking is necessary.

(6) Construction debris must be kept from entering the stream channel.

(7) Stockpile soil shall be located far enough from streams or drainageways so that runoff cannot carry sediment downstream.

(8) The creation of substantial borrow pits shall be discouraged. Any proposal for borrow pits will be intensively reviewed from the standpoint of impacts to underground aquifers, and the availability of adequate basin area to ensure the recharge of the borrow pit.

(9) A specific individual shall be designated to be responsible for erosion and sediment controls on each project site. (Ord. #12-01, July 2001)

**18-504. Vegetative controls.** (1) A buffer strip of vegetation at least as wide as the stream shall be left along the stream bank whenever possible. On streams less than fifteen (15) feet wide, the buffer zone shall extend at least fifteen (15) feet back from the water's edge.

(2) Vegetative ground cover shall not be destroyed, removed, or disturbed more than fifteen (15) calendar days prior to grading.

(3) Temporary soil stabilization with appropriate annual vegetation shall be applied on areas that will remain unfinished for more than thirty (30) calendar days.

(4) Permanent soil stabilization with perennial vegetation shall be applied as soon as practicable after final grading. (Ord. #12-01, July 2001)

**14-505. Structural controls.** (1) Staked and entrenched straw bales and/or silt fence must be installed along the base of all fills and cuts, on the downhill sides of stockpiled soil, along stream banks in cleared areas to prevent erosion into streams. Straw bales and/or silt fence may be removed at the beginning of the workday, but must be replaced at the end of the workday.

(2) All surface water flowing toward the construction area shall be diverted around the construction area to reduce its erosion potential, using dikes, berms, channels, or sediment traps, as necessary. Temporary diversion channels must be lined to be expected high water level and protected by non-erodible material to minimize erosion. Clean rock, log, sandbag or straw bale check dams shall be properly constructed to detain runoff and trap sediment.

(3) Sediment basins and traps shall be properly designed according to the size of disturbed or drainage areas. Water must be held in sediment basins until at least as clear as upstream water before it is discharged to surface waters. Water must be discharged through a pipe or lined channel so that the discharge does not cause erosion and sedimentation.

(4) Streams shall not be used as transportation routes for equipment. Crossings must be limited to one point. A stabilized pad of clean and properly sized shot rock must be used at the crossing point.

(5) All rocks shall be clean, hard rocks containing no sand, dust, or organic materials. (Ord. #12-01, July 2001)

**14-506. Grading permit and fee.** A grading permit shall be obtained for such activities, and a fee paid as established by resolution of the Piperton Board of Mayor and Commissioners. (Ord. #12-01, July 2001)

## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING

#### CHAPTER

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#### CHAPTER 1

#### IN GENERAL

#### SECTION

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- 15-114. Heavy truck traffic.
- 15-115--15-124. [Deleted.]

**15-1-1. Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Alley" means any lane or other passageway as so designated by the official map of the city.

(2) "Authorized emergency vehicle" means vehicles of the fire department, fire patrol, police vehicles or bicycles and such emergency vehicles

as are designated or authorized by the commissioner or the chief of police of an incorporated city, and vehicles operated by commissioned members of the state bureau of investigation when on official business. Such term automatically includes every ambulance and emergency medical vehicle operated by any emergency medical service licensed by the state's department of health pursuant to title 68, chapter 140, part 5. Such term automatically includes every rescue vehicle or emergency response vehicle owned and operated by a state-chartered rescue squad, emergency lifesaving crew or active member unit of the Tennessee Association of Rescue Squads.

(3) "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than twenty (20) inches in diameter.

(4) "Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(5) "Chauffeur" means every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation.

(6) "Coach stop" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(7) "Controlled access highway" means every street, highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street, highway or roadway.

(8) "Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway. Such term shall also include any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(9) "Curb" means the lateral boundary of that portion of the street designated for the use of vehicles, whether marked with a curbstone or not.

(10) "Drag racing" means that use of any motor vehicle for the purpose of ascertaining the maximum speed obtainable by the vehicle; the use of any motor vehicle for the purpose of ascertaining the highest obtainable speed of the vehicle within a certain distance or within a certain time limit; the use of any one or more motor vehicles for the purpose of comparing the relative speeds of such vehicles within a certain distance or within a certain time limit; the use of one or more motor vehicles in an attempt to outgain, outdistance or to arrive at a given destination simultaneous with or prior to that of any other motor vehicle; the use of any motor vehicle for the purpose of the accepting of, or the

carrying out of, any challenge, made orally, in writing, or otherwise, made or received with reference to the performance abilities of one or more motor vehicles.

(11) "Drag racing participant" means that person who operates any motor vehicle upon the public highways of this city for the purpose of drag racing, and also any person who arranged for, supervises, or in any way and manner sets in motion any such drag racing, regardless of whether or not such person may be the operator of, or be a passenger in, any motor vehicle participating in such drag racing.

(12) "Driver" means every person who drives or is in actual physical control of a vehicle.

(13) "Intersection" means the area embraced within the prolongation or connection of the lateral curblines, or if none, then the lateral boundary lines of the roadways of two streets which join one another at, or approximately at, right angles or the areas within which vehicles traveling upon different streets joining at any other angle may come in conflict. Where a street includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. If such intersecting street also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such street shall be regarded as a separate intersection.

(14) "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(15) "License to operate a motor vehicle" means any operator's or chauffeur's license, or any other license or permit to operate a motor vehicle issued under the laws of the state including:

(a) Any temporary license or instruction permit;

(b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;

(c) Any nonresident's operating privilege.

(16) "Loading and unloading zone" means any portion of the street designated by the city engineer and marked by official signs for the use of vehicles while actually engaged in loading or unloading freight or picking up and discharging passengers.

(17) "Metal tire" means every tire, the surface of which is in contact with the street, which is wholly or partly of metal or other hard, nonresilient material.

(18) "Motor vehicle" means every vehicle which is self-propelled excluding motorized bicycles, but not operated upon rails.

(19) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(20) "Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower,

or with a cylinder capacity not exceeding one hundred twenty-five (125) cubic centimeters.

(21) "Motorized bicycle" means a vehicle with two or three wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground. The operator of a motorized bicycle must be in possession of a valid operator's or chauffeur's license, and shall be subject to all applicable and practical rules of the road. A motorized bicycle may not be operated on a highway of the interstate and defense highway system, any similar limited access multilane divided highway, or upon sidewalks.

(22) "Off-street parking facility" means any lot, building or space used for the parking of automobiles or other motor vehicles where charges are made for the parking or storage of automobiles or other motor vehicles thereon.

(23) "Official traffic control devices" means all signs, markings, signals and devices not inconsistent with this chapter, placed or erected by authority of the city engineer for the purpose of regulating, warning or guiding traffic.

(24) "Operator" means every person who drives or is in actual physical control of a motor vehicle upon a street or who is exercising control over or steering a vehicle being towed by a motor vehicle. The word "operator" shall mean and include every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner.

(25) "Owner" means a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner.

(26) "Parade or procession" means an assemblage of persons and/or vehicles marching or maneuvering ceremoniously.

(27) "Park, when prohibited," means the standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading.

(28) "Parking meter space" means any space adjacent to a parking meter, and which is duly designated for the parking of a single vehicle.

(29) "Pedestrian" means any person afoot.

(30) "Pneumatic tire" means every tire in which compressed air is designed to support the load.

(31) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(32) "Police officer" means every officer of the police department or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(33) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(34) "Public highways" means all of those streets, roads, highways, expressways, bridges and viaducts, including any and all adjacent rights of way thereto, which are owned, constructed, and/or maintained by the city or other governmental bodies, and any and all highways, roads, streets, etc., which have been dedicated to the public use.

(35) "Railroad" means a carrier of persons or property upon cars operated upon stationary rails.

(36) "Railroad sign or signal" means any sign, signal or device erected by authority of the proper officials of the city or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(37) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

(38) "Recreational vehicle" means any vehicle designed primarily for the transportation of passengers and providing temporary living quarters within the vehicle.

(39) "Residential district" means the territory contiguous to and including a street not comprising a business district when the property on such street for a distance of three hundred (300) feet or more is in the main improved with residences.

(40) "Right-of-way" means the privilege of the immediate use of the roadway.

(41) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(42) "Roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a street includes two or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

(43) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(44) "School bus" means every motor vehicle owned by a private, public or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school.

(45) "Semitrailer" means every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being



drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(46) "Sidewalk" means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

(47) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(48) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the streets, including farm tractors, road construction or maintenance machinery, ditchdigging apparatus, well-boring apparatus and concrete mixers. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this definition.

(49) "Specially constructed vehicle" means every vehicle of a type required to be registered not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

(50) "Stop, when required," means complete cessation from movement.

(51) "Stopping or standing," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

(52) "Street" means the entire width between boundary lines of every way, when any part thereof is open to the use of the public for the purpose of vehicular travel.

(53) "Taxicab" means any vehicle, other than a bus or a truck, used in carrying or transporting persons for hire.

(54) "Taxicab stand" means any portion of the street assigned or allotted to any individual, co-partnership, firm or corporation for the exclusive purpose of parking one or more taxicabs.

(55) "Through street" means every street or portion thereof at the entrance to which vehicular traffic from intersecting streets is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

(56) "Tractor" means any self-propelled vehicle designed or used as a traveling power plant or for drawing other vehicles, but having no provision for carrying loads independently.

(57) "Traffic" means pedestrians, ridden, led or herded animals, vehicles, and other conveyances, either singly or together, while using any street for purposes of travel.

(58) "Traffic control signal" means any sign or device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(59) "Traffic division" means the traffic division of the police department of the city.

(60) "Trailer" means every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(61) "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property.

(62) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(63) "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

(64) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a street, excepting devices used exclusively upon stationary rails or tracks. State law references: Similar definitions, T.C.A. §§ 55-8-101, 55-10-501. (Ord. #13-99, Aug. 1999, as replaced by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-102. Obedience to traffic officers.** No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, invested by law with authority to direct, control. State law reference: Similar provisions, T.C.A. § 55-8-104. (as added by Ord. #61-05, Aug. 2005, and replaced by Ord. #66-06, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-103. Obedience to school safety patrols.** All motorists and pedestrians shall obey the directions or signals of the school safety patrols, when such patrols are assigned under the authority of the chief of police, and when acting in accordance with instructions; provided, however, that such persons giving any order, signal or directions shall at the time be wearing some insignia and/or using authorized flags for giving signals. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-104. Boarding or alighting from vehicle in motion.** No person shall board or alight from any vehicle while such vehicle is in motion. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-105. Riding on portion of vehicle not intended for passengers.** No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This section shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck

bodies in space intended for merchandise. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-106. Deposit of glass, nails and other such substances in street; removal.** (1) No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street.

(2) Any person who drops, or permits to be dropped or thrown, upon any street any destructive or injurious material, shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle. State law reference: Similar provisions, T.C.A. § 55-8-170. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-107. Riding animals or driving animal-drawn vehicles.** Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all the rights and shall be subject to the provisions of this chapter applicable to the driver of any vehicle except those provisions of this chapter which by their very nature can have no application. State law reference: Similar provisions, T.C.A. § 55-8-105. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-108. Persons propelling pushcarts.** Every person propelling any pushcart shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions which, by their very nature, can have no application. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-109. Public officers and employees.** The provisions of this chapter applicable to drivers of vehicles upon the streets shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter. State law reference: Similar provisions, T.C.A. § 55-8-106. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-110. Persons working on street.** Unless specifically made applicable, the provisions of this chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a street, but shall apply to such persons and vehicles when traveling to or from such work. State law reference: Similar provisions, T.C.A. § 55-8-107. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-111. Exemptions for authorized emergency vehicles.** (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, but subject to the conditions stated in this section.

- (2) The driver of an authorized emergency vehicle may:
- (a) Park or stand irrespective of the provisions of this chapter.
  - (b) Proceed past a red signal or stop sign, but only after slowing down as may be necessary for safe operation.
  - (c) Exceed the speed limits so long as he does not endanger life or property.
  - (d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted in this section to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of the applicable state laws, except that an authorized emergency vehicle operated as a police vehicle may be equipped with or display a red light only in combination with a blue light visible from in front of the vehicle.

(4) The foregoing provisions of this section 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. State law reference: Similar provisions, T.C.A. § 55-8-108(a)-(d). (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-112. Adoption of state traffic statutes.** By the authority granted under Tennessee Code Annotated, § 16-18-302, the City of Piperton adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131; §§ 55-8-133 through 55-8-180 and §§ 55-8-181 through 55-8-193.

Additionally, the City of Piperton adopts by reference as if fully set forth in this section, certain other traffic offenses as codified in the following Tennessee Code Annotated sections:

§§ 55-9-601 through 55-9-606; § 55-12-139; § 55-21-108; § 55-3-102; § 55-4-104; § 55-4-108; § 55-4-110; § 55-4-115; § 55-4-118; § 55-4-131; § 55-5-105; § 55-5-115; § 55-5-126; § 55-7-114; § 55-8-199; § 55-9-105; § 55-9-212; § 55-10-102; § 55-10-107; § 55-10-110; § 55-10-202; § 55-10-206; § 55-10-416; § 55-50-302; § 55-50-304; § 55-50-311; § 55-50-333; § 55-50-404; § 55-50-412; § 55-50-504; § 55-50-601.

(2) Penalty. Any person violating this section shall be guilty of an offense and upon conviction, shall pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. Each occurrence

shall constitute a separate offense. (as added by Ord. #66-05, Aug. 2005, and replaced by Ord. #148-08, Oct. 2008, and Ord. #218-12, Dec. 2012)

**15-113. Safety belts and child passenger restraint systems.**

(1) Safety belts required-specifications. The city adopts by reference as if fully set forth in this section, Tennessee Code Annotated, § 55-9-601.

(2) Child passenger restraint systems. The city adopts by reference as if fully set forth in this section, Tennessee Code Annotated, § 55-9-602.

(3) Use of Safety belts in passenger vehicles. The city adopts by reference as if fully set forth in this section, Tennessee Code Annotated, § 55-9-603.

(4) Passengers over sixteen years of age. The city adopts by reference as if fully set forth in this section, Tennessee Code Annotated, § 55-9-606.

(5) Penalty. Any person violating this section shall be guilty of an offense and upon conviction shall pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #147-08, Oct. 2008)

**15-114. Heavy truck traffic.** (1) It shall be unlawful for any person to operate upon Highway 196 any freight motor vehicle, tractor-trailer, or semi-trailer with a gross rated weight of more than twenty thousand (20,000) pounds effective with the following timelines:

(a) Segment of Highway 196 between Hwy. 72 and Hwy. 57-with the passage of the ordinance comprising this section;

(b) Segment of Highway 196 between Hwy. 57 and Raleigh-LaGrange Road -with the opening of SR 385/Hwy. 57.

(2) The following categories of heavy truck use are exempt from this section:

(a) The operation of heavy trucks upon any street where necessary to the conduct of business at a destination point within the city provided streets designated as truck routes are used until reaching the intersection nearest the designation point;

(b) The operation of heavy trucks owned or operated by the city, any contractor or material-vendor, while under contract to the city while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the city;

(c) The operation of school buses and buses used to transport persons to and from a place of worship, which run a designated route;

(d) The operation of emergency vehicles upon any street in the city.

(3) Penalty. Any person violating this section shall be guilty of an offense and upon conviction, shall pay a fine of not more than fifty dollars (\$50.00).

(4) Signs shall be posted at a determined location on each street listed in subsection (1) after consultation with the city's public works department and police department indicating either by words or by appropriate symbols that heavy trucks are prohibited from traveling upon said streets. (as added by Ord. #66-05, Aug. 2005, deleted by Ord. #148-08, Oct. 2008, and added by Ord. #228-13, Sept. 2013)

**15-115--15-124. [Deleted.]** (as added by Ord. #66-05, Aug. 2005, as deleted by Ord. #148-08, Oct. 2008)

## CHAPTER 2

### ADMINISTRATION AND ENFORCEMENT

#### SECTION

15-201. Generally.

15-202. Accidents.

15-203--15-204. [Deleted.]

**15-201. Generally.** (1) General duties of chief of police. The chief of police is hereby vested with the power and is charged with the duty of observing, administering and enforcing the provisions of this chapter and of all laws regulating the operation of vehicles or the use of the streets, the enforcement or administration of which is now vested in the police department.

(2) Duty of police to enforce traffic laws. It shall be the duty of the officers of the police department or such persons as are assigned by the chief of police to enforce all street traffic laws of the city and all the state motor vehicle laws applicable to street traffic in the city.

(3) Authority of police to direct traffic. Officers of the police department or such persons as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided, however, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(4) Authority of firefighters to direct traffic. Personnel of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic at such scene or in the immediate vicinity.

(5) Report of vehicles stored for more than 30 days. (a) Whenever a motor vehicle has been stored, parked or left in a garage, or any type of storage or parking lot, for a period of more than thirty (30) consecutive days, the owner of such garage or lot shall report in writing the make, motor number, vehicle identification number and serial number of such motor vehicle to the police department. This section shall not apply where the owner of the motor vehicle so parked or stored is personally known to the owner or operator of the garage, storage or parking lot, and where such motor vehicle owner has made arrangements for parking or storing of such motor vehicle for a longer period of time than thirty (30) days.

(b) Any person who fails to submit the report required in this section within ten days after the termination of such thirty (30) day period shall forfeit all claims for storage or parking of such vehicle and shall be guilty of a misdemeanor. Each day's failure to make such report shall be deemed a separate offense.

(6) Traffic records and reports. The police department shall maintain a suitable system of filing accident reports, drivers' records, arrests, convictions for arrests or citations, and shall periodically prepare a traffic report which shall be filed with the board of commissioners containing information on traffic matters. Such reports shall include the following:

(a) The number of traffic accidents, the number of persons injured and/or fatally injured, and other pertinent traffic accident data.

(b) The number of traffic accidents investigated and other pertinent data on the safety activities of the police.

(c) The plans and recommendations of the police department for future traffic safety activities.

(7) Violators to furnish name and address. Any person charged with violating any provision of this chapter shall furnish to any police officer, on demand, his correct name and address and supply also, if required, proof of his identity. Any failure to comply with this section shall be justification for immediate arrest.

(8) Citation on complaint in lieu of arrest. When any person violates any traffic or other ordinances, law or regulation of the city in the presence of any police or peace officer of the city, or in the presence of any member of the fire department of the city who are designated special police officers of the city, it shall not be necessary for the officers to arrest the offender and have a warrant issued for the offense; but, in lieu thereof, the officer may issue a citation or complaint, leaving a copy with the offender, showing the offense charged and the time and place when such offender is to appear in court.

(9) Agreement by offender to appear. In order to prevent his arrest and the issuance of the warrant against him, the offender must sign an agreement to appear at the time and place indicated, and to waive the issuance and service of a warrant upon him.

(10) Duty of court to try case upon citation without issuance of warrant. When the offender has signed the agreement and waiver provided for in section § 15-210, it shall be the duty of the court to try the case upon the citation or complaint, without the issuance and/or service of a warrant upon the defendant, and the citation or complaint shall in all respects be deemed and treated as though it were a warrant properly served upon the defendant.

(11) Arrest when offender refuses to sign agreement to appear. If the offender refuses to sign the agreement to appear in court and to waive the issuance and service upon him of a warrant, then it shall be the duty of the officer in whose presence the offense is committed, forthwith to place the offender under arrest and take him before the proper authority, procure a warrant, serve the same upon the offender and book him as in other cases of violations, and the authority issuing the warrant shall take bail from the accused for appearance in court for trial, or in lieu thereof commit the offender to jail or as provided in section § 15-216 for traffic offenses.



(12) Failure of offender to appear after signing agreement. If the offender signs the agreement and waiver as provided in § 15-201(9) and then fails to appear for trial at the time and place designated, then the court shall immediately issue a warrant against the offender for the offense, and an additional warrant for the offense of violating the agreement to appear, and the warrant shall then be served upon the offender and the procedure followed as set out in § 15-201(10) regarding the service of warrants, booking the defendant, and taking appearance bail or committing to jail.

(13) Issuance of citation or complaint after investigation at scene of accident or place of violation. All the procedures enumerated in this division as to giving citations or complaints in lieu of making arrests and taking out warrants, shall also apply when the officer as designated in section 15-201(8), makes a personal investigation at the scene of a traffic accident, or makes a personal investigation at the place of violation, as a result of which the officer has reasonable and probable grounds to believe that the driver of any vehicle involved in the accident has violated any traffic ordinance, law or regulation of the city; or in the case of violations other than traffic accidents, the officer has reasonable and probable grounds to believe that the owner or occupant of property involved in a violation has violated any ordinance, law or regulation of the city.

(14) Failure to obey citation. (a) It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued.

(b) A written promise to appear in court may be complied with by an appearance by counsel.

(15) Deposit of chauffeur's or operator's license in lieu of bail. (a) Whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the state department of safety or of any other state is issued a citation or arrested and charged with a violation of any city ordinance regulating traffic, except driving under the influence of an intoxicant or narcotic drug, or leaving the scene of an accident within the city, the 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 court.

(b) Whenever any person deposits his chauffeur's or operator's license, as provided in this section, either the officer or the court demanding bail as described in subsection (a) of this section, shall issue the person a receipt for the license upon a form approved or provided for by the state department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public streets and highways during the pendency of the case in which the license was deposited.

(c) If the driver fails to appear in court in answer to the charge filed against him, the clerk or judge accepting the license shall thereafter forward to the state department of safety the license of the driver deposited in lieu of bail, which license shall not be released by the state department of safety until so notified, that the charge for which such license was so deposited has been disposed of by the city.

(d) The licensee shall have his chauffeur's or operator's license in his immediate possession at all times when driving a motor vehicle and shall display it upon demand of any officer of the city except that where the licensee has previously deposited his chauffeur's or operator's license with the officer or court demanding bail, and has received a receipt from the officer or the court, the same shall serve as a substitute for the license until the specified date for court appearance of licensee or the license is otherwise returned to the licensee by the officer or court accepting the same for deposit. State law references: Similar provisions, T.C.A. § 55-50-801 et seq.

(16) Illegal cancellation of traffic citation. Any person who cancels or solicits the cancellation of any traffic citation in any manner other than as provided by law shall be guilty of a misdemeanor. State law references: Similar provisions, T.C.A. § 55-10-204.

(17) Violations. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Any person so convicted may, in addition to or in lieu of, at the discretion of the court, be required to attend a driver education course. (as added by Ord. #59-05, Aug. 2005, and replaced by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-202. Accidents.** (1) Duty to give information and render aid. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving, and shall, upon request and if available, exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. State law references: Similar provisions, T.C.A. § 55-10-103.

(2) Duty upon striking fixtures upon a street. The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway or on the premises of any shopping center, trailer park or any apartment house complex, or any other premises which are generally frequented by the public at large, shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact, the

driver's name, address, and the registration number of the vehicle that the driver was driving, and shall, upon request and if available, exhibit the driver's operator's or chauffeur's license, or driver license, and shall make report of such accident when and as required in Tennessee Code Annotated, § 55-10-107. State law references: Similar provisions, T.C.A. § 55-10-105.

(3) Immediate notice to police; when driver unable to report. The driver of a vehicle involved in an accident resulting in injury or death of any person or property damage to an apparent extent of fifty dollars (\$50.00) or more shall immediately, by the quickest means of communication, give notice of such accident to the police department. The requirements of this section shall apply to accidents occurring upon highways and the premises of any shopping center, trailer park or any apartment house complex, or any other premises which are generally frequented by the public at large. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in Tennessee Code Annotated, § 55-10-106, and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver. Whenever the driver is physically incapable of making a written report of an accident as required in Tennessee Code Annotated, § 55-10-107, and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall, within twenty (20) days after learning of the accident, make such report not made by the driver. State law references: Similar provisions, T.C.A. §§ 55-10-106, 55-10-109(b), (c).

(4) Garages to report. The person in charge of any garage or repair shop, to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in Tennessee Code Annotated, § 55-10-107, or of having been struck by any bullet, shall report to the department within twenty-four (24) hours after such motor vehicle is received, giving the VIN number, registration number, and the name and address of the owner or operator of such vehicle. Compliance with this section shall not relieve the driver of any vehicle involved in an accident from complying with section 15-202(3). State law references: Similar provisions, T.C.A. § 55-10-113.

(5) Reports to be without prejudice; copies of reports. (a) All accident reports made by any person or by garages shall be without prejudice to the individual so reporting, and shall be for the confidential use of the state department of safety or other state agencies having use of the records for accident prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the state department of safety may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies having been present at such accident.

(b) No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the state department of safety shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the state department of safety in compliance with law.

(c) A complete copy or photostat of such reports shall be furnished as soon as practicable to any party involved in an accident or owner of a vehicle so involved upon acceptable identification, or anyone authorized in writing by such parties to receive the same, upon surrender of such authorization. Upon request, such copies shall be mailed to the applicant. If any person authorized to receive a copy of the accident report is incapacitated by disability from executing an authorization or otherwise unavailable to furnish such authorization, then the chief of police shall be authorized to furnish copies as provided herein upon written request of any person demonstrating his representation of an otherwise authorized party, as attorney, insurance representative or any other bona fide interest. The chief is authorized to charge for copies of such reports in accordance with city policy, and shall designate a period of not less than two hours daily, except Saturday and Sunday, during business hours, when such reports shall be available as provided in this section. State law references: Public inspection of reports relating to accidents, Tennessee Code Annotated, § 55-10-114.

(6) Accident studies. Whenever the accidents at any particular location become numerous, the police department shall cooperate in conducting studies of such accidents and determining remedial measures. State law references: State department of safety to tabulate and analyze accident reports, T.C.A. § 55-10-115. . (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**CHAPTER 3****OPERATION OF VEHICLES<sup>1</sup>**

- 15-301. State license required.
- 15-302. Duty to devote full time and attention to operating vehicle.
- 15-303. Duty to drive on right side of roadway.
- 15-304. Passing vehicles proceeding in opposite direction.
- 15-305. Passing vehicle proceeding in same direction generally.
- 15-306. Passing vehicle proceeding in same direction on right side.
- 15-307. Passing vehicle proceeding in same direction; duty of driver of overtaken vehicle.
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- 15-309. Driving on divided highways.
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<sup>1</sup>State law references

Operation of vehicles, rules of the road, T.C.A. § 55-8-101 et seq.

- 15-335. Following fire apparatus or driving near fire.
- 15-336. Driving over fire hose
- 15-337. Driving in processions.
- 15-338. Driving through processions.
- 15-339. Overtaking and passing church bus; markings; discharging passengers.
- 15-340. Striking parked vehicles or fixed objects
- 15-341. Operating vehicle for advertising purposes.
- 15-342. Restrictions on use of certain streets by trucks and heavy-duty vehicles.
- 15-343. Truck routes.
- 15-344. Exercise of due care.

**15-301. State license required.** No person shall operate any motor vehicle on any street without having in his possession an operator's license or a chauffeur's license valid under the laws of this state, or a valid license of his state of residence. State law references: T.C.A. § 55-50-101 et seq. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-302. Duty to devote full time and attention to operating vehicle.** It shall be unlawful for a driver of a vehicle to fail to devote full time to operating the vehicle when such failure, under the then existing circumstances, endangers life, limb or property. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-303. Duty to drive on right side of roadway.** (1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (b) When the right half of a roadway is closed to traffic while under construction or repair;
- (3) Upon a roadway designated and signposted for one-way traffic;
- (4) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.

(2) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the righthand lane then available for traffic, or as close as practicable to the righthand 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 at an intersection or into a private road or driveway. State law references: Similar provisions, T.C.A. § 55-8-115. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-304. Passing vehicles proceeding in opposite direction.** Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible. State law references: Similar provisions, T.C.A. § 55-8-116. (as added by Ord. #148-08, Oct. 2008)

**15-305. Passing vehicle proceeding in same direction generally.**

(1) Except as otherwise provided in § 15-303, the driver of a vehicle overtaking 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 roadway until safely clear of the overtaken vehicle.

(2) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free from oncoming traffic for a sufficient distance ahead, to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

(3) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within three hundred (300) feet or such distance as to create a hazard if another vehicle might approach from the opposite direction;

(b) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing; or

(c) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

(d) The foregoing limitations of subsection (c) of this section shall not apply upon a one-way roadway. State law references: Similar provisions, T.C.A. §§ 55-8-117(1), 55-8-119, 55-8-120. (as added by Ord. #148-08, Oct. 2008)

**15-306. Passing vehicle proceeding in same direction on right side.** (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn;

(b) Upon a street with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving

vehicles in each direction when traffic is moving in two or more substantially continuous lines in direction of travel;

(c) Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway. State law references: Similar provisions, T.C.A. § 55-8-118. (as added by Ord. #148-08, Oct. 2008)

**15-307. Passing vehicle proceeding in same direction; duty of driver of overtaken vehicle.** Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. State law references: Similar provisions, T.C.A. § 55-8-117(2). (as added by Ord. #148-08, Oct. 2008)

**15-308. Driving on roadways laned for traffic.** Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

(3) Official signs may be erected directing a slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign.

(4) Where passing is unsafe because of traffic in the opposite direction or other conditions, a slow-moving vehicle, including a passenger vehicle, behind which five or more vehicles are formed in line, shall turn or pull off the roadway wherever sufficient area exists to do so safely, in order to permit vehicles following it to proceed. A slow-moving vehicle is one which is proceeding at a rate of speed which is ten miles per hour or more below the lawful maximum speed for that particular roadway at that time. This subsection shall not apply to funeral processions nor to school buses. State law references: Similar provisions, T.C.A. § 55-8-123. (as added by Ord. #148-08, Oct. 2008)



**15-309. Driving on divided highways.** Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the righthand roadway, and no vehicle shall be driven over, across, or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority. State law references: Similar provisions, T.C.A. § 55-8-125. (as added by Ord. #148-08, Oct. 2008)

**15-310. Entering or leaving controlled access roadway.** No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by the city. State law references: Similar provisions, T.C.A. § 55-8-126. (as added by Ord. #148-08, Oct. 2008)

**15-311. Driving within sidewalk area.** The operator of a motor vehicle shall not drive within any sidewalk area except in crossing such in a traverse manner at a permanent or temporary driveway. (as added by Ord. #148-08, Oct. 2008)

**15-312. Obstructing intersection or crosswalk.** No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal to proceed. (as added by Ord. #148-08, Oct. 2008)

**15-313. Following too closely.** The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street. State law references: Similar provisions, T.C.A. § 55-8-124(a). (as added by Ord. #148-08, Oct. 2008)

**15-314. General speed restrictions.** The speed limits for all vehicles traveling streets/roads in the city be and they are hereby adopted as follows, to-wit:

Local roads	25 miles per hour
Collector roads	30 miles per hour
Arterial roads	35 to 55 miles per hour

The appropriate speed limits for current streets/roads in the city are enumerated in detail in Exhibit "A."<sup>1</sup> (as added by Ord. #148-08, Oct. 2008, and replaced by Ord. #174-10, Oct. 2010)

**15-315. Speed limit in school zones.** No vehicle shall be driven at a greater rate of speed than fifteen (15) miles per hour on that portion of any street which has been designated as a school zone by official signs, during any time when school children are on the streets or sidewalks within such school zone, either en route to or returning from school or while school safety patrols or police officers are on duty. Such school zones shall be confined to such portions of the streets adjacent to school grounds, or for a distance not to exceed 750 feet beyond the boundaries of such grounds, or as designated by official signs. State law references: Speed limits and authority of city to establish speed zones, T.C.A. §§ 55-8-152, 55-8-153. (as added by Ord. #148-08, Oct. 2008)

**15-316. Special speed regulations.** (1) No person shall drive a motor vehicle upon any street at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with the law.

(2) No person shall operate any motor-driven cycle at any time at a speed greater than thirty-five (35) miles per hour unless such motor-driven cycle is equipped with a headlamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred (300) feet ahead.

(3) No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten (10) miles per hour. (as added by Ord. #148-08, Oct. 2008)

**15-317. Duty to drive at safe speed, maintain lookout and keep vehicle under control.** Notwithstanding any speed limit or zone in effect at the time, or right-of way rules that may be applicable, every driver shall:

(1) Operate his vehicle at a safe speed.

(2) Maintain a safe lookout.

(3) Use due care to keep his vehicle under control. (as added by Ord. #148-08, Oct. 2008)

**15-318. Driving when view or control obstructed.** (1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding four, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

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<sup>1</sup>Exhibit "A" (and any amendments) giving detailed information regarding speed limits is available in the recorder's office.

(2) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle. (as added by Ord. #148-08, Oct. 2008)

**15-319. Lap driving.** No operator of a vehicle shall have in his lap any other person, adult or minor, nor shall the operator be seated in the lap of any person while the vehicle is in motion. (as added by Ord. #148-08, Oct. 2008)

**15-320. Vehicle approaching or entering intersection.** (1) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(2) When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(3) The right-of-way rules declared in subsections (1) and (2) of this section are modified at through highways and otherwise as stated in this chapter. State law references: Similar provisions, T.C.A. § 55-8-128. (as added by Ord. #148-08, Oct. 2008)

**15-321. Yield intersections.** (1) The driver of a vehicle who is faced with a yield sign at the entrance to a through street or other public roadway is not necessarily required to stop, but is required to exercise caution in entering the street or other roadway and to yield the right-of-way to other vehicles which have entered the intersection from the street or other roadway, or which are approaching so closely on the street or other roadway as to constitute an immediate hazard, and the driver having so yielded may proceed when the way is clear.

(2) Where there is provided more than one lane for vehicular traffic entering a through street or other public roadway, if one or more lanes at such entrance is designated a yield lane by an appropriate marker, this section shall control the movement of traffic in any lane so marked with a yield sign, even though traffic in other lanes may be controlled by an electrical signal device or other signs, signals, markings or controls. State law references: Similar provisions, T.C.A. § 55-8-130(c). (as added by Ord. #148-08, Oct. 2008)

**15-322. Stop intersections.** (1) The driver of a vehicle shall stop as required by Tennessee Code Annotated, § 55-8-149 at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard, but the driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

(2) The driver of a vehicle shall likewise stop in obedience to a stop sign as required in this section at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

(3) Every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection, or if there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, except when directed to proceed by a police officer or traffic control signal. State law references: Similar provisions, T.C.A. §§ 55-8-130(a), (b), 55-8-149(c). (as added by Ord. #148-08, Oct. 2008)

**15-323. One-way streets.** The board of commissioners is hereby authorized to designate, by signs or markers, certain streets and alleys for traffic in only one direction where the conditions of traffic, width of street and other conditions make such restrictions necessary. Whenever a street or alley has been so designated as one-way, no person shall drive a vehicle upon such a street in any direction other than that indicated by signs. (as added by Ord. #148-08, Oct. 2008)

**15-324. Turning movements generally.** (1) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Tennessee Code Annotated, § 55-8-140, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway, unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner provided in Tennessee Code Annotated, §§ 55-8-143 and 55-8-144 if any other traffic may be affected by such movement.

(2) The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the righthand curb or edge of the roadway.

(b) 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 centerline thereof and by passing to the right of such centerline where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being

entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) 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 lefthand 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 lefthand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(d) Two-way left turn lanes. Where a special lane for making left turns by drivers proceeding in opposite directions has been established:

(i) A left turn shall not be made from any other lane unless a vehicle cannot safely enter the turn lane.

(ii) A vehicle shall not be driven in the left turn lane except when preparing for or making a left turn from or into the roadway.

(iii) A vehicle shall not use the left turn lane solely for the purpose of passing another vehicle.

(iv) A vehicle shall not enter a left turn lane more than a safe distance from the point of the intended turn.

(v) When any vehicle enters the turn lane, no other vehicle proceeding in an opposite direction shall enter that turn lane if such entrance would prohibit the vehicle already in the lane from making the intended turn.

(vi) When vehicles enter the turn lane proceeding in opposite directions, the first vehicle to enter the lane shall have the right-of-way.

(3) The driver of any truck, bus or any large vehicle which cannot comply with the provisions of subsection (2) of this section due to the size of the vehicle may use such additional portions of the street or roadway as may be necessary for a right turn; provided however, that the driver of such vehicle, before making such turn, shall first determine that this movement may be made in safety. State law references: Similar provisions, T.C.A. §§ 55-8-140, 55-8-142(a). (as added by Ord. #148-08, Oct. 2008)

**15-325. Markers, buttons or signs regulating manner of making turns.** Markers, buttons or signs may be placed within or adjacent to intersections by the city and thereby require and direct that a different course from that specified in § 15-341 be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such

markers, buttons or signs. State law references: Similar provisions, T.C.A. § 55-8-140(4). (as added by Ord. #148-08, Oct. 2008)

**15-326. Prohibited turns.** Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (as added by Ord. #148-08, Oct. 2008)

**15-327. Limitations on turning around.** The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in the city, unless the opposing lanes are divided by a median at least twenty (20) feet wide. (as added by Ord. #148-08, Oct. 2008)

**15-328. Signals for turns.** (1) Every driver who intends to start, stop or turn, or partly turn from a direct line, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal required in this section, plainly visible to the driver of such other vehicle of the intention to make such movement.

(2) The signal required by this section shall be given by means of the hand and arm, or by some mechanical or electrical device approved by the department of safety, in the manner specified in this subsection. Whenever the signal is given by means of the hand and arm, the driver shall indicate the intention to start, stop, or turn, or partly turn, by extending the hand and arm from and beyond the left side of the vehicle, in the following manner:

(a) For left turn, or to pull to the left, the arm shall be extended in a horizontal position straight from and level with the shoulder;

(b) For right turn, or pull to the right, the arm shall be extended upward; and

(c) For slowing down or to stop, the arm shall be extended downward.

(3) Such signals shall be given continuously for a distance of at least 50 feet before stopping, turning, partly turning, or materially altering the course of the vehicle.

(4) Drivers having once given a hand, electrical or mechanical device signal, must continue the course thus indicated, unless they alter the original signal and take care that drivers of vehicles and pedestrians have seen and are aware of the change.

(5) Drivers receiving a signal from another driver shall keep their vehicles under complete control and shall be able to avoid an accident resulting from a misunderstanding of such signal.

(6) Drivers of vehicles, standing or stopped at the curb or edge before moving such vehicles, shall give signals of their intention to move into traffic, as provided in this section, before turning in the direction the vehicle shall

proceed from the curb. State law references: Similar provisions, T.C.A. § 55-8-143(a)-(c). (as added by Ord. #148-08, Oct. 2008)

**15-329. Right-of-way when vehicle turning left at intersection.**

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but the driver, having so yielded and having given a signal when and as required by this chapter may make such left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn. State law references: Similar provisions, T.C.A. § 55-8-129. (as added by Ord. #148-08, Oct. 2008)

**15-330. Procedure upon approach of authorized emergency vehicle.**

(1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the applicable laws of the state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the righthand 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.

(2) This section shall not operate to relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the street. State law reference: Similar provisions, T.C.A. § 55-8-132. (as added by Ord. #148-08, Oct. 2008)

**15-331. Pulling away from curb.** No vehicle shall be pulled out or backed from a curb into traffic until such movement may be made without danger to persons or property, and all vehicles proceeding in a street shall have the right-of-way over all vehicles pulling from a curb into traffic. (as added by Ord. #148-08, Oct. 2008)

**15-332. Emerging from alley, driveway or building.** The driver of a vehicle entering into a street, either from an alley, from a private road or driveway of a building, shall yield the right-of-way to all pedestrians on a sidewalk crossing such alley or driveway and to all vehicles approaching on such street, and it shall be the duty of the driver of every vehicle so entering a street to bring his vehicle to a stop and not enter therein until same may be done with safety and without danger to others using the street, and he shall proceed with caution. The driver of any vehicle leaving a street to enter an alley, private driveway or building, shall likewise yield the right-of-way to all pedestrians on any sidewalk crossing such alley or driveway, and when such driver is making

a left turn into any alley, private driveway, or a building, such driver shall yield the right-of-way to all vehicles approaching from the opposite direction. State law references: Similar provisions, T.C.A. § 55-8-150. (as added by Ord. #148-08, Oct. 2008)

**15-333. Duty to stop at railroad crossing upon approach of train.**

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the following circumstances, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. Such requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or when a human flagger gives or continues to give a signal of the approach or passage of a railroad train;

(c) A railroad train approaching within approximately one thousand five hundred (1,500) feet of the street crossing emits a signal audible from such distance, or when such railroad train, by reason of its speed or nearness to such crossing is an immediate hazard;

(d) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. State law reference: Similar provisions, T.C.A. § 55-8-145. (as added by Ord. #148-08, Oct. 2008)

**15-334. Limitations on backing.** The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with other traffic. State law references: Similar provisions, T.C.A. § 55-8-163. (as added by Ord. #148-08, Oct. 2008)

**15-335. Following fire apparatus or driving near fire.** The driver of a vehicle, other than one on official business, shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. State law references: Similar provisions, T.C.A. § 55-8-168. (as added by Ord. #148-08, Oct. 2008)

**15-336. Driving over fire hose.** No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command. State law references: similar provisions, T.C.A. § 55-8-169. (as added by Ord. #148-08, Oct. 2008)



**15-337. Driving in processions.** (1) Each driver in a funeral or an authorized procession shall drive as near the righthand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

(2) Each driver of a vehicle in a funeral procession shall cause the lights on his vehicle to be lighted during the entire procession as a means of identifying the vehicles in the procession.

(3) A funeral or an authorized procession shall be permitted to proceed through a red light at an intersection when a police officer in charge of the intersection or procession so directs and the procession shall continue moving and cross traffic shall stop until the entire procession has passed such signal. State law references: Funeral processions, T.C.A. § 55-8-183. (as added by Ord. #148-08, Oct. 2008)

**15-338. Driving through processions.** No driver of a vehicle shall drive between the vehicles comprising a funeral or an authorized procession while they are in motion and when such vehicles are conspicuously designated; provided, however, that this section shall not apply to emergency vehicles answering emergency calls. State law references: Similar provisions, T.C.A. § 55-8-183(7). (as added by Ord. #148-08, Oct. 2008)

**15-339. Overtaking and passing church bus; markings; discharging passengers.** (1) All motor vehicles used in transporting school children to and from school in this state are required to be distinctly marked "School Bus" on the front and rear thereof in letters of not less than six inches in height, and so plainly written or printed and so arranged as to be legible to persons approaching such school bus, whether traveling in the same or opposite direction.

(2) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(3) For the purpose of subsection (1) of this section, the term "separate roadways" means roadways divided by an intervening space which is not suitable to vehicular traffic.

(4) Except as otherwise provided by subsections (1)--(3) of this section, the school bus driver is required to stop such school bus on the righthand side of such road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated, until all school children who should be discharged from the bus have been so discharged and until all children whose destination causes them to cross the road or highway at that place have negotiated such crossing.

(5) The driver of a vehicle on a highway upon meeting or overtaking from either direction any church bus which has stopped on the highway for the

purpose of receiving or discharging passengers shall stop the vehicle before reaching such church bus, and the driver shall not proceed until such church bus resumes motion or is signaled by the church bus driver to proceed or the visual signals on the bus are no longer actuated. The provisions of this subsection shall not apply unless the church bus has the same type of safety equipment indicating the bus has stopped as is required for school buses. All motor vehicles used in transporting passengers to and from churches in this city are required to be distinctly marked "Church Bus" on the front and rear thereof in letters of not less than six inches in height and so plainly written or printed and so arranged as to be legible to persons approaching such church bus, whether traveling in the same or the opposite direction.

(6) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus which is on a different roadway or when upon a controlled access highway and the church bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. For the purpose of this subsection (6), the term "separate roadways" means roadways divided by an intervening space which is not suitable to vehicular traffic.

(7) Except as otherwise provided by this section, a church bus driver is required to stop such church bus on the righthand side of the road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated until all passengers who should be discharged from the bus have been so discharged and until all passengers whose destination causes them to cross the road or highway at that place have negotiated such crossing.

(8) The driver of a vehicle on a highway upon meeting or overtaking from either direction any youth bus which has stopped on the highway for the purpose of receiving or discharging passengers shall stop the vehicle before reaching such youth bus, and the driver shall not proceed until such youth bus resumes motion or is signaled by the youth bus driver to proceed or the visual signals on the bus are no longer actuated. The provisions of this subsection shall not apply unless the youth bus has the same type of safety equipment indicating the bus has stopped as is required for school buses. All motor vehicles owned by corporations or organizations used in transporting child passengers to and from child care centers in this city or to and from the activities of religious, charitable, scientific, educational, youth service or athletic institutions or organizations are required to be distinctly marked "Youth Bus" on the front and rear thereof in letters of not less than six inches in height and so plainly written or printed and so arranged as to be legible to persons approaching such youth bus, whether traveling in the same or the opposite direction. The driver of a vehicle upon a highway with separate roadways needs not stop upon meeting or passing a youth bus which is on a different roadway or when upon a controlled access highway and the youth bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. For the purpose of this subsection (8), the term "separate

roadways" means roadways divided by an intervening space which is not suitable to vehicular traffic. Except as otherwise provided by this subsection, the youth bus driver is required to stop such youth bus on the righthand side of the road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated until all passengers who should be discharged from the bus have been so discharged and until all passengers whose destination causes them to cross the road or highway at that place have negotiated such crossing. For purposes of this subsection, a youth bus means a motor vehicle designed for carrying not less than 15 passengers and used for the transportation of persons. State law references: Similar provisions, T.C.A. § 55-8-151. (as added by Ord. #148-08, Oct. 2008)

**15-340. Striking parked vehicles or fixed objects.** It shall be unlawful for the driver of any vehicle while operating such vehicle on a public street or alley to drive such vehicle into, against or upon a parked vehicle or fixed object thereon. (as added by Ord. #148-08, Oct. 2008)

**15-341. Operating vehicle for advertising purposes.** No person shall operate on any street any vehicle for the primary purpose of advertising unless authorized by the chief of police. (as added by Ord. #148-08, Oct. 2008)

**15-342. Restrictions on use of certain streets by trucks and heavy-duty vehicles.** (1) It shall be unlawful for any person to operate a motor vehicle, having a rated gross weight of more than fifteen thousand (15,000) pounds over or upon any street, alley or thoroughfare within the corporate limits of the city unless the street, alley or thoroughfare is a part of state or federal highway system.

(2) This section shall not apply to motor vehicles making deliveries within the corporate limits of the city. State law references: Size, weight and load, T.C.A. § 55-7-101 et seq. (as added by Ord. #148-08, Oct. 2008)

**15-343. Truck routes.** The board of commissioners is hereby authorized to designate, by signs or markers, certain streets for traffic by trucks entering, passing through or departing from the city. Deviation from such truck routes shall be made only for pickups of shipments destined for points out of the city, delivery of shipments consigned from out of the city to an address within the city off a truck route, or for bona fide service or repair stops, in any of which events departure from and return to the designated truck route shall be by the most direct route; provided, however, that nothing in this section shall be construed as altering or amending § 15-341. (as added by Ord. #148-08, Oct. 2008)

**15-344. Exercise of due care.** Notwithstanding the foregoing sections, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn

when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. State law references: Similar provisions, T.C.A. § 55-8-136. (as added by Ord. #148-08, Oct. 2008)

## CHAPTER 4

### TRAFFIC CONTROL DEVICES<sup>1</sup>

#### SECTION

- 15-401. Installation and maintenance generally.
- 15-402. Uniformity; when official.
- 15-403. Designation of crosswalks.
- 15-404. Establishment of safety zones.
- 15-405. Marking traffic lanes.
- 15-406. Controlled-access roadways.
- 15-407. Obedience to devices.
- 15-408. When signs required.
- 15-409. Traffic control signals.
- 15-410. Flashing signals.
- 15-411. Pedestrian control signal.
- 15-412. Unauthorized signs, signals or devices.
- 15-413. Altering, injuring or removal of devices.

**15-401. Installation and maintenance generally.** The city shall place and maintain traffic control signs, signals and devices when and as required under this article and other traffic ordinances of the city to make effective the provisions of this chapter and other ordinances, and may place and maintain such additional traffic control devices as deemed necessary to regulate traffic under this chapter, other traffic ordinances of the city or under state law, or to guide or warn traffic. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-402. Uniformity; when official.** All traffic control signs, signals and devices required by this chapter for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law or this article shall be official traffic control devices. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-403. Designation of crosswalks.** The city shall designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as may be deemed

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<sup>1</sup>State law references

Traffic control devices generally, T.C.A. § 55-8-109 et seq.

necessary. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-404. Establishment of safety zones.** The city shall establish safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**5-405. Marking traffic lanes.** The city shall mark traffic lanes upon the roadway of any street where a regular alignment of traffic is necessary as designated by the city. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-406. Controlled-access roadways.** The city may, with respect to any controlled-access roadway under the city's jurisdiction, prohibit the use of any such roadway by pedestrians, bicycles or other non-motorized traffic or by any person operating a motor-driven cycle. Such prohibition shall be indicated by appropriate signs erected by the city and, when so erected, no person shall disobey the restrictions stated on such signs. State law references: Authority for this section, T.C.A. § 55-8-127. (as added by Ord. #148-08, Oct. 2008)

**15-407. Obedience to devices.** The driver of any vehicle, or any pedestrian, shall obey the instructions of any official traffic control device applicable thereto placed in accordance with this article and other traffic ordinances of the city, unless otherwise directed by a police officer, subject to any specific exceptions granted by this chapter or other ordinances. State law references: Similar provisions, T.C.A. § 55-8-109(a). (as added by Ord. #148-08, Oct. 2008)

**15-408. When signs required.** No provision of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. State law references: Similar provisions, T.C.A. § 55-8-109(b). (as added by Ord. #148-08, Oct. 2008)

**15-409. Traffic control signals.** (1) Whenever traffic is controlled by traffic control signals exhibiting the words "go," "caution" or "stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and the terms and lights shall indicate and apply to drivers or vehicles and pedestrians as follows:

- (a) Green alone or "go".

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

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

(b) Yellow alone or "caution," when shown following the green or "go" signal.

(i) 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 cross the intersection when the red or "stop" signal is exhibited.

(ii) Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(c) Red alone or "stop".

(i) 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. A right turn on a red signal shall be permitted at all intersections within the state; provided, however, that the prospective turning car shall come to a full and complete stop before turning and that the turning car shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, such turn will not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at all intersections, except that are clearly marked by a "no turns on red" sign, which may be erected by the responsible municipal or county governments at intersections which they decide require no right turns on red in the interest of traffic safety.

(ii) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

(iii) A left turn on a red or stop signal shall be permitted at all intersections within the state where a one-way street intersects with another one-way street moving in the same direction into which the left turn would be made from the original one-way street. Before making such a turn, the prospective turning car shall come to a full and complete stop and shall yield the right-of-way to pedestrians and cross traffic traveling in

accordance with the traffic signal so as not to endanger traffic lawfully using the intersection. A left turn on red shall be permitted at any applicable intersection except that clearly marked by a "no turn on red" sign, which may be erected by the responsible municipal or county governments at intersections which such governments decide require no left turns on red in the interest of traffic safety.

(c) Red with green arrow.

(i) 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.

(ii) No pedestrian facing such signal shall enter the roadway unless such entry can be made safely and without interfering with any vehicular traffic.

(2) If 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 at the signal. State law references: Similar provisions, T.C.A. § 55-8-110. (as added by Ord. #148-08, Oct. 2008)

**15-410. Flashing signals.** Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) **Flashing red (stop signal).** When a red lens is illuminated with rapid 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.

(2) **Flashing yellow (caution signal).** When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. State law references: Similar provisions, T.C.A. § 55-8-112. (as added by Ord. #148-08, Oct. 2008)

**15-411. Pedestrian control signal.** (1) Whenever special pedestrian control signals exhibiting the words "walk," "wait" or "don't walk" are in place, such signals shall indicate as follows:

(a) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.



(b) Wait or don't walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

(2) When in the sequence of "walk," "wait" or "don't walk" signals, during an interval in which neither signal is illuminated, no pedestrian shall leave the curb and start crossing the roadway. When all motor vehicle traffic is stopped and a "walk" signal is displayed, pedestrians may cross the intersection diagonally. State law references: Similar provisions, T.C.A. § 55-8-111. (as added by Ord. #148-08, Oct. 2008)

**15-412. Unauthorized signs, signals or devices.** (1) 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 device or railroad sign or signal, or which attempts to direct the parking or movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal. No person shall place or maintain, nor shall any public authority permit, upon any street any traffic sign or signal bearing thereon any commercial advertising. This section shall not be deemed to prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(2) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the city is hereby empowered to remove the same or cause it to be removed without notice. State law references: Similar provisions, T.C.A. § 55-8-113. (as added by Ord. #148-08, Oct. 2008)

**15-413. Altering, injuring or removal of devices.** No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia, or any other part of such device, sign or signal. State law references: Similar provisions, T.C.A. § 55-8-114. (as added by Ord. #148-08, Oct. 2008)

## CHAPTER 5

### STOPPING, STANDING AND PARKING<sup>1</sup>

#### SECTION

- 15-501. Prohibited in specific places; exceptions for disabled veterans and handicapped persons.
- 15-502. Prohibited for certain purposes.
- 15-503. Obstructing traffic.
- 15-504. Unattended vehicles.
- 15-505. Stopping with left side to curb.
- 15-506. No parking zones.
- 15-507. Angle parking.
- 15-508. Parking in alleys.
- 15-509. Opening door of parked or standing vehicle.
- 15-510. Loading and unloading zones generally.
- 15-511. Use of loading and unloading zones.
- 15-512. Bus stops.
- 15-513. Taxicab stands.
- 15-514. Vehicle owner not to permit parking violations.
- 15-515. Regulation of parking on city property.
- 15-516. Attendants at off-street parking facilities.
- 15-517. Duty of police relative to illegally parked vehicles; ticket for parking violations.
- 15-518. Presumption in prosecuting for parking violations.
- 15-519. Parking vehicles on city streets; restrictions.
- 15-520. Parking of non-motorized equipment or vehicles on city streets.
- 15-521. Storage of property on public streets and rights-of-way.
- 15-522. Prohibited parking along a section of Tennessee Highway 57.

**15-501. Prohibited in specific places; exceptions for disabled veterans and handicapped persons.** (1) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- (a) On a sidewalk, provided that a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic, or such parking is not prohibited by ordinance.
- (b) In front of a public or private driveway.
- (c) Within an intersection.

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<sup>1</sup>State law references

Stopping, standing and parking, T.C.A. § 55-8-158 et seq.

- (d) Within 15 feet of a fire hydrant.
- (d) On a crosswalk.
- (e) Within twenty (20) feet of a crosswalk at an intersection.
- (f) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
- (g) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the department of transportation or local traffic authority indicates a different length by signs or markings.
- (h) Within fifty (50) feet of the nearest rail of a railroad crossing.
- (i) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance when properly signposted.
- (j) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (k) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (l) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(m) At any place where official signs prohibit stopping.

(2) A solid waste vehicle while on the paved or improved main traveled portion of a road, street or highway in such manner and to such extent as is necessary for the sole purpose of collecting municipal solid waste, as defined by Tennessee Code Annotated, § 68-211-802; provided, however, that such vehicle shall maintain flashing hazard lights at all times while it is stopping or standing; provided further, that the vehicle is stopped so that a clear view of such stopped vehicle shall be available from a distance of two hundred (200) feet in either direction upon the highway. The provisions of this subsection do not preclude any claimant from pursuing such claimant's common law claim for recovery pursuant to common law negligence. State law references: Similar provisions, T.C.A. § 55-8-160.

(3) It shall be unlawful for any person to park in any parking space reserved for persons with disabilities, clearly identified by the use of the wheelchair disabled markings and or an official disabled parking sign, unless the vehicle is displaying a handicap placard, disabled license plate or a disabled veteran's license plate or; the person driving the vehicle has a physical disability or is parking the vehicle for the benefit of a person with a physical disability.

(a) It is also a violation of this subsection for any person to park a motor vehicle so that a portion of the vehicle encroaches into a disabled parking space in a manner that restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a motor vehicle properly parked within the disabled parking space.

(b) Any person violating this section commits a misdemeanor, punishable by a fine of not more than fifty dollars (\$50.00).(as added by Ord. #66-05, Aug. 2005, replaced by Ord. #148-08, Oct. 2008, and amended by Ord. #289-17, Oct. 2017)

**15-502. Prohibited for certain purposes.** No person shall stand or park a vehicle upon any roadway for the principal purpose of:

(1) Displaying it for sale or rent; washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;

(2) Advertising. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-503. Obstructing traffic.** (1) No driver shall stop, stand or park a vehicle abreast of another vehicle parallel to the curb or in any other manner so as to interrupt or interfere with the passage of other vehicles on any street except in the case of public emergency or when directed by a police officer.

(2) It shall be unlawful to leave any vehicle standing in any street when such vehicle constitutes a hazard to public safety or an obstruction to traffic. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-504. Unattended vehicles.** (1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the street.

(2) The portion of this section pertaining to the locking of or removal of keys from the vehicle shall not apply when a vehicle is parked upon an off-street parking facility where an attendant is present.

(3) It shall be the duty of every person driving or in charge of any vehicle, when parking or stopping such vehicle, to secure such vehicle so that it shall not roll unattended into or upon any public street or alley. State law references: Similar provisions, T.C.A. § 55-8-162. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-505. Stopping with left side to curb.** No vehicle shall stop with its left side to the curb; provided, however, that this section shall not apply to one-way streets when such stopping is not prohibited. State law references: Authority to permit parking on left side of one-way streets, T.C.A. § 55-8-161(b). (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-506. No parking zones.** (1) The city may designate spaces upon either side of any street in the city where vehicles shall not be parked at any time or to designate spaces where parking may be limited to certain times or

places, as indicated by the placing of official signs. The city shall locate these spaces with regard to public convenience and to meet the conditions of traffic. It shall be unlawful for any person to park any vehicle in violation of any sign or marking erected or maintained under this section.

(2) The fire chief is hereby authorized to designate fire lanes within shopping centers, shopping malls, apartment, condominium or other multi-dwelling or high density complexes to ensure free access of firefighting equipment to the premises, and to cause such fire lanes to be adequately marked to prohibit parking or other obstruction thereof. It shall be unlawful for any person to park any vehicle in violation of any sign or marking erected or maintained under this section. Any vehicles in violation of this section shall be forthwith impounded by direction of the fire chief or deputy or any police officer. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-507. Angle parking.** The city shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets. Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. State law references: Authority to permit angle parking, T.C.A. § 55-8-161(c). (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-508. Parking in alleys.** It shall be unlawful for any person to park any vehicle in any alley or to place or permit any obstruction in the same at any time; provided, however, that this section shall not apply to trucks and wagons that are actually engaged in loading or unloading; provided further, that no such vehicle shall be left standing so as to obstruct ingress and egress to and from an alley. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-509. Opening door of parked or standing vehicle.** Whenever any vehicle is standing or parked upon or beside a roadway, no person shall open any door of such vehicle on that side of the vehicle nearest the flow of traffic on such street, whenever the opening of such door shall constitute a hazard or obstruction to vehicles moving on the street in a lawful manner. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-510. Loading and unloading zones generally.** (1) Any person desiring to have a loading or unloading zone established on any street or public way shall first obtain the written consent of the owners of the property abutting on the street where such loading and unloading zone is sought to be placed, or if the applicant for such loading and unloading zone is the abutting property owner, then his application shall so state, and shall then make application to the city for the establishment of such loading and unloading zone. If, in the

judgment of the city, the establishment of such loading and unloading zone will serve a substantial public need and will not interfere with nor present a hazard to the traffic on the street where such loading and unloading zone is sought to be established, the city shall, upon payment of the fees prescribed in this section, issue such permit and erect the necessary standard official signs and markings to properly designate such loading and unloading zone. The permit shall not be effective at any location where parking is or may hereafter be prohibited, and shall be inoperative during any time parking is or hereafter may be prohibited, either permanently or temporarily. The permit shall be subject to annual renewal, and may be revoked at any time the public welfare and safety requires the use of such street space for moving traffic, subject to refund to the applicant of the pro rata portion of the annual fee paid.

(2) Any person requesting the establishment of a loading and unloading zone shall pay an installation fee, based on reimbursement to the city of the cost of investigating the application and installing, inspecting and maintaining the signs and markings, such installation fee to cover the first year's maintenance. Upon each annual renewal of the permit, the person requesting the same shall pay an annual maintenance fee, based on reimbursement to the city of the cost of inspecting and maintaining the signs and markings. Where the loading and unloading zone is installed in a parking meter space, the installation and annual renewal fee shall also include reimbursement to the city for loss of revenue from meters displaced by such loading and unloading zone. The installation and annual maintenance fees shall be established and reviewed annually by the city and shall become effective when filed with the city clerk, for public inspection, and shall be applied on a uniform basis.

(3) All applications under this section shall be filed with and fees paid through the permit section of the city. No permits shall be issued or renewed nor shall any zone be established or maintained unless the annual fee has been paid to the city. It shall be unlawful for any person to remove, alter or deface any sign or other marking so installed, or to place any other or additional signs, or markings on the public right-of-way. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-511. Use of loading and unloading zones.** When a loading and unloading zone has been established in accord with § 15-510, it shall be unlawful for any person to park or knowingly permit any vehicle under his control to be parked by others in such loading or unloading zone, except while actually loading or unloading freight from vehicles or discharging or picking up passengers. (as added by Ord. #148-08, Oct. 2008)

**15-512. Bus stops.** (1) The operator of a bus shall not stop, stand or park such vehicle upon any street at any place for the purpose of loading or

unloading passengers or their baggage, other than at a coach stop designated by the posting of official signs, except in case of an emergency.

(2) The operator of a bus shall enter a coach stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(3) No person shall stop, stand or park a vehicle other than a bus in a coach stop, when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus waiting to enter or about to enter such stop. (as added by Ord. #148-08, Oct. 2008)

**15-513. Taxicab stands.** (1) Any person desiring to occupy, for his exclusive use, any portion of the street as a taxicab stand shall first obtain the consent of the owner of the property abutting upon the street where the taxicab stand is desired to be located and shall then make application to the city for the granting of a permit to so occupy such space. If such occupancy will not interfere with or present a hazard to the traffic on the street where the taxicab stand is proposed to be located, the city shall grant such application, and fix an annual fee to be paid by the applicant for such occupancy, which shall include the cost of the erection of the necessary signs and markings and the maintenance thereof. No such permit shall be issued until the fee has been paid to the city. The city shall place the necessary signs and markings upon such application's approval.

(2) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided in this section. This subsection shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

(3) No person other than the owner of a taxicab stand permit, his agent, servants or employees, shall occupy a taxicab stand so designated by the city except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any taxicab waiting to enter or about to enter such stand. (as added by Ord. #148-08, Oct. 2008)

**15-514. Vehicle owner not to permit parking violations.** It shall be unlawful for any person to cause, allow or permit any vehicle registered in the name of such person to be parked in such manner as to violate the terms and provisions of this article. (as added by Ord. #148-08, Oct. 2008)

**15-515. Regulation of parking on city property.** The city shall regulate or prohibit the parking of vehicles upon any property owned by the city. (as added by Ord. #148-08, Oct. 2008)

**15-516. Attendants at off-street parking facilities.** Owners and operators of off-street parking facilities are hereby required to keep attendants on duty at all times when automobiles or other motor vehicles are stored thereon with the lock keys therein or in the custody of the owners or proprietors; provided however, that this section shall not apply to off-street parking facilities where the owners or operators of automobiles or motor vehicles parked thereon lock their own cars and retain the keys. (as added by Ord. #148-08, Oct. 2008)

**15-517. Duty of police relative to illegally parked vehicles; ticket for parking violations.** (1) Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this article or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation ticket, on a form provided by the city for the driver to answer to the charge against him within the time, date and at the place specified in the ticket.

(2) If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation ticket affixed to such motor vehicle, the office of the court clerk shall send to the owner of the motor vehicle to which the traffic citation ticket was affixed a notice informing him of the violation and warning him that if such notice is disregarded for a period of five days, a warrant of arrest will be issued. (as added by Ord. #148-08, Oct. 2008)

**15-518. Presumption in prosecuting for parking violations.** In any prosecution charging a violation of any provision of this chapter or other law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law of regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred. (as added by Ord. #148-08, Oct. 2008)

**15-519. Parking vehicles on city streets; restrictions.** (1) No truck or bus or recreational vehicle having declared a maximum gross weight, including vehicle and load of more than eight thousand (8,000) pounds, shall be parked or left unattended on any public street for a period of time longer than two (2) hours consecutively, except while being actively loaded or unloaded, or



while such a vehicle is being used in connection with any work or service being performed within the immediate area.

(2) No vehicle of any type being used for the purpose of transporting any volatile, toxic, gaseous, explosive or flammable material shall be parked or left unattended on any public street or public right-of-way for any period of time, except while being actively loaded or unloaded, or while such vehicle is being used in connection with any work or service being performed within the immediate area.

(3) Each day on which such violation continues shall constitute a separate offense. (as added by Ord. #148-08, Oct. 2008)

**15-520. Parking of non-motorized equipment or vehicles on city streets.** (1) It shall be unlawful for any person to park, or knowingly permit to be parked, any non-motorized vehicle or equipment such as, but not limited to, campers, trailers, boats or other recreational type equipment on any public street in the city for a period of time longer than eight (8) hours consecutively.

(2) Each non-motorized vehicles or equipment may be removed by the police department.

(3) Each day on which such violation continues shall constitute a separate offense. (as added by Ord. #148-08, Oct. 2008)

**15-521. Storage of property on public streets and rights-of-way.**

(1) It shall be unlawful for any person to use a public street or public right-of-way along the street, for the purpose of storing any item, except where otherwise lawfully provided.

(2) Storage is defined for the purposes of this section as the placing of any property in the public street or right-of-way in such a manner as to preclude the use of the street or right-of-way by the general public or the normal flow of vehicular or pedestrian traffic. (as added by Ord. #148-08, Oct. 2008)

**15-522. Prohibited parking along a section of Tennessee Highway 57.** (1) Prohibited parking of motor vehicles. It shall be unlawful for any person to park a motor vehicle on the south side of the roadway in the following described area located on Tennessee Highway 57 within the City of Piperton:

Beginning at the WEST right-of-way line of Tennessee Highway 196, and proceeding generally westward a distance of approximately 940 feet along the centerline line of Tennessee Highway 57.

(2) Map. A map showing the general location of the no-parking zone described in subsection (1) is attached to this ordinance and marked "Exhibit A."<sup>1</sup>

(3) Exceptions. Nothing in this section shall be construed to prohibit temporary parking in the no-parking zone by law enforcement, fire-fighting, ambulance or other emergency vehicles while responding to a specific emergency. Nor shall this section be construed to prohibit the short term parking of motor vehicles due to mechanical failure or accident.

(4) Emergencies. In an emergency, the chief of police with the approval of the city manager, may waive the prohibition of parking on the street defined in subsection (1) for a period not to exceed one (1) week.

(5) Posting. The public works director is hereby directed to arrange for the posting of signage and/or street markings to assure compliance with the provisions of this section. (as added by Ord. #282-17, Sept. 2017)

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<sup>1</sup>The map marked "Exhibit A" is available in the office of the recorder.

## CHAPTER 6

### ABANDONED, JUNKED OR WRECKED VEHICLES

#### SECTION

- 15-601. Definitions.
- 15-602. Declared a public nuisance.
- 15-603. Storage on public or private property.
- 15-604. Notice to remove.
- 15-605. Failure to remove declared misdemeanor.
- 15-606. Abatement and removal by city.
- 15-607. Tow-in ticket.
- 15-608. Removal and storage.
- 15-609. Title search by police department.
- 15-610. Sale at public auction.
- 15-611. Return of vehicle to owner.
- 15-612. Storage and sale of valuable property found in abandoned vehicles.
- 15-613. Storage agent; position created; appointment; term.
- 15-614. Qualifications of storage agent.

**15-601. Definitions.** The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Abandoned vehicle" means any motor vehicle to which the last registered owner of record has relinquished all further dominion and control and/or any vehicle which is wrecked or partially dismantled or inoperable for a period of ten days. There shall be a presumption that the last registered owner has abandoned such vehicle, regardless of whether the physical possession of such vehicle remains in the technical custody of such owner, if it has remained inoperable or partially dismantled, or if the owner has relinquished dominion or control of such vehicle for ten days.

(2) "Property of the city " means any real property within the city which is not an improved street or highway.

(3) "Vehicle" means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-602. Declared a public nuisance.** The accumulation and storage of abandoned, wrecked, junked, partially dismantled or inoperable motor vehicles on public and private property is hereby found to create an unsightly

condition upon the property tending to reduce the value thereof, to invite plundering, to create fire hazards, and to constitute an attractive nuisance creating a hazard to the health and safety of minors. Such accumulation and storage of vehicles is further found to promote urban blight and deterioration in the community; to violate the zoning regulations of the city in many instances, particularly where such vehicles are maintained in the required yard areas of residential property; and that such wrecked, junked, abandoned or partially dismantled or inoperable motor vehicles are in the nature of rubbish, litter and unsightly debris in violation of health and sanitation laws. Therefore, the accumulation and storage of such vehicles on public and private property, except as expressly permitted in this division, is hereby declared to constitute a public nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided in this code. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-603. Storage on public or private property.** No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle which is in a rusted, wrecked, junked, partially dismantled, inoperable or abandoned condition upon any property within the city for a period in excess of ten (10) days unless such vehicle is completely enclosed within a building or unless such vehicle is so stored or parked on the property in connection with a duly licensed business or commercial enterprise, operated and conducted pursuant to law, when such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise. Except for vehicles located on property of a duly licensed business a motor vehicle that does not have a current state registration license tag attached to the vehicle is an inoperable vehicle, and any motor vehicle that has a current state registration license tag but is mechanically incapable of being driven due to deflated tires, inoperative brakes, faulty or missing battery, frozen engine, defective transmission, broken starter, etc., is an inoperable vehicle and subject to the provisions of this section. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-604. Notice to remove.** Whenever it shall appear that a violation of a provision of this division exists, the police chief shall give, or cause to be given, notice to the registered owner of any motor vehicle which is in violation of this division, and he shall give such notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located, advising that the motor vehicle violates the provisions of this division and directing that the motor vehicle be moved to a place of lawful storage within seventy-two (72) hours. Such notice shall be served upon the owner of the vehicle by leaving a copy of the notice on or within the vehicle. Notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located may be served by conspicuously posting the notice upon the premises. In the case of publicly-owned property, notice to the owner of the

property where the vehicle is found is hereby dispensed with. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-605. Failure to remove declared misdemeanor.** The owner of any abandoned vehicle who fails, neglects or refuses to remove the vehicle or to house such vehicle and abate such nuisance in accordance with the notice given pursuant to the provisions of § 15-604 shall be guilty of a misdemeanor. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-606. Abatement and removal by city.** If the vehicle is not disposed of after the time provided for in the notice, the police chief shall report the location of the vehicle to the storage agent of the city, which agent is defined in § 15-614, and the storage agent shall then remove the vehicle to his lot. At the time that the vehicle is removed by the storage agent a tow-in ticket shall be completed by the storage agent, in triplicate. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-607. Tow-in ticket.** The tow-in ticket as provided for in this division shall be in the following form:

VEHICLES TO STORAGE AGENT

Ticket No. \_\_\_\_\_  
 Make of Car \_\_\_\_\_ Type \_\_\_\_\_ Motor No. \_\_\_\_\_  
 Serial No. \_\_\_\_\_ License No. \_\_\_\_\_ State \_\_\_\_\_  
 Where Found \_\_\_\_\_ Date \_\_\_\_\_  
 Time \_\_\_\_\_ Parts of Car Damaged or Missing \_\_\_\_\_  
 Keys in Car \_\_\_\_\_ Switch Locked \_\_\_\_\_ Switch Unlocked \_\_\_\_\_  
 Trunk Locked \_\_\_\_\_ Doors Locked \_\_\_\_\_ Radio in Car \_\_\_\_\_  
 Spare Tire and Wheel \_\_\_\_\_ Jack \_\_\_\_\_ Was Car Driven in \_\_\_\_\_  
 By: \_\_\_\_\_  
 Personal Property in Car \_\_\_\_\_  
 Remarks \_\_\_\_\_  
 Owner \_\_\_\_\_  
 Address \_\_\_\_\_ City or State \_\_\_\_\_  
 Signature of Towman \_\_\_\_\_  
 Signature of Police Department Agent \_\_\_\_\_ (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-608. Removal and storage.** (1) Abandoned vehicles shall be transported from the property where they are found to the storage agent's lot only during the daylight hours.

(2) The abandoned vehicle shall not be double decked on the storage agent's lot until the title search provided for in § 15-609 has been completed by

the police department. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-609. Title search by police department.** The police department shall make, or cause to be made, a title search on the abandoned vehicle, and after the title search has been completed by the police department, the results shall be transmitted to the storage agent. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-610. Sale at public auction.** (1) Procedure when owner known. After a title search of the abandoned vehicle has been made by the police department, the police chief shall give notice by registered mail to the owner of the vehicle that the vehicle will be sold at public auction. The notice shall specify the date, hour and location of the sale. The police chief shall determine the date of the sale of the abandoned vehicles, in cooperation with the city purchasing agent, provided that the vehicles shall be sold within thirty (30) days. The vehicle shall be sold by the city purchasing agent, and he may sell the vehicles individually or as a group. Each car at the sale shall be subject to the tow-in charge and storage charges, which charges shall be determined by the police chief, and the storage agent shall be permitted to bid at the sale. There shall be no liability on the part of the city to the storage agent for the tow-in charges and storage charges. The title to the abandoned vehicle sold at the public auction shall pass to the purchaser at the time of the sale. The proceeds derived from the sale of the vehicles shall be paid over to the storage agent to the extent of the expenses incurred by the storage agent, and any additional amount shall be paid to the former owner of the vehicle. The city purchasing agent shall report to the police chief of vehicles sold at the sale and the amount received for the vehicles. Notice of sale shall be posted at city hall at the place of sale, and such other places as the police chief determines, fifteen (15) days in advance of the sale.

(2) Procedure when owner of vehicle cannot be ascertained. If the owner of the vehicle cannot be ascertained by the title search of the police department within thirty (30) days after the vehicle is moved to the storage agent's lot, the vehicle shall be sold in accordance with the provisions of subsection (1) of this section within thirty (30) days, provided that the notice to the owner by registered mail shall be dispensed with. Any proceeds of sale in excess of tow-in and storage under subsections (2), (3) and (4) of this section shall be paid to the general fund of the city.

(3) No identification number. If the vehicle has no serial number or other identification number, then the title search as provided for in this section, shall be dispensed with, and the vehicle shall be sold in accordance with the provisions of subsection (1) of this section within thirty (30) days of it being moved to the storage agent's lot, provided that the notice by registered mail to the owner shall also be dispensed with.

(4) Disposition of worthless vehicles. Any vehicles as provided in this section, which, after having been advertised and listed for sale, shall bring no price, then and in that event, the purchasing agent shall deem such vehicle as worthless and shall dispose of the vehicle in such manner as he and the police chief may deem right and proper.

(5) Vehicles over six years old and totally inoperable. Notwithstanding any other provision of this division, any person or unit of government, upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher without that title and without the notification procedures of this division, if the motor vehicle is over six (6) years old and has no engine or is totally inoperable. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-611. Return of vehicle to owner.** If during the time that the vehicle is being held by the storage agent, the owner of the vehicle demands the return of the vehicle, then the storage agent upon receipt of written authorization of the police chief shall turn the vehicle over to the owner upon the payment of the storage and tow-in fees by the owner. The storage agent shall notify the police chief of such redemption request by the owner of the vehicle and obtain written authorization prior to release. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-612. Storage and sale of valuable property found in abandoned vehicles.** Any unclaimed valuable property found in any abandoned vehicle subject to this division shall be stored by the storage agent and sold at public auction as determined by the police chief. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-613. Storage agent; position created; appointment; term.**

(1) The city shall have the option each year to secure the services of a storage agent. In any year in which the city elects not to secure such services, the duties of the storage agent shall be performed by the police department, and personnel designated as storage agent will assume the duties as set out in this division. In any year in which the city desires to secure a storage agent, the city shall give notice of the taking of bids for the position. At the date set for submitting bids, any person desiring to bid as storage agent, who meets the requirements as set out in section 15-259, shall submit his bid. The person who submits the highest bid shall be designated as storage agent for the purposes set out in this division; however, the city shall have the right to reject any bid submitted. The money received from the person who qualifies as storage agent shall be paid into the general funds of the city.

(2) The position of storage agent shall extend for a one (1) year period from the date of appointment, and at the end of the one (1) year period, and each

year thereafter, bids for the position of storage agent shall be taken in the manner as provided in this section. The person who is appointed storage agent in any given year shall be eligible to bid for the position again the following year.

(3) The mayor with the consent of the board of commissioners shall have the authority, if there are no bids for the position of storage agent or if all bids are rejected as provided in this section, to enter into a contract with an individual, firm or corporation for the position of storage agent for a period of one year or longer as the mayor in his discretion deems necessary for the health, safety and welfare of the citizens of the city. (as added by Ord. #148-08, Oct. 2008)

**15-614. Qualifications of storage agent.** At the time a person submits his bid for the position of storage agent, he shall certify to the following factors:

(1) That he has an adequate number of wreckers and further, an adequate area to store the abandoned vehicles pending the sale of such vehicles, the number of wreckers and amount of storage space being subject to the approval of the police chief;

(2) That he carry liability insurance in such amount as may be approved by the police chief and city attorney;

(3) That he has space available for the storage of valuable property found in the abandoned vehicles at the time they are towed in. (as added by Ord. #148-08, Oct. 2008)



## CHAPTER 7

### BICYCLES AND TOY VEHICLES

#### SECTION

- 15-701. Traffic laws apply to persons riding bicycles.
- 15-702. Riding on bicycles.
- 15-703. Use of toy vehicles.
- 15-704. Clinging to vehicles.
- 15-705. Riding on roadways and bicycle paths.
- 15-706. Carrying articles on bicycles.
- 15-707. Lamps and other equipment on bicycles.

**15-701. Traffic laws apply to persons riding bicycles.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any vehicle except as to special regulations in Tennessee Code Annotated, §§ 55-8-171 and 55-8-177, except as to special regulations and except as to those provisions which by their nature can have no application. State law references: Similar provisions, T.C.A. § 55-8-172. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-702. Riding on bicycles.** (1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, except for a certified police cyclist who is performing duties that require riding in a side dismounting position.

(2) No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped. State law references: Similar provisions, T.C.A. § 55-8-173(a), (b). (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-703. Use of toy vehicles.** (1) No person upon roller skates, skateboards, sleds, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

(2) No person shall play on a street other than upon the sidewalk thereof, or use thereon roller skates, coasters or any similar vehicle or toy or article on wheels or a runner except in such areas as may be specially designated for that purpose by the city. State law references: Similar provisions, T.C.A. § 55-8-173(c). (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-704. Clinging to vehicles.** (1) No person riding upon any bicycle, roller skates, sled or toy vehicle shall attach such bicycle, roller skates, sled or toy vehicle, or such person's own body, to any vehicle upon a roadway.

(2) The provisions of this section shall not be construed to prohibit the attachment of a bicycle trailer or bicycle semitrailer to a bicycle if such trailer or semitrailer is designed specifically for such purpose. State law references: Similar provisions, T.C.A. § 55-8-174(a), (b). (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-705. Riding on roadways and bicycle paths.** (1) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the righthand curb or edge of the roadway, except under any of the following situations:

(a) When overtaking and passing another vehicle proceeding in the same direction;

(b) When preparing for a left turn at an intersection or into a private road or driveway; or

(c) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the righthand curb or edge. For purposes of this section, the term "substandard width lane" means a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane. This subsection (1) does not apply to a certified police cyclist engaged in the lawful performance of duty relating to traffic control.

(2) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane. This subsection (2) does not apply to a certified police cyclist engaged in the lawful performance of duty relating to traffic control or in pursuit of an actual or suspected violator of the law.

(3) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. State law references: Similar provisions, T.C.A. § 55-8-175. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-706. Carrying articles on bicycles.** No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars. State law references: Similar provisions, T.C.A. § 55-8-176. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

**15-707. Lamps and other equipment on bicycles.** (1) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the state department of safety which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(2) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(3) Every bicycle shall be equipped with a brake which will enable the operator to stop the bicycle within twenty-five (25) feet from a speed of ten miles per hour on dry, level, clean pavement. State law references: Similar provisions, T.C.A. § 55-8-177. (as added by Ord. #66-05, Aug. 2005, as replaced by Ord. #148-08, Oct. 2008)

## CHAPTER 8

### MOTORCYCLES

#### SECTION

15-801. Riding on motorcycles.

15-802. Handlebars.

15-803. Crash helmet required for driver and passenger.

15-804. Windshields, safety goggles, face shields or glasses.

15-805. Rear view mirrors and footrests.

15-806. Operation on laned roadways.

15-807. Responsibility of parents and guardians.

**15-801. Riding on motorcycles.** (1) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto. Such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

(2) A person shall ride upon a motorcycle only while sitting astride the seat, headlamp illuminated, facing forward, with one leg on each side of the motorcycle.

(3) No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

(4) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator. State law references: Similar provisions, T.C.A. § 55-8-164. (as added by Ord. #148-08, Oct. 2008)

**15-802. Handlebars.** No person shall operate any motorcycle with handlebars more than 15 inches in height above that portion of the seat occupied by the operator. State law references: Similar provisions, T.C.A. § 55-9-305(b). (as added by Ord. #148-08, Oct. 2008)

**15-803. Crash helmet required for driver and passenger.** (1) The driver of a motorcycle, motorized bicycle as defined in this chapter or motor-driven cycle, and any passenger thereon, shall be required to wear a crash helmet of a type approved by the commissioner of safety.

(2) This section does not apply to persons riding within an enclosed cab or to golf carts. State law references: Similar provisions, T.C.A. § 55-9-302. (as added by Ord. #148-08, Oct. 2008)

**15-804. Windshields, safety goggles, face shields or glasses.** Every motorcycle or motor-driven cycle operated upon any highway or public road of this city shall be equipped with a windshield, or, in the alternative, the operator and any passenger on any such motorcycle or motor-driven cycle shall be required to wear safety goggles, face shields or glasses containing impact resistant lenses. State law references: Similar provisions, T.C.A. § 55-9-304. (as added by Ord. #148-08, Oct. 2008)

**15-805. Rear view mirrors and footrests.** All motorcycles and motor-driven cycles operated upon any street or public road of this city shall be equipped with a rear view mirror and securely attached footrests for the operators and passengers, on all motorcycles and motor-driven cycles. State law references: Similar provisions, T.C.A. § 55-9-305(a). (as added by Ord. #148-08, Oct. 2008)

**15-806. Operation on laned roadways.** (1) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties. State law references: Similar provisions, T.C.A. § 55-8-182. (as added by Ord. #148-08, Oct. 2008)

**15-807. Responsibility of parents and guardians.** If any parent, or guardian, knowingly permits a minor to operate a motorcycle in violation of this article, such parent or guardian shall be guilty of a misdemeanor. State law references: Similar provisions, T.C.A. § 55-9-307. (as added by Ord. #148-08, Oct. 2008)

## CHAPTER 9

### PEDESTRIANS<sup>1</sup>

#### SECTION

- 15-901. Application of chapter.
- 15-902. Use of crosswalks generally.
- 15-903. When crossing at marked crosswalk required.
- 15-904. Right-of-way in crosswalks.
- 15-905. Crossing at other than crosswalks.
- 15-906. Pedestrian tunnels or overhead crossings.
- 15-907. Walking on roadways.
- 15-908. Soliciting rides, employment or business.
- 15-909. Soliciting the watching or guarding of parked vehicles.
- 15-910. Blind or deaf persons.

**15-901. Application of chapter.** Pedestrians shall be subject to traffic control signals at intersections, as provided for in this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions as stated in this chapter. State law references: Similar provisions, T.C.A. § 55-8-133(a). (as added by Ord. #148-08, Oct. 2008)

**15-902. Use of crosswalks generally.** Whenever there is a marked crosswalk, all pedestrians in crossing at such crosswalk shall stay within the markings or lines, and, whenever practicable, such pedestrians shall walk on the right half of the crosswalk. State law references: Similar provisions, T.C.A. § 55-8-137. (as added by Ord. #148-08, Oct. 2008)

**15-903. When crossing at marked crosswalk required.** Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk. State law references: Similar provisions, T.C.A. § 55-8-135(c). (as added by Ord. #148-08, Oct. 2008)

**15-904. Right-of-way in crosswalks.** (1) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway within a crosswalk upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway

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<sup>1</sup>State law references

Pedestrians generally, T.C.A. § 55-8-133 et seq.

as to be in danger. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to yield.

(2) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. State law references: Similar provisions, T.C.A. § 55-8-134. (as added by Ord. #148-08, Oct. 2008)

**15-905. Crossing at other than crosswalks.** Every pedestrian crossing a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway. State law references: Similar provisions, T.C.A. § 55-8-135(a). (as added by Ord. #148-08, Oct. 2008)

**15-906. Pedestrian tunnels or overhead crossings.** Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway. State law references: Similar provisions, T.C.A. § 55-8-135(b). (as added by Ord. #148-08, Oct. 2008)

**15-907. Walking on roadways.** (1) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(2) Where sidewalks are not provided, any pedestrian walking along and upon a street shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. State law references: Similar provisions, T.C.A. § 55-8-138. (as added by Ord. #148-08, Oct. 2008)

**15-908. Soliciting rides, employment or business.** No person shall stand in a road right-of-way for the purpose of soliciting a ride, employment or business from the occupant of any vehicle. State law references: Similar provisions, T.C.A. § 55-8-139(a). (as added by Ord. #148-08, Oct. 2008)

**15-909. Soliciting the watching or guarding of parked vehicles.** No person shall stand on or in proximity to a street for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked. State law references: Similar provisions, T.C.A. § 55-8-139(b). (as added by Ord. #148-08, Oct. 2008)

**15-910. Blind or deaf persons.** No person, unless totally or partially blind or otherwise incapacitated, while on any public street or thoroughfare

shall carry in any raised or extended position any cane or similar walking stick colored white or white tipped with red. (as added by Ord. #148-08, Oct. 2008)



## CHAPTER 10

### VEHICLE EQUIPMENT AND LOADS<sup>1</sup>

#### SECTION

- 10-1001. Generally.
- 10-1002. Brakes.
- 10-1003. Lights and reflectors.

**10-1001. Generally.** (1) Studded tires. (a) No person shall use a tire on a vehicle moved on a street which shall have on its periphery any block, stud, flange, cleat or spike or any other protuberances of a material other than rubber which project beyond the tread of the traction surface of the tire except as otherwise provided in this section.

(b) A person may operate on a street a vehicle equipped with a tire which may have imbedded in it wire or other material for improving traction on snow and ice during the period of October 1 through April 15 of each year. Such a tire shall be so constructed that the percentage of wire or other material in contact with the roadway does not exceed, after the first one thousand (1,000) miles of use or operation, five percent of the total tire area in contact with the roadway. During the first one thousand (1,000) miles of use or operation of any such tire, the wire or other material in contact with the roadway shall not exceed twenty (20) percent of the total tire area in contact with the roadway. The studded tires allowed by this subsection shall not be used at any time on a vehicle with a maximum gross weight of more than nine thousand (9,000) pounds, unless such a vehicle is a school bus or an emergency vehicle.

(c) It shall be permissible to use tire chains of reasonable proportions on any vehicle when required for safety because of snow, ice or other condition tending to cause a vehicle to skid.

(d) It shall be permissible to use farm machinery with tires having protuberances which will not injure a street. State law references: Similar provisions, T.C.A. § 55-9-106.

(2) Muffler required. No person shall drive a motor vehicle on a street unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. State law references: Similar provisions, T.C.A. § 55-9-202(a).

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<sup>1</sup>State law references

Equipment, T.C.A. § 55-9-101 et seq.; size, weight and load, T.C.A. § 55-11-101 et seq.

(3) Muffler cutouts. It shall be unlawful to use a muffler cutout on any motor vehicle upon a street. State law references: Similar provisions, T.C.A. § 55-9-202(b).

(4) Horns and other warning devices. (a) Every motor vehicle, when operated upon any street shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression or spark plug whistle or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this chapter. Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting a sound audible under normal conditions from a distance of at least five hundred (500) feet and of a type approved by the police department, but such siren shall not be used except when such vehicle is operated in response to an emergency and then only when necessary to warn pedestrians and other drivers of the approach thereof. State law references: Similar provisions, T.C.A. § 55-9-201.

(5) Adequate energy absorption system. (a) No person shall operate a motor vehicle on any street unless the vehicle is equipped with a bumper or other energy absorption system with an analogous function.

(b) (i) No person shall operate a passenger vehicle, except a four-wheel drive recreational vehicle, of a type required to be registered under the laws of this state upon a public street modified by reason of alteration of its altitude from the ground if its bumpers, measured to any point on a load-bearing member on the horizontal bumper bar, are more than twenty-two (22) inches above the ground, except that no vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground or expose the fuel tank to damage from collision or cause the wheels to come in contact with the body under normal operation and that no part of the original suspension system be disconnected to defeat the safe operation of the suspension system; provided, however, that nothing contained in this section shall prevent the installation of heavy duty equipment to include shock absorbers and overload springs; and provided further, that nothing contained in this section shall prevent a person from operating a motor vehicle on a public street with normal wear of the suspension system if normal wear does not affect the control of the vehicle.

(ii) No person shall operate a four-wheel drive recreational vehicle of a type required to be registered under the laws of this state upon a public street modified by reason of alteration of its altitude from the ground if its bumpers, measured to any point on a load-bearing member on the horizontal bumper bar, are not within the range of fourteen (14) inches to thirty-one (31) inches above the ground, except that no vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground or expose the fuel tank to damage from collision or cause the wheels to come in contact with the body under normal operation and that no part of the original suspension system be disconnected to defeat the safe operation of the suspension system; provided, however, that nothing contained in this section shall prevent the installation of heavy duty equipment to include shock absorbers and overload springs; and provided further, that nothing contained in this section shall prevent a person from operating a motor vehicle on a public street with normal wear of the suspension system if normal wear does not affect the control of the vehicle. In the case of a four-wheel drive vehicle where the thirty-one (31) inches limitation is exceeded, the vehicle will comply with this section if the vehicle is equipped with a drop bumper. Such a drop bumper must be bolted and welded to the frame of the vehicle and be made of a strength equal to a stock bumper.

(iii) No person shall modify or cause to be modified by the use of lift blocks the front end suspension of a motor vehicle.

(iv) (A) Maximum frame heights for motor vehicles shall be as follows:

(1) Passenger cars 22 inches;

(2) Trucks and recreational vehicles:

(i) 4,500 pounds and under 24 inches;

(ii) 4,501--7,500 pounds, 26 inches;

(iii) 7,501--10,000 pounds, 28 inches.

(B) Frame height measurements shall be taken from the bottom of the frame by measuring the vertical distance between the ground and the lowest point of the frame directly below the point in line with the center of the steering wheel.

(v) No person shall operate a motor vehicle having a distance greater than four (4) inches between the body floor and the top of the frame.

(vi) No person shall modify or cause to be modified the original manufacturer installed steering mechanism, including welding, nor the front spindle where the brake pads mount, on a

passenger vehicle or a truck or recreational vehicle with a weight up to ten thousand (10,000) pounds.

(c) This section shall not apply to freight motor vehicles and/or other vehicles which have designs which would intrinsically preclude conformity with this section. This section also shall not apply to any vehicle which has an unaltered and undamaged stock bumper or energy absorption system as supplied by the manufacturer of the vehicle. State law references: Similar provisions, T.C.A. § 55-9-215.

(6) Windshields and windows. It shall be unlawful for any person to drive any vehicle upon a street with any sign, poster or other nontransparent material upon the front windshield, sidewings, or side or rear window of such motor vehicle, other than a certificate or other paper required to be so displayed by law. The windshield and windows of such vehicle shall be of transparent material so as to furnish the driver a clear unobstructed view of the front, sides and rear. State law references: Safety glass in motor vehicles, T.C.A. § 55-9-208 et seq.

(7) Reflectorized car windows. It shall be unlawful for any person to operate a motor vehicle upon a public street in which any window of such vehicle has been altered, treated or replaced with sun screen materials which do not meet the standards as set forth in state law. State law references: Sun screen material, T.C.A. § 55-9-107.

(8) Windshield wipers. Every motor vehicle having a windshield shall be equipped with two windshield wipers for cleaning rain, snow or other moisture from the windshield in order to provide clear vision for the driver, unless one windshield wiper cleans to within one inch of each side of the windshield. State law references: Similar provisions, T.C.A. § 55-9-203.

(9) Rear view mirrors. No person shall drive a motor vehicle on a street unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the street for a distance of at least 200 feet to the rear of such vehicle. State law references: Trucks to be equipped with rearview mirror, T.C.A. § 55-9-206; rearview mirrors for motorcycles, T.C.A. § 55-9-305.

(10) Vehicles so constructed or loaded to prevent escape of load. (a) No vehicle shall be driven or moved on any street unless such vehicle is so constructed as to prevent its contents from dropping, shifting, leaking or otherwise escaping therefrom.

(b) No person shall load any vehicle with dirt, ashes, rubbish, debris or other material in a manner or to the extent that such dirt, ashes, rubbish, debris or other material can or will fall or drop from the vehicle to the street, and no vehicle so loaded shall be driven or conveyed through any street of the city. State law references: Loose material hauled in open truck bed, T.C.A. § 55-7-109.

(11) Vehicles so constructed or loaded to obstruct traffic. No person shall drive or direct any vehicle on a street when such vehicle is in a condition,

or so constructed or loaded as to be likely, to cause delay in traffic or injury to persons or property.

(12) Permit required for excessively wide vehicles. No person shall drive or convey through any street any vehicle, the width of which, with its load, exceeds eight feet, except in accordance with a permit issued by the chief of police. State law references: Maximum width and height, T.C.A. § 55-7-202.

(13) Extension of loads on passenger vehicles. No passenger vehicle shall carry any load extending beyond the fenders on the left side of such vehicle or extending more than six (6) inches beyond the line of the fender on the right side thereof. (as added by Ord. #148-08, Oct. 2008)

**15-1002. Brakes.**<sup>1</sup> (1) Generally. Every motor vehicle, other than a motorcycle, when operated upon any street within the city, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels. State law references: Similar provisions, T.C.A. § 55-9-204(a).

(2) Motorcycles. Every motorcycle and bicycle with motor attached, when operated upon any street within the city, shall be equipped with at least one (1) brake which may be operated by hand or foot. State law references: Similar provisions, T.C.A. § 55-9-204(b).

(3) Trailers and semitrailers. Every trailer or semitrailer of a gross weight of three thousand (3,000) pounds or more, when operated upon any street within the city, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab. The brakes shall be so designed and connected that in case of an accidental break away of the towed vehicle the brakes shall be automatically applied. State law references: Similar provisions, T.C.A. § 55-9-204(c).

(4) New vehicles. Every new motor vehicle, trailer or semitrailer sold after May 21, 1937, and operated upon the streets of this city, shall be equipped with service brakes upon all wheels of every such vehicle, except trucks and truck tractors having three or more axles need not have brakes on the front wheels, unless such vehicles are equipped with at least two steerable axles the wheels of one such axle need not be equipped with brakes, except any motorcycle, and except that any semitrailer of less than one thousand five

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<sup>1</sup>State law references

Brakes generally, T.C.A. § 55-9-204 et seq.

hundred (1,500) pounds gross weight need not be equipped with brakes. State law references: Similar provisions, T.C.A. § 55-9-204(d).

(5) Performance ability of brakes. (a) The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle when traveling twenty (20) miles per hour within a distance of thirty (30) feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent.

(b) Under such conditions, the hand brake shall be adequate to stop such vehicle within a distance of fifty-five (55) feet, and such parking brake shall be adequate to hold such vehicle stationary on any grade upon which operated.

(c) Under the conditions of subsections (a) and (b) of this section, the service brakes upon a motor vehicle equipped with two wheel brakes only, when permitted under this division, shall be adequate to stop the vehicle within a distance of forty (40) feet and the parking brake adequate to stop the vehicle within a distance of fifty-five (55) feet.

(d) All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted by statute. State law references: Similar provisions, T.C.A. § 55-9-205(a)-(d).

(6) Maintenance and adjustment of brakes. All brakes specified in this division shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicles. State law references: Similar provisions, T.C.A. § 55-9-205(e). (as added by Ord. #148-08, Oct. 2008)

**10-1003. Lights and reflectors.**<sup>1</sup> (1) Lights required on motor vehicles; exceptions; regulations as to color, type and visibility distance. (a) Every motor vehicle other than a motorcycle, road roller, road machinery or farm tractor shall be equipped with at least two (2) and not more than four (4) headlights, with at least one on each side of the front of the motor vehicle. No nonemergency vehicle shall operate or install emergency flashing light systems such as strobe, wig-wag, or other flashing lights within the headlight assembly or grill area of the vehicle. Auxiliary road lighting lamps may be used, but not more than two (2) of such lamps shall be lighted at any one time in addition to the two (2) required headlights. No spotlight or auxiliary lamp shall be so aimed upon approaching another vehicle that any part of the high intensity portion of the beam therefrom is directed beyond the left side of the motor vehicle upon which the

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<sup>1</sup>State law references

Lighting regulations, T.C.A. § 55-9-401 et seq.

spotlight or auxiliary lamp is mounted, nor more than one hundred (100) feet ahead of such motor vehicle.

(b) Every motor vehicle shall be equipped with two (2) red taillamps and two (2) red stoplights on the rear of such vehicle, and one (1) taillamp and one stoplight shall be on each side, except that passenger cars manufactured or assembled prior to January 1, 1939, trucks manufactured or assembled prior to January 1, 1968, and motorcycles and motor-driven cycles shall have at least one (1) red taillamp and one (1) red stoplight. No nonemergency vehicle shall operate or install emergency flashing light systems such as strobe, wig-wag or other flashing lights in taillight lamp, stoplight area or factory installed emergency flasher and backup light area. The stoplight shall be so arranged as to be actuated by the application of the service or foot brake and shall be capable of being seen and distinguished from a distance of one hundred (100) feet to the rear of a motor vehicle in normal daylight, but shall not project a glaring or dazzling light. The stoplight may be incorporated with the taillamp.

(c) Each lamp and stoplight required in this section shall be in good condition and operational.

(d) No vehicle operated in this city shall be equipped with any flashing red or white light or any combination of red or white lights which displays to the front of such vehicle except school buses, a passenger motor vehicle operated by a rural mail carrier of the United States postal service while performing the duties of a rural mail carrier, authorized law enforcement vehicles only when used in combination with a flashing blue light, and emergency vehicles used in firefighting, including ambulances, emergency vehicles used in firefighting which are owned or operated by the division of forestry, firefighting vehicles, rescue vehicles, privately owned vehicles of regular or volunteer firefighters certified in Tennessee Code Annotated, § 55-9-201(c), or other emergency vehicles used in firefighting owned, operated or subsidized by the governing body of any county or municipality. Any emergency rescue vehicle owned, titled and operated by a state chartered rescue squad, a member of the Tennessee Association of Rescue Squads, privately owned vehicles of regular or volunteer firefighters certified in Tennessee Code Annotated, § 55-9-201(c), and marked with lettering at least three (3) inches in size and displayed on the left and right sides of the vehicle designating it an "emergency rescue vehicle," any authorized civil defense emergency vehicle displaying the appropriate civil defense agency markings of at least three (3) inches, and any ambulance or vehicle equipped to provide emergency medical services properly licensed as required in the state and displaying the proper markings, shall also be authorized to be lighted in one or more of the following manners:

(i) A red or red/white visibar type with public address system;

(ii) A red or red/white oscillating type light; and

(iii) Blinking red or red/white lights, front and rear. Any vehicle, other than a passenger motor vehicle operated by a rural mail carrier of the United States Postal Service while performing the duties of a rural mail carrier or an emergency vehicle authorized by this section to display flashing red or red/white lights, or authorized law enforcement vehicles using red, white and blue lights in combination, which displays any such lights shall be considered in violation of this section. State law references: Similar provisions, T.C.A. § 55-9-402.

(2) Headlamps on motorcycles. Every motorcycle shall be equipped with at least one (1) and not more than two (2) headlamps. State law references: Similar provisions, T.C.A. § 55-9-403.

(3) Lights on vehicles other than motor vehicles; visibility distance. Every vehicle other than a motor vehicle, when traveling upon a street under the control of the city appropriated or open to public use or travel, shall be equipped with a light attached to and on the upper left side of such vehicle, capable of displaying a light visible five hundred (500) feet to the front and five hundred (500) feet to the rear of such vehicle under ordinary atmospheric conditions. Such light shall be displayed during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise and at all other times when there is not sufficient light to render clearly discernible any person on the road or highway at a distance of two hundred (200) feet ahead of such vehicle. State law references: Similar provisions, T.C.A. § 55-9-401(a).

(4) Lamp at end of train of vehicles. Every motor vehicle and every trailer or semitrailer which is being drawn at the end of a train of vehicles shall carry at the rear a lamp of a type which exhibits a yellow or red light plainly visible under normal atmospheric conditions from a distance of five hundred (500) feet to the rear of such vehicle. Such light shall be so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of fifty (50) feet to the rear of such vehicle. State law references: Similar provisions, T.C.A. § 55-9-404.

(5) Signals by hand and arm or signal device. (a) Any stop or turn signal when required in this section shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device approved by the state, except as otherwise provided in subsection (b) of this section.

(b) Any motor vehicle in use on a street shall be equipped with, and required signal shall be given by, a signal lamp or mechanical signal device approved by the state when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such



motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles. State law references: Similar provisions, T.C.A. § 55-8-144.

(6) Lighting devices and reflectors on vehicles having width in excess of 80 inches; truck tractors and trailers. (a) Every motor vehicle other than any passenger car, any road roller, road machinery or farm tractor having a width of 80 inches or more shall be equipped with at least the following lighting devices and reflectors:

(i) On the front, at least two (2) headlamps, an equal number at each side; two (2) turn signals, one at each side; two (2) clearance lamps, one (1) at each side; three identification lamps, mounted on the vertical centerline of the vehicle, or the vertical centerline of the cab where different from the centerline of the vehicle, except that where the cab is not more than forty-two (42) inches wide at the front roofline, a single lamp at the center of the cab shall be deemed to comply with the requirements for identification lamps. No part of the identification lamps or their mountings may extend below the top of the vehicle windshield.

(ii) On the rear, two (2) taillamps, one (1) at each side; two (2) stop lamps, one at each side; two turn signals, one (1) at each side; two (2) clearance lamps, one (1) at each side; two (2) reflectors, one (1) at each side; three identification lamps, mounted on the vertical centerline of the vehicle, provided that the identification lamps need not be lighted if obscured by a vehicle towed by the truck.

(iii) On each side, one (1) sidemarker lamp at or near the front, one (1) sidemarker lamp at or near the rear; one (1) reflector at or near the front, and one reflector at or near the rear.

(b) Every truck tractor shall be equipped as follows:

(i) On the front, at least two (2) headlamps, an equal number at each side; two (2) turn signals, one (1) at each side; two (2) clearance lamps, one (1) at each side; three (3) identification lamps, mounted on the vertical centerline of the vehicle, or the vertical centerline of the cab where different from the centerline of the vehicle, except that where the cab is not more than forty-two (42) inches wide at the front roofline, a single lamp at the center of the cab shall be deemed to comply with the requirement for identification lamps. No part of the identification lamps or their mountings may extend below the top of the vehicle windshield.

(ii) On the rear, one taillamp; one (1) stop lamp; two (2) reflectors, one (1) at each side; and, unless the turn signals on the front are so constructed (double-faced) and located as to be visible

to passing drivers, two turn signals on the rear of the cab, one (1) at each side.

(iii) Every semitrailer or full trailer eighty (80) inches or more in overall width, except converter dollies, shall be equipped as follows:

(A) On the front, two (2) clearance lamps, one (1) at each side;

(B) On the rear, two (2) taillamps, one at each side; two (2) stop lamps, one (1) at each side; two turn signals, one (1) at each side; two (2) clearance lamps, one (1) at each side; two (2) reflectors, one (1) at each side; three (3) identification lamps, mounted on the vertical centerline of the vehicle, provided that the identification lamps need not be lighted if obscured by another vehicle in the same combination;

(C) On each side, one (1) sidemarker lamp at or near the front; one (1) sidemarker lamp at or near the rear; one (1) reflector at or near the front; one reflector at or near the rear; and, in case of semitrailers and full trailers thirty (30) feet or more in length, at least one (1) additional sidemarker lamp at optional height and at least one (1) additional reflector, the additional sidemarker lamp (or lamps) and reflector (or reflectors) to be at or near the center or at approximately uniform spacing in the length of the vehicle;

(D) For the purposes of the regulations of this section, a converter dolly is a motor vehicle with a fifth wheel lower half or equivalent mechanism, the attachment of which vehicle converts a semitrailer to a full trailer. Each dolly, when towed singly by another vehicle, and not as part of a full trailer, shall be equipped with one (1) stop lamp, one (1) taillamp and two (2) reflectors on the rear. No lighting devices or reflectors are required on the front or sides of any dolly. State law references: Similar provisions, T.C.A. § 55-9-405.

(7) Light or flag for projecting load. During the time when lights are required to be displayed, there shall be attached to the rearmost extremity of any load which projects four (4) feet or more beyond the rear of the body of the motor vehicle, or at any tailboard or tailgate so projecting, or to the rearmost extremity of any load, carried on a pole trailer, at least one (1) red lamp, securely fastened thereto, which shall be visible from a distance of five hundred (500) feet to the sides and rear under normal atmospheric conditions. At all other times a red flag of cloth, synthetic or manmade material shall be so displayed. State law references: Similar provisions, T.C.A. § 55-9-405(d).

(8) Use of searchlights and spotlights prohibited; exception. Aircraft searchlights or spotlights shall not be used on the public streets, except by authorized emergency vehicles.

(9) Blue flashing emergency lights on motor vehicles unlawful; exception. It is unlawful for anyone to install, maintain or exhibit blue flashing emergency lights or blue flashing emergency lights in combination with red flashing emergency lights, except full-time, salaried, uniformed law enforcement officers of the state, county, or city and municipal governments of the state, and commissioned members of the state bureau of investigation when their official duties so require as defined by Tennessee Code Annotated, §§ 38-8-106 and 38-8-107. State law references: Similar provisions, T.C.A. § 55-9-414.

(10) Headlights on motor vehicles; operation during inclement weather.

(a) The headlights of every motor vehicle shall be so constructed, equipped, arranged, focused, aimed and adjusted, that they will at all times and under normal atmospheric conditions and on a level road produce a driving light sufficient to render clearly discernible a person two hundred (200) feet ahead, but shall not project a glaring or dazzling light to persons in front of such headlights. Such headlights shall be displayed during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, during fog, smoke or rain, and at all other times when there is not sufficient light to render clearly discernible any person on the road at a distance of two hundred (200) feet ahead of such vehicle.

(b) Operation of headlights during periods of rain, as required in this section, shall be made during any time when rain, mist or other precipitation, including snow, necessitates the constant use of windshield wipers by motorists. State law references: Similar provisions, T.C.A. § 55-9-406.

(11) Multiple beam road lighting equipment. Whenever the road-lighting equipment on a motor vehicle is so arranged that the driver may select at will between two (2) or more distributions of light from headlights or lamps or auxiliary road lighting lamps or lights or combinations thereof, directed to different elevation, the following requirements shall apply while driving during the times when lights are required:

(a) When there is no oncoming vehicle within five hundred (500) feet, the driver shall use an upper distribution of light; provided, however, that a lower distribution of light may be used when fog, dust or other atmospheric conditions make it desirable for reasons of safety, and when within the confines of municipalities where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead and when following another vehicle within five hundred (500) feet.

(b) When within five hundred (500) feet of an oncoming vehicle, a driver shall use a distribution of light so aimed that the glaring rays

therefrom are not directed into the eyes of the oncoming driver. State law references: Similar provisions, T.C.A. § 55-9-407.

(12) Headlights complying with prohibition against glaring and dazzling lights; anti-glare devices; mounted height of lamps. Headlights shall be deemed to comply with the provisions of subsection (10), prohibiting glaring and dazzling lights, if the headlights are of a type customarily employed by manufacturers of automobiles and in addition are equipped with some anti-glare device approved by the state; provided, however, that the state shall not approve any anti-glare device, or any combination thereof, unless the device has been submitted to a laboratory test and has been found, when properly adjusted, to prevent any of the bright portions of the headlight beams from rising above a horizontal plane passing through the lamp centers parallel to a level road upon which the loaded vehicle stands and, in no case, higher than forty-two (42) inches, seventy-five (75) feet ahead of the vehicle. State law references: Similar provisions, T.C.A. § 55-9-408. (as added by Ord. #148-08, Oct. 2008)

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

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

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (Ord. #2-99, March 1999, as amended by Ord. #4-99, May 1999, as replaced by Ord. #69-05, Sept. 2005)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (as added by Ord. #69-05, Sept. 2005)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

**16-103. Trees, etc., obstructing view at intersections prohibited.**

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (as added by Ord. #69-05, Sept. 2005)

**16-104. Projecting signs and awnings, etc., restricted.**

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (as added by Ord. #69-05, Sept. 2005)

**16-105. Banners and signs across streets and alleys restricted.**

It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and commissioners after a finding that no hazard will be created by such banner or sign. (as added by Ord. #69-05, Sept. 2005)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (as added by Ord. #69-05, Sept. 2005)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (as added by Ord. #69-05, Sept. 2005)

**16-108. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (as added by Ord. #69-05, Sept. 2005)

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (as added by Ord. #69-05, Sept. 2005)

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

**16-110. Parades, etc., regulated.** It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the city recorder. (as added by Ord. #69-05, Sept. 2005)

**16-111. Operation of trains at crossings regulated.** No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (as added by Ord. #69-05, Sept. 2005)

**16-112. Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (as added by Ord. #69-05, Sept. 2005)

**16-114. Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (as added by Ord. #69-05, Sept. 2005)

**16-114. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. (as added by Ord. #69-05, Sept. 2005)

## CHAPTER 2

### EXCAVATIONS

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Violation and penalty.

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city manager is open for business, and the permit shall be retroactive to the date when the work was begun. (Ord. #2-80, Dec. 1980, as replaced by Ord. #69-05, Sept. 2005)

**16-202. Applications.** Applications for such permits shall be made to the city manager, 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 to the work to be done. Such application shall be rejected or approved by the city recorder within twenty-four (24) hours of its filing. (Ord. #2-80, Dec. 1980, as replaced by Ord. #69-05, Sept. 2005)

**16-203. Fee.** The fee for such permits shall be twenty dollars (\$20.00). (Ord. #2-80, Dec. 1980, as replaced by Ord. #69-05, Sept. 2005)



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

In lieu of a deposit the applicant may deposit with the city recorder a surety bond in such form and amount as the city manager shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (Ord. #2-80, Dec. 1980, as replaced by Ord. #69-05, Sept. 2005)

**16-205. Safety restrictions on excavations.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (Ord. #2-80, Dec. 1980, as replaced by Ord. #69-05, Sept. 2005)

**16-206. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the city manager 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. (as added by Ord. #69-05, Sept. 2005)

**16-207. Insurance.** In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for person injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$130,000 for each person and \$350,000 for each accident, and for property damages not less than \$50,000 for any one (1) accident, and a \$75,000 aggregate. (as added by Ord. #69-05, Sept. 2005)

**16-208. Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city manager. (as added by Ord. #69-05, Sept. 2005)

**16-209. Supervision.** The person designated by the city manager 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. (as added by Ord. #69-05, Sept. 2005)

**16-210. Violation and penalty.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code, by revocation of permit, or by both penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #69-05, Sept. 2005)

## TITLE 17

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

#### CHAPTER

#### 1. REFUSE.

#### CHAPTER 1

#### REFUSE

#### SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Refuse collection fees.
- 17-110. Violations and penalty.

**17-101. 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. (as added by Ord. #67-05, Aug. 2005)

**17-102. 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. (as added by Ord. #67-05, Aug. 2005)

**17-103. Storage.** Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is like 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

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

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. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (as added by Ord. #67-05, Aug. 2005)

**17-104. Location of containers.** Where alleys are used by the city refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by 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. (as added by Ord. #67-05, Aug. 2005)

**17-105. 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. (as added by Ord. #67-05, Aug. 2005)

**17-106. Collection.** All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of the city manager. Collections shall be made regularly in accordance with an announced schedule. (as added by Ord. #67-05, Aug. 2005)

**17-107. Collection vehicles.** The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (as added by Ord. #67-05, Aug. 2005)

**17-108. 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 commissioners is expressly prohibited. (as added by Ord. #67-05, Aug. 2005)

**17-109. Refuse collection fees.** Refuse collection fees shall be at such rates as are from time to time set by the board of mayor and commissioners by ordinance or resolution.<sup>1</sup> (as added by Ord. #67-05, Aug. 2005)

**17-110. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #67-05, Aug. 2005)

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

**TITLE 18**

**WATER AND SEWERS<sup>1,2</sup>**

**CHAPTER**

1. WATER.
2. WATER POLICY.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. SEWER SYSTEM.
5. PRIVATE WATER WELLS.

**CHAPTER 1**

**WATER<sup>3</sup>**

**SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection after initial construction.
- 18-107. Additional water mains.
- 18-108. Meters.
- 18-109. Meter tests.
- 18-110. Schedule of rates.
- 18-111. Billings.
- 18-112. Discontinuance or refusal of service.
- 18-113. Re-connection charge.
- 18-114. Termination of service by customer.
- 18-115. Access to customers' premises.
- 18-116. Inspections.
- 18-117. Customer's responsibility for system's property.
- 18-118. Customer's responsibility for violations.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Underground utilities: title 19.

<sup>2</sup>Ord. #85-06, April 2006 (and any amendments) adopts decentralized sewer design and construction standards, and is of record in the recorder's office.

<sup>3</sup>Municipal code reference

Automatic sprinkler systems: title 20.

Fire hydrant water pressure: § 7-301.

Plumbing code: title 12, chapter 2.

- 18-119. Supply and resale of water.
- 18-120. Unauthorized use or interference with water.
- 18-121. Limited use of unmetered private fire line.
- 18-122. Damages to property due to water pressure.
- 18-123. Liability for cutoff failures.
- 18-124. Restricted use of water.
- 18-125. Interruption of service.
- 18-126. Installation of water supply lines within a subdivision.
- 18-127. New construction must tie into existing water main.

**18-101. Application and scope.** These rules and regulations are a part of all contracts for receiving water service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (Ord. #2-83, May 1983)

**18-102. Definitions.** 1. "Customer" means any person, firm, or corporation who receives water service from the city under either an express or implied contract.

2. "Discount date" shall mean the date ten (1) 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.

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

4. "Household" means any (1) or more person(s) living together as a family group.

5. "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premises" shall not include more than one (1) dwelling.

6. "Service line" shall consist of the pipe line extending from any water main of the city to 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. (Ord. #2-83, May 1983)

**18-103. 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. (Ord. #2-83, May 1983)

**18-104. 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 and 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.

The City of Piperton specifically reserves the right to grant or deny water service to any prospective customer outside its corporate boundaries. In no event shall water service be provided to any structure where the provision of such water would in any manner compromise the public health, safety and general welfare of Piperton's citizenry, such determination to be made solely by the said city. In any agreement by the City of Piperton to provide water service outside its corporate boundaries, such agreement must allow the city to discontinue water service, upon written notice, without providing any such customers reason or cause, six (6) months after providing written notice of such termination to the customer. (Ord. #2-83, May 1983, as amended by Ords. #1-91, Dec. 1991, and Ord. #5-96, Sept. 1996)

**18-105. 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. (Ord. #2-83, May 1983)

**18-106. Connection after initial construction.** Before a new service line will be laid by the city, the applicant shall make a deposit in an amount provided by the current rate schedule.

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. (Ord. #2-83, May 1983, modified)

**18-107. Additional water mains.** 1. Whenever the city council is of the opinion that it is to the best interest of the water system to construct a water main extension, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the council. In the event that the City of Piperton agrees to allow the extension of water mains beyond the boundaries of the city, such extensions will only be added through a written contract with the city. Such contract may not be entered into by the city unless all of the following are agreed by the parties:



a. The party with whom the contract is entered into shall agree that the city has no obligation to provide water service to either the party, or any others who may connect to the water mains allowed under the terms of the contract. And that in any agreement by the city to provide water service outside its corporate boundaries, such agreement must allow the city to discontinue water service, without providing any reason or cause, six (6) months after providing written notice of such termination of service.

b. The party with whom the contract is entered into shall agree that all water mains installed under the terms of the contract shall meet the standards required by the city, and that such party may be held to a higher standard than applied to the city's own water mains, and/or to a higher standard than applied to other water mains that the city may allow to be installed during the same or different periods, and that such installation that is permitted by the contract shall only be performed under the supervision and with the approval of an engineer designated by the city, and that said party shall pay all expenses in any way connected to such installation of water mains including, but not limited to, the cost of having the proposed plans reviewed and approved, or disapproved, by an engineer designated by the city, the cost of having an engineer designated by the city supervise the installation of such water mains, and the cost of having an engineer designated by the city perform an inspection or inspections of such water mains.

c. The party with whom the contract is entered into shall enter into a separate agreement with the city that said party will dedicate to the city all water mains installed under the terms of the contract. The party further agrees that the dedication to the city of such water mains in no way commits the city to provide water service and that such dedication in no way repudiates § 18-107(a).

2. The authority to make water main extensions 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. (Ord. #2-83, May 1983, as amended by Ords. #1-91, Dec. 1991, and Ord. #5-96, Sept. 1996)

**18-108. Meters.** All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the

passage of such water being registered fully by the meter. (Ord. #2-83, May 1983)

**18-109. Meter tests.** The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>METER SIZE</u>	<u>PERCENTAGE</u>
5/8", 3/4", 1", 2"	2%

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

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. (Ord. #2-83, May 1983)

**18-110. Schedule of rates.** All water furnished by the city shall be measured or estimated in gallons to the nearest multiple of one thousand (1,000) and shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.<sup>1</sup> (Ord. #2-83, May 1983)

**18-111. Billings.** Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semi-monthly, or monthly, at the option of the city. Failure to receive a bill will not release a customer from payment obligation.

Water service will be disconnected after the 20<sup>th</sup> day of the following month without additional notice, if payment is not received. This notice shall appear on the bill.

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<sup>1</sup>All ordinances and resolutions establishing water rates are of record in the recorder's office.

If the due date falls on Saturday, Sunday or a holiday, net payment will be accepted if paid before the office closes on the next business day.

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. (Ord. #2-83, May 1983, modified)

**18-112. Discontinuance or refusal of service.** The city may discontinue service or 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.

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. (Ord. #2-83, May 1983)

**18-113. Re-connection charge.** Whenever service has been discontinued as provided for above, a re-connection charge shall be collected by the city before service is restored. The amount of the charge shall be the amount adopted by the board by ordinance or resolution. (Ord. #2-83, May 1983, modified)

**18-114. 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. (Ord. #2-83, May 1983)

**18-115. 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 municipality, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (Ord. #2-83, May 1983)

**18-116. Inspections.** The city shall have the right, but 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. (Ord. #2-83, May 1983)

**18-117. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (Ord. #2-83, May 1983)

**18-118. 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. (Ord. #2-83, May 1983)

**18-119. 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. (Ord. #2-83, May 1983)

**18-120. Unauthorized use or interference with water.** No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (Ord. #2-83, May 1983)

**18-121. 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 conditions 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. (Ord. #2-83, May 1983)

**18-122. 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. (Ord. #2-83, May 1983)

**18-123. Liability for cutoff failures.** The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

1. After receipt of at least ten (10) days' written notice to cut off a water service, the city has failed to cut off such service.
2. The city has attempted to cut off a service but such service has not been completely cut off.
3. The city has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city)

shall be responsible for seeing that his plumbing is properly drained and is kept drained, after his water service has been cut off. (Ord. #2-83, May 1983)

**18-124. 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. (Ord. #2-83, May 1983)

**18-125. 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. (Ord. #2-83, May 1983)

**18-126. Installation of water supply lines within a subdivision.** The City of Piperton will require subdivision plats to detail the size and materials to be used to construct water lines within the area of the subdivision. The developers will sustain the cost of installation up to the existing supply. Inspection and acceptance will be a function of Piperton and become an element of plat documentation. All operational requirements of the Piperton Area Water System will be met within the subdivision. (Ord. #1-82, Oct. 1982, modified)

**18-127. New construction must tie into existing water main.** All new residents who build within the corporate limits of Piperton, Tennessee of Fayette County, where a water main access exists for their residence, must tie into such water main. Special contingencies which may exist for individual cases will be considered for relief from this rule. (Ord. #6-93, Sept. 1993)

## CHAPTER 2

### WATER POLICY

#### SECTION

- 18-201. Purpose.
- 18-202. Definitions.
- 18-203. Meter general rules.
- 18-204. Application for obtaining service.
- 18-205. Customer billing.
- 18-206. Update on accounts.
- 18-207. Customer's responsibility for violations.
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- 18-209. Termination of service by customer.
- 18-210. Discontinuance or refusal of service.
- 18-211. Inspections.
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- 18-214. Unauthorized use or interference with water supply.
- 18-215. Damages to property due to water pressure.
- 18-216. Restricted use of water.
- 18-217. Interruption of service.
- 18-218. Main extensions.
- 18-219. Services.
- 18-220. Notice of meetings.
- 18-221. Changes in policies.
- 18-222. Violations.

**18-201. Purpose.** The purpose of this policy is to promulgate requirements and regulations regarding the supply and sale of water to customers of the Piperton Water System and to ensure that every customer of the Piperton Water System is treated in a fair and equitable manner. (Ord. #1-98, April 1998, modified, as replaced by Ord. #140-08, Sept. 2008, Ord. #272-16, Nov. 2016, and Ord. #336-21, April 2021 *Ch6\_04-20-21*)

**18-202. Definitions.** The following terms when used in this policy mean:

**Applicant:** Any individual, firm, partnership, corporation, authority, or other entity residing or owning land located within the service area applying for water service.

**Board:** The governing body of the Piperton Water System, Piperton, Tennessee (the "city").

**Piperton water system:** The extent of all infrastructure, including, but not limited to wells, treatment facilities, distribution piping, meters, etc. used to deliver water service to Piperton's customers.

**Point of delivery:** The point of delivery of water service to each customer shall be at the meter, unless otherwise specified in this water policy.

**Point of use:** For each customer of the Piperton Water System, the point of use shall mean the precise location at which water is used or consumed (a residence, building, dwelling, business, etc.) or similar location on the customer's premises, where water is to be used by the customer.

**Service:** The term "service" shall mean the availability of water for use by the customer. Service shall be considered "available" when the city provides for available water supply at system pressure at the point of delivery for the customer's use, regardless of whether or not the customer makes use of it. No customer shall use more water than the city determines is available for a particular connection.

**Service line:** The water line that extends from the point of delivery to the point of use for each customer of the Piperton Water System.

**Water user's agreement:** The agreement or contract between the customer and the utility, pursuant to (according to) which water service is supplied and accepted.

**Water service connection:** A water service connection consist of a water meter and other facilities for supplying water to a single point of use one (1) residence, dwelling, property, or premises, structure, business, etc). A single customer may be supplied by more than one (1) service connection if that customer has more than one (1) point of use. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016, and Ord. #336-21, April 2021 *Ch6\_04-20-21*)

**18-203. Meter general rules.** (1) Each dwelling or premises where water is furnished by the city is required to have a water meter, installed at a location determined by the city, so that accurate measurement of water used may be maintained and the proper charge made therefore.

(2) All meters shall be installed, tested, required and removed only by the city. Unauthorized interference with or prevention of the proper operation of a meter; tampering with or working on a water meter without the permission of the city; or, installing any pipe or other device that will cause water to pass through or around a meter without the passage of such water being fully registered by the meter is strictly prohibited.

(3) The city will, at it own expense, make routine tests of meters when it considers such tests desirable. The city will also test or inspect its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the manufacture's limits, the customer shall pay a meter testing charge in the amount of twenty-five dollars (\$25.00). If such test



shows a meter not to be accurate within reasonable limits, the costs of such meter test shall be borne by the city.

(4) All meter, service connection and other equipment furnished by or for the city shall be and remain the property of the city. The customer shall provide space for and exercise proper care to protect the property of the city on the customer's property/premises. In the event of loss or damage to the property, arising from the neglect of the customer to properly care for same, the cost of necessary repairs or replacement shall be paid by the customer.

(5) The city's identified representatives and employees shall be granted access to all customer's 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 customer's plumbing and premises generally in order to secure compliance with these rules and regulations.

(6) No customer shall supply water service to more than one (1) principle dwelling structure and approved accessory structures from a single service line and meter.

(7) External meters used to record water usage that are attached to fire hydrants and/or any other part of the system, shall be approved by the City. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016, and Ord. #336-21, April 2021 **Ch6\_04-20-21**)

**18-204. Application for obtaining service.** (1) A formal application for either original or additional service must be made and approved by the city before connection or meter installation orders will be issued for work performed. The receipt of a prospective customer's application for service, whether or not accompanied by the service establishment fee, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the city shall be limited to the return of any service establishment fee paid by the applicant. All applications for service shall be made with the city at the city's designated location.

(2) Payment of a non-refundable connection fee, as established by the Piperton Board of Mayor and Commissioners. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016, and Ord. #336-21, April 2021 **Ch6\_04-20-21**)

**18-205. Customer billing.** (1) Water bills are mailed on the last working day of each month. The net amount is due on the 10th of each month. A ten percent (10%) late charge will be added to the net amount. Water service will be disconnected after the 20th day of the following month, without additional notice, if payment is not received. This notice shall appear on the bill. Services that are disconnected because of nonpayment will be charged a reconnect fee. Service will not be reinstated until the account balance, including

the reconnect fee, is paid in full. Payment must be made in cash or money order during the hours of 8:30 A.M. and 4:30 P.M. Any payments received after 3:00 P.M. for disconnected accounts; service will not be restored until the next business day. Any customer removing (which includes breaking or cutting) a lock on the water meter, and using that meter after it has been locked by the city, shall be considered theft of city water and will be handled as such.

Failure to receive a bill will not relieve a customer from payment obligation or penalty. If a meter fails to register properly, if a meter is removed to be tested or repaired, if the meter is inaccessible 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.

(2) Checks returned to the city due to insufficient funds will result in a penalty fee to be applied to the account balance of the customer. Such accounts will be considered unpaid, and will be subject to the same lock-off policy stated above. The penalty will be waived if any of the following apply:

(a) Bank error - A letter from the banking institution stating the return of check was their error.

(b) Stolen checkbook - A police report must be presented as proof of the theft.

(c) Death - A bank is required by law to stop payment on checks when they have knowledge of the account holder's death. The bank may continue to pay checks up to a period of ten (10) days.

(d) Appeal to mayor and board of commissioners.

(3) Appeals and requests for adjustments on water bills may be heard at the regular meeting of the mayor and board of commissioners, either by appearance in person, or written request.

(4) A customer may apply for deferred payment before the lock-off date by claiming hardship by filing a request with the city manager. If the hardship qualifies, the customer will sign a deferred payment plan. Hardships eligible for time payment plans include: Loss of job; medical emergency; excessive bill (such as one resulting from large leaks); and extraordinary financial difficulties. The maximum length of a deferred payment plan shall be ninety (90) days unless the approved plan specifies otherwise. Minimum monthly payment amounts shall be in addition to the regular service bill amount.

The formula for adjustments approved by the mayor and board of commissioner is as follows: total six (6) water bills (do not include the disputed amount) and divide by six (6). Subtract the six (6) month average from the disputed bill amount. Divide this by two (2). This amount will be credited to the water account.

(5) All water accounts shall be paid "in full" in a maximum of sixty (60) days, unless approved under subsection (4) above.

(6) The city shall waive the difference between the net amount and the gross amount of a residential customer's bill after the net date expires only if the customer has paid his or her bill by the net due date for the immediately

preceding twelve (12) consecutive months and the customer requests such allowance from the city in writing. (as added by Ord. #140-08, Sept. 2008, amended by Ord. #270-16, Oct. 2016, and replaced by Ord. 272-16, Nov. 2016, and Ord. #336-21, April 2021 **Ch6\_04-20-21**)

**18-206. Update on accounts.** (1) Name change (resulting from any of the following events):

- Divorce/marriage
- Legal name change
- Death of spouse
- Business entity name change

(a) Account name changes for reasons other than those noted above must be made through the original service agreement application and payment of the required non-refundable connection fee.

(b) A builder of a new home may transfer the required service agreement application to the new owner of the property and the new owner must sign the application for water service, but will be credited for the previously paid non-refundable connection fee. At that time the meter will be read and the home builder will be sent a final bill.

(c) When property for which water service is provided is sold or leased and the city is notified by the current owner/tenant of the property and the date of the closing/move in for the property, the meter will be read. Service will not be disconnected if the new owner/tenant establishes service on or before the final reading of the meter. Transfer of service and name cannot be made until the new party completes and signs the application for water service and pays the required non-refundable connection fee.

(2) Address/telephone/e-mail change: Changes to the customer's billing address, phone number and/or email address may be made by phone, in person or by mail. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016, and Ord. #336-21, April 2021 **Ch6\_04-20-21**)

**18-207. Customer's responsibility for violations.** Where the city furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him or her. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016, and Ord. #336-21, April 2021 **Ch6\_04-20-21**)

**18-208. Conversions.** Conversions from well systems to city water service will require the homeowner to install a backflow device, and the water system of the home shall be drained completely, including the hot water heater. Flush the system for five to ten minutes. The homeowner shall furnish a

written, signed statement that they have conformed to the aforementioned requirement. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016, and Ord. #336-21, April 2021 **Ch6\_04-20-21**)

**18-209. Termination of service by customer.** Customers who have fulfilled the terms of their applications and wish to discontinue service must give a minimum of three (3) days notice to that effect. Notice to discontinue service will not relieve the customer from any minimum or guaranteed payment under the applicable rate. Written notice may be required at the city's discretion. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016, and Ord. #336-21, April 2021 **Ch6\_04-20-21**)

**18-210. Discontinuance or refusal of service.** (1) The city shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations;
- (b) The customer's application for service;
- (c) The customer's contract for service.

(2) 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. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016, and Ord. #336-21, April 2021 **Ch6\_04-20-21**)

**18-211. Inspections.** (1) The city shall have the right, but shall not be obligated, to inspect any installations or plumbing system before water and/or sewer service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or when not in accordance with any special contract, these rules and regulations or other requirements of the city.

(2) Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable nor responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016, and Ord. #336-21, April 2021 **Ch6\_04-20-21**)

**18-212. 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, and otherwise dispose of the water or any part thereof, except with written permission from the city. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016, and Ord. #336-21, April 2021 **Ch6\_04-20-21**)

**18-213. Temporary service/fire hydrant meter.** To receive temporary service, the applicant must sign a contract with the city for the use of its fire hydrant meter and pay the required surety deposit and fees before the meter is placed. The applicant must designate the period of time the meter will be used. The applicant will be responsible for the safe use of the meter, which shall be returned in the same condition as when it was placed. The applicant will be responsible for and replace the fire hydrant meter in the event it is damaged beyond repair or stolen. A surety deposit of five hundred dollars (\$500.00), which shall be refunded when the meter is returned in as good condition as when the meter was first placed. A hook-up fee of twenty-five dollars (\$25.00) will be charged and the city will place and lock the meter on a specific fire hydrant. This fee will not be refunded. A twenty dollar (\$20.00) monthly fee for the city meter reader to find and read the meter will be added to the bill in addition to the fees for water used. The usual monthly fees for water used, at the rates charged to Piperton residents/businesses will apply to fire hydrant meters. In the event a fire hydrant meter must be moved, the applicant will pay an additional twenty dollars (\$20.00) each time the meter is moved. If the fire hydrant meter is removed due to outstanding fees, the surety deposit required for re-installation will be one thousand dollars (\$1,000.00), or double the current required surety deposit amount. No water shall be removed from the city water supply system unless it flows through a city authorized water meter or explicit permission is granted by the city's public works director in writing. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016, and Ord. #336-21, April 2021 *Ch6\_04-20-21*)

**18-214. Unauthorized use or interference with water supply.** No person shall turn on or turn off any city stopcocks, valves, hydrants, spigots or fire plugs without permission or authority from the city. (as added by Ord. #336-21, April 2021 *Ch6\_04-20-21*)

**18-215. Damages to property due to water pressure.** The city shall not be liable to any customer for damages caused to his or her plumbing or property by high pressure, low pressure or fluctuations in pressure in the city's water main. (as added by Ord. #336-21, April 2021 *Ch6\_04-20-21*)

**18-216. Restricted use of water.** In times of emergencies or in times of water shortage, the city reserves the right to restrict the purpose for which water may be used by a customer and the amount of water which a customer may use. (as added by Ord. #336-21, April 2021 *Ch6\_04-20-21*)

**18-217. Interruption of service.** (1) The city will endeavor to furnish continuous water and sewer service (where available), 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 water service.

(2) In connection with the operation, maintenance, repair and extension of the city water, 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. (as added by Ord. #336-21, April 2021 *Ch6\_04-20-21*)

**18-218. Main extensions.** The cost of extending a water main shall be at the expense of the developer and/or land owner. (as added by Ord. #336-21, April 2021 *Ch6\_04-20-21*)

**18-219. Services.** (1) All properties that have city water service available, shall be connected to the city's water main at the expense of the property to be serviced.

(2) The service pipe shall not be less than one inch (1") in size.

(3) Availability of records for public inspection: Utility records, including financial records, are available for inspection by the public Monday through Friday during office hours after a written twenty-four (24) hour request. (as added by Ord. #336-21, April 2021 *Ch6\_04-20-21*)

**18-220. Notice of meetings.** The board of mayor and commissioners meets in regular session the 3rd Tuesday of each month at 6:00 P.M., at Piperton City Hall. Special meetings of the board are held as necessary. Notices of special meetings are posted at city hall and at the city administration office. (as added by Ord. #336-21, April 2021 *Ch6\_04-20-21*)

**18-221. Changes in policies.** These policies are subject to change as required and approved by the board. The board shall establish rates and fees for service as necessary to operate and maintain the Piperton Water System. (as added by Ord. #336-21, April 2021 *Ch6\_04-20-21*)

**18-221. Violations.** (1) It shall be unlawful for any person to violate any provision of this chapter.

(2) It shall be unlawful for any person to tamper with the water meter in any way that interferes with the measurement of the water flow (usage) or installing a pipe or device to cause the water to bypass the meter. (as added by Ord. #336-21, April 2021 *Ch6\_04-20-21*)

## CHAPTER 3

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

#### SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspection required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.

**18-301. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the City of Piperton for general use and which supply is recognized as the public water supply by the Tennessee Department of Public Health

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

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

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

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (Ord. #1-83, Feb. 1983)

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water system administration: title 18.

**18-302. Standards.** The Piperton Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #1-83, Feb. 1983)

**18-303. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross-connection to be made; or to allow one to exist for any purpose whatsoever, unless the construction and operation of same have been inspected in the manner prescribed in § 18-305 of the City of Piperton Municipal Code. (Ord. #1-83, Feb. 1983, as replaced by Ord. #189-10, Jan. 2011)

**18-304. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the mayor a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. #1-83, Feb. 1983)

**18-305. Inspection required.** (1) It shall be the duty of the customer where a back flow prevention assembly has been installed to have the assembly inspected and tested on a yearly basis. Assemblies on irrigation systems must be tested during the start-up period each year and no later than May 31st. Annual testing prior to winterization or seasonal shutdown is not acceptable. This inspection and test shall be performed by an individual certified by the State of Tennessee in the testing of back flow prevention devices. These inspections and tests shall be at the expense of the customer. The results of such inspection and testing shall be sent to the City of Piperton Director of Public Works within ten (10) days of the inspection and testing, but no later than May 31st.

(2) If a back flow prevention assembly fails the inspection or test, the customer shall notify the City of Piperton Director of Public Works within forty-eight (48) hours of such inspection and test. The customer shall repair or replace the assembly that has failed, pursuant to § 18-307 of the City of Piperton Municipal Code. A replacement assembly shall be inspected and tested after being installed pursuant to § 18-305(1) of the City of Piperton Municipal Code. Any repair or replacement of an assembly shall be at the expense of the customer. Records of such repair or replacement shall be sent to the City of Piperton Director of Public Works within ten (10) days of the completion of the



repair or replacement. The customer shall maintain records of installations, repairs, overhauls, or replacements of backflow prevention assemblies or methods for at least five (5) years and, upon request, such records shall be made available to the department. Water service will not be restored until corrective action is taken and approved after inspection by the public works department. (Ord. #1-83, Feb. 1983, as replaced by Ord. #189-10, Jan. 2011, and Ord. #273-16, Jan. 2017)

**18-306. Right of entry for inspections.** The mayor or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Piperton Public Water Supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. #1-83, Feb. 1983)

**18-307. Correction of existing violations.** Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Mayor of the Piperton Public Water Supply.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the Piperton Public Water Supply shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is corrected immediately. (Ord. #1-83, Feb. 1983)

**18-308. Use of protective devices.** Where the nature of use of the water supplied to a non-resident/premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water supply, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the Mayor of the Piperton Public Water Supply or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be reduced pressure zone type backflow preventer approved by the Tennessee Department of Public Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the mayor of the public water supply prior to installation and shall comply with the criteria set forth by the Tennessee Department of Public Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Piperton Public Water Supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the mayor or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the mayor shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the mayor.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or

defects to the satisfaction of the Piperton Public Water Supply. (Ord. #1-83, Feb. 1983)

**18-309. Unpotable water to be labeled.** In order that the potable water supply made available to premises served by the public water supply be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

The minimum acceptable sign shall have black letters at least one (1) inch high located on a red background. (Ord. #1-83, Feb. 1983)

**18-310. Violations.** The requirements contained herein shall apply to all premises served by the Piperton Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Piperton Corporate Limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than one fifty dollars (\$50.00), and each day of continued violation after conviction shall constitute a separate offense. (Ord. #1-83, Feb. 1983, modified)

**CHAPTER 4****SEWER SYSTEM****SECTION**

18-401. Industrial businesses required to hook to central sewer system when available.

**18-401. Industrial businesses required to hook to central sewer system when available.** All commercial and industrial businesses in the City of Piperton are required to hook onto central sewer when available, whether south of Highway 72 to Chickasaw Trail Wastewater System, Holly Springs, MS, or north of Highway 72 to Wolf River, to Piperton Wastewater System, Piperton, TN. (as added by Ord. #124-08, March 2008)

## CHAPTER 5

### PRIVATE WATER WELLS

#### SECTION

- 18-501. Applicability - effect.
- 18-502. Requirements.
- 18-503. Construction standards for water wells.
- 18-504. Piperton well permit application.
- 18-505. Inspection of wells.
- 18-506. Condemnation and abatement of unsanitary wells.
- 18-507. Failure to abate nuisance.
- 18-508. City abatement of nuisance.
- 18-509. Wellhead protection.

**18-501. Applicability - effect.** The following requirements, procedures, and standards are hereby prescribed in this chapter governing the use of water wells in the City of Piperton. No person shall conduct any activity contrary to the provisions of these requirements, and only those persons having a valid Tennessee license for water well drillers shall carry out all such activities that are contracted for. (as added by Ord. #261-15, Nov. 2015)

**18-502. Requirements.** (1) Following the effective date of this chapter, the construction of a water well shall not be permitted at any premise, defined as a tract, parcel or lot of land with existing or proposed buildings thereon, where public water is available and which said water supply has a yield, system, and pump capacity to provide the quantity of water which the user has stated is necessary for purposes for which the water is intended to be used unless otherwise provided by this chapter. Public water shall be deemed available to a premise if a supply line is located, or proposed to be extended, within three hundred feet (300') of said premise.

(2) Premises deemed to not have an available public water supply requiring a private water well for a potable water supply and a septic tank system for sewage disposal shall be of a minimum size dictated by the Fayette County Department of Health.

(3) Notwithstanding the above requirements, water wells may be authorized by the City of Piperton, as provided herein, where public water is available, only in the following circumstances:

- (a) Residential zoned property. (i) For filling a lake, provided such lake, pond or similar continuous body of water is not less than one-half (1/2) acre in size, and provided that the tract, parcel, or lot of land on which the lake, pond or similar continuous body of water exists or is proposed contains a minimum of two (2) acres.

(ii) For irrigation purposes, provided that such tract, parcel, or lot of land contains a minimum of two (2) acres.

(iii) For watering livestock, provided that such tract, parcel, or lot of land contains a minimum of two (2) acres.

(b) Commercial zoned property. No exemptions.

(c) Industrial zoned property. For use in manufacturing processes as determined and approved by the City of Piperton Board of Mayor and Commissioners, irrespective of the size of the applicable tract, parcel, or lot of land. (as added by Ord. #261-15, Nov. 2015)

**18-503. Construction standards for water wells.** All private water wells shall be constructed in accordance with all applicable rules, regulations, and construction standards promulgated by the Tennessee Department of Environment and Conservation (TDEC). No person shall construct, repair, modify, or abandon or cause to be constructed, repaired, modified, or abandoned any private water well contrary to the provisions of TDEC. (as added by Ord. #261-15, Nov. 2015)

**18-504. Piperton well permit application.** Any person desiring to construct, modify, and/or abandon a private water well located within the City of Piperton, as permitted herein, shall first be required to submit a well permit application to the City of Piperton Building and Codes Department prior to submitting their well permit application to TDEC. (as added by Ord. #261-15, Nov. 2015)

**18-505. Inspection of wells.** The mayor is hereby authorized and directed to have TDEC inspect and examine all wells which city staff have reason to believe are polluted, unhealthy, unsanitary, and/or carrying in their waters the germs of infectious and contagious diseases, and also to make or have made an analysis of the water thereof for the purpose of ascertaining their sanitary condition. (as added by Ord. #261-15, Nov. 2015)

**18-506. Condemnation and abatement of unsanitary wells.** If, as a result of such examination, inspection, and analysis, provided for in § 18-505, the Piperton Public Works Director or TDEC ascertains that any well is unsanitary, unhealthy, or infected with the germs of contagious and infectious diseases, the Piperton Public Works Director shall at once condemn such well as a public nuisance, and shall post a notice on or near thereto stating that such source of water supply has been condemned as unsanitary and dangerous to health, and shall at once serve written notice upon the owner of such well, if he be a resident of the City of Piperton, to abate such nuisance within ten (10) days by permanently closing such well and so abating it as to render the taking of water therefrom impossible. If the owner resides outside the city, the Piperton Public Works Director shall give him such notice in writing as above provided

by registered mail. Should the owner thereof be unknown, and his identity cannot be established by diligent inquiry, a suitable notice shall be published in a newspaper having general circulation in the city, requiring the unknown owner of such well to close and obstruct such well and abate such well within ten (10) days from the date of publication of such notice. (as added by Ord. #261-15, Nov. 2015)

**18-507. Failure to abate nuisance.** Any owner of a well who fails to comply with an abatement notice as provided herein within ten (10) days from the receipt thereof by closing and obstructing such well and abating such nuisance to the public health shall be subject to a fine in the Piperton municipal court of fifty dollars (\$50.00) for each day such nuisance continues to exist. Additionally, the City of Piperton may seek civil remedies for any damages to the public water supply that are caused by said nuisance. (as added by Ord. #261-15, Nov. 2015)

**18-508. City abatement of nuisance.** If any owner of a well shall fail to close and obstruct such well and abate such nuisance after expiration of ten (10) days from the receipt of such aforesaid notice, or the making of said publication for an unknown owner, it shall then be the duty of the chief of police, upon the request of the mayor, to abate, obstruct, and close up such well so as to prevent persons from obtaining and using water therefrom, and the costs and expenses of such closing shall be chargeable to the owner of such well and shall be payable to the City of Piperton on demand. (as added by Ord. #261-15, Nov. 2015)

**18-509. Wellhead protection.** The City of Piperton hereby adopts TDEC Rule No. 0400-45-01-.34 ("Exhibit A")<sup>1</sup> as its official wellhead protection policy. (as added by Ord. #261-15, Nov. 2015)

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<sup>1</sup>Tennessee Rule No. 0400-45-01-.34 (wellhead protection policy) is available in the office of the recorder.

**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

**1. MISCELLANEOUS.**

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

19-101. Future utilities shall be placed underground.

**19-101. Future utilities shall be placed underground.** All future utilities in the City of Piperton shall be placed underground, except when the above ground placement of high-powered electric transmission lines which are not designed for local residential service, and/or the above ground placement of electric transmission lines serving the City of Piperton as major electrical circuits and/or the above ground placement of other components of utility infrastructure including but not limited to electrical substations and telecommunications switching gear, are specifically approved for above ground placement by the board of mayor and commissioners, who shall first seek the recommendation of the Piperton Planning Commission before granting such approval. (as added by Ord. #50-04, Oct. 2004)



**TITLE 20****MISCELLANEOUS****CHAPTER**

1. AUTOMATIC SPRINKLER SYSTEMS.
2. CEMETARY POLICY.
3. IDENTITY THEFT PREVENTION PROGRAM.
4. KNOX BOXES.

**CHAPTER 1****AUTOMATIC SPRINKLER SYSTEMS****SECTION**

- 20-101. New building construction.
- 20-102. Building additions and requirements of other codes.
- 20-103. Definitions.
- 20-104. Additional requirements of sprinkler systems.
- 20-105. Maintenance of system required.
- 20-106. Fire inspection.
- 20-107. Fee for industrial and commercial customers.
- 20-108. Enforcement.
- 20-109. Authority and purpose.
- 20-110. Severability.

**20-101. New building construction.** An approved automatic sprinkler system shall be installed in all areas of all new buildings according to the applicable code of NFPA 13, 13R, or 13D. For the purpose of this chapter, the term "new building" shall mean any building, as defined herein, for which a permit has been issued after the adoption of Ordinance No. 114-07, having an effective date of October 17, 2007; and shall additionally include the replacement of buildings that have sustained a total loss, as determined by the fire chief and building official, as a result of fire or acts of God; and replacement buildings on lots/parcels where an existing building has been demolished; and, renovated buildings, to the extent that such renovation, as determined by the fire chief and building official, represents a complete and total rehabilitation of the building to be renovated.

**Exceptions:**

(1) Buildings, as defined herein, that existed, or for which a permit has been issued prior to the adoption of Ordinance No. 114-07 having an effective date of October 17, 2007.

(2) Any detached accessory building containing no life hazards and not used for human occupancy as determined by the fire chief and building official.

(3) Manufactured homes which meet the definition and criteria in NFPA 501 and the standards of the U.S. Department of Housing and Urban Development's (HUD) federal advisory committee on manufactured housing, also known as the Manufactured Housing Consensus Committee (MHCC). (as added by Ord. #114-07, Oct. 2007, and replaced by Ord. #247-14, Nov. 2014)

**20-102. Building additions and requirements of other codes.** An approved automatic sprinkler system shall also be installed in any of the following circumstances:

(1) When an existing building is altered or renovated, an approved automatic sprinkler system must be installed in the altered or renovated portion of the building if the building has an existing approved automatic sprinkler system. When the square footage of an existing building that does not have an approved automatic sprinkler system is increased by one hundred percent (100%), then an approved automatic sprinkler system must be installed in the entire building.

(2) When any other applicable ordinance, code, regulation, rule or statute so requires, an approved automatic sprinkler system must be installed accordingly.

(3) When an automatic sprinkler system is installed in a building, it must comply with NFPA 13D. (as added by Ord. #114-07, Oct. 2007, and replaced by Ord. #247-14, Nov. 2014)

**20-103. Definitions.** (1) "An approved automatic sprinkler system" means a system installed in accordance with National Fire Protection Association Standards or a system approved by the state fire marshal's office.

(2) "Approved supervisory alarm system" means it must be connected to an UL listed and approved central station facility meeting the requirements of NFPA 72.

(3) "Building" means any structure (excluding any barn or stable used exclusively for agricultural purposes), regardless of occupancy, having a roof supported by columns or walls and intended for the shelter, housing, use or enclosure of persons, animals or property. For purposes of determining when an approved automatic sprinkler system is required by this chapter, portions of buildings separated from other portions by a fire wall shall not be considered separate buildings. (as added by Ord. #114-07, Oct. 2007, and replaced by Ord. #247-14, Nov. 2014)

**20-104. Additional requirements of sprinkler systems.** (1) Any multi-tenant building having more than one (1) sprinkler riser shall have the risers separately zoned and wired to a local energy alarm panel to provide zone identification upon activation. The energy alarm panel shall be located as near as possible to the main exit door. There shall also be a building map located at the energy alarm panel showing each zone of the building.

(2) Automatic sprinkler flow alarms shall be zoned to indicate a water flow and not a general fire alarm to the central station.

(3) Where building fire alarm facilities are provided, actuation of the extinguishing system shall also cause the building alarm to sound in accordance with NFPA 72.

(4) Any multi-tenant building that is required to be equipped with a fire department connection, such connection shall be located on the front street side of the facility. Special circumstances that would prevent this shall be reviewed and altered only by the fire chief or his designee on a case by case basis. All fire department connections shall be within one hundred feet (100') of a fire hydrant. Exception: Buildings below five thousand (5,000) square feet must be within four hundred feet (400'). Exception: High hazard buildings must have FDC within one hundred feet (100') of hydrant.

(5) An approved automatic sprinkler system in multi-tenant buildings shall include an evacuation alarm which will sound and be audible throughout the entire building when the sprinkler system is activated. An internal fire alarm system may be utilized to meet this requirement, provided it is interconnected to activation of the sprinkler system.

(6) Plans for an approved automatic sprinkler system shall be certified engineered plans and shall be subject to all applicable fees as set forth in the current city fee schedule, and any other costs incurred by the City of Pipeston for third party review. (as added by Ord. #114-07, Oct. 2007, and replaced by Ord. #247-14, Nov. 2014)

**20-105. Maintenance of system required.** Occupied or unoccupied buildings or portions thereof having a sprinkler system in place, whether or not such system is required by this chapter, shall maintain all sprinklers and standpipe systems and all component parts in workable condition at all times, and it shall be unlawful for any owner or occupant or agent of either to reduce the effectiveness of the protection those systems provide. This section does not prevent the owner or occupant of a building from temporarily reducing or discontinuing the protection when necessary in order to conduct testing, repairs, alterations or additions to the system, provided that the testing, repairs, alterations or additions are done in such a way to avoid the creation of a safety hazard, and provided that the fire department has been notified that the work will be done, informed of the time the system will be shut down and then notified when the system is put back on line. For buildings that are vacant and present no safety hazard, protection may be discontinued while building is in such condition. Protection must be resumed when building is occupied. (as added by Ord. #114-07, Oct. 2007, and replaced by Ord. #247-14, Nov. 2014)

**20-106. Fire inspection.** The fire chief for the respective fire district or his designee shall provide an initial inspection of the automatic fire suppression system or automatic sprinkler system for structures meeting the criteria of this

chapter. This inspection shall not guarantee proper installation of said system, but will insure that the system exists. This inspection shall also afford the property owner a safety inspection of the facility to provide proactive planning for fire prevention.

Further, all automatic sprinkler systems and appurtenances shall be installed, tested, inspected, and maintained in accordance with National Fire Protection Association (NFPA) Standards and the International Code Council (ICC). (as added by Ord. #114-07, Oct. 2007, and replaced by Ord. #247-14, Nov. 2014)

**20-107. Fee for industrial and commercial customers.** (1) Initial tap inspection fee. A one-time tap inspection fee of two hundred fifty dollars (\$250.00) shall be charged to all commercial and industrial customers when connecting a fire suppression system to the municipal water distribution system.

(2) Monthly connection fee for fire suppression system. Commercial and industrial customers whose fire suppression systems are separately connected to the municipal water distribution system shall be charged a monthly fee equal to \$0.005 per square foot of protected space, based on the building permit(s) issued to the structure. The maximum monthly fee will be capped at two hundred fifty dollars (\$250.00). This rate will apply whether or not the customer is required by its insurance company to install a fire water tank.

(3) Effective date. This section shall be in full force and effect after two (2) readings and enactment by the board of mayor and commissioners and as specified in section 6-20-215 of the Piperton City Charter. (as added by Ord. #242-14, Nov. 2014)

**20-108. Enforcement.** Any person, firm or corporation being the owner or having control or use of any building or premises who violates any of the provisions of this chapter, shall be guilty of a civil offense and shall be fined not in excess of fifty dollars (\$50.00) for each offense. Each day such violation is permitted to exist after notification shall constitute a separate offense.

When any violation of any provision of this chapter shall be found to exist, the fire chief for the respective fire district, or his designee, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, that may be appropriate or necessary to enforce the provisions of this resolution in the name of the city, including but not limited to the issuance of a "stop work" order to aid in the enforcement of any of the provisions of this chapter. (as added by Ord. #114-07, Oct. 2007, renumbered by Ord. #242-14, Nov. 2014, and replaced by Ord. #247-14, Nov. 2014)

**20-109. Authority and purpose.** The ordinance comprising this chapter is adopted pursuant to all applicable laws of the State of Tennessee. (as added

by Ord. #114-07, Oct. 2007, renumbered by Ord. #242-14, Nov. 2014, and replaced by Ord. #247-14, Nov. 2014)

**20-110. Severability.** If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this resolution. (as added by Ord. #114-07, Oct. 2007, renumbered by Ord. #242-14, Nov. 2014, and replaced by Ord. #247-14, Nov. 2014)

## CHAPTER 2

### CEMETERY POLICY

#### SECTION

#### 20-201. Creation.

**20-201. Creation.** (1) The creation of private cemeteries shall be limited to those created in association with an active church on property owned by the applicable church;

(2) The designated cemetery shall be surveyed by a registered land surveyor and the property deed and plat map legally revised to truthfully and explicitly show the existence and location of the created cemetery;

(3) The designated cemetery shall be secured with an appropriate fence erected on its perimeter lines.

(4) All burial sites within the designated cemetery shall be clearly marked with an appropriate monument;

(5) The county health department shall approve proposed burial sites;

(6) All private cemeteries shall have all-weather access from a public road;

(7) The applicable church shall provide for the perpetual maintenance of the cemetery grounds;

(8) All graves or burial sites shall be set back at least thirty (30) feet from any lot line and/or street right-of-way;

(9) Screening located along the perimeter lines of the cemetery may be required to block such cemetery view from adjacent property;

(10) Sites for cemeteries shall not obstruct the development of any major road proposed on the City of Piperton Major Road Plan; and

(11) Private cemeteries shall adhere to all applicable requirements of Tennessee Code Annotated, title 46, cemeteries. (as added by Ord. #146-08, Oct. 2008)

## CHAPTER 3

### IDENTITY THEFT PREVENTION PROGRAM

#### SECTION

- 20-301. Purpose.
- 20-302. Definitions.
- 20-303. The program.
- 20-304. Administration of program.
- 20-305. Identification of relevant red flags.
- 20-306. Detection of red flags.
- 20-307. Responses.
- 20-308. Procedures established.
- 20-309. Updating the program.
- 20-310. Oversight of the program.
- 20-311. Oversight of service provider arrangements.
- 20-312. Duties regarding address discrepancies.

**20-301. Purpose.** The purpose of this chapter is to establish an identity theft prevention program (the "Program") for the City of Piperton that is designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003. (as added by Ord. #149-08, Oct. 2008)

**20-302. Definitions.** (1) "Identify theft" means fraud committed or attempted using the identifying information of another person without authority.

(2) "Covered account" means:

(a) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and

(b) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

(3) "Red flag" means a pattern, practice or specific activity that indicates the possible existence of identity theft.

(4) "Sensitive information" means and includes the following, whether kept in electronic or print format, as to any employee or customer:

(a) Credit card information, including card number, expiration date, cardholder name or address, or card security number;

(b) Tax identification numbers, including social security number and employer identification number;

(c) Payroll information, including paychecks, pay stubs and payroll records;

(d) Personal insurance information, including cafeteria plan check requests and associated paperwork;

(e) Medical information for employee or employee's covered family members, including doctor names and claims, insurance claims, prescription information and other related personal medical information;

(f) Other personal information, including birth date, address, telephone numbers, maiden name and customer number.

(5) "Suspicious document" means:

(a) A document provided for identification that appears to have been altered or forged;

(b) A document on which the photograph or physical description is not consistent with the appearance of the applicant or customer presenting the identification;

(c) A document on which other information is not consistent with information provided by the person opening a new covered account or the customer presenting the document;

(d) A document on which information is not consistent with readily accessible information on file with the city, such as a signature card, recent check or application for services; and

(e) An application that appears to have been altered or forged or that gives the appearance of having been destroyed and reassembled. (as added by Ord. #149-08, Oct. 2008)

**20-303. The program.** The City of Piperton hereby establishes an identity theft prevention program to detect, prevent and mitigate identity theft. The program shall include reasonable policies and procedures to:

(1) Identify relevant red flags for covered accounts it offers or maintains and incorporate those red flags into the program;

(2) Detect red flags that have been incorporated into the program;

(3) Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and

(4) Ensure the program is updated periodically to reflect changes in risks to customers and to the safety and soundness of the creditor from identity theft.



The program shall, as appropriate, incorporate existing policies and procedures that control reasonably foreseeable risks. (as added by Ord. #149-08, Oct. 2008)

**20-304. Administration of program.** (1) The city manager shall be responsible for the development, implementation, oversight and continued administration of the program.

(2) The program shall train staff, as necessary, to effectively implement the program; and

(3) The program shall exercise appropriate and effective oversight of service provider arrangements. (as added by Ord. #149-08, Oct. 2008)

**20-305. Identification of relevant red flags.** (1) The program shall include identification of relevant red flags from the following categories, as appropriate:

(a) Alerts, notifications, or other warnings received from consumer reporting agencies or service providers, such as fraud detection services;

(b) A fraud or active duty alert included with a consumer report;

(c) The presentation of suspicious documents;

(d) The presentation of suspicious personal identifying information;

(e) Consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer;

(f) The unusual use of, or other suspicious activity related to, a covered account;

(g) A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report;

(h) A notice of address discrepancy from a consumer reporting agency as defined in Sec. 334.82(b) of FACTA; and

(i) Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.

(2) The program shall consider the following risk factors in identifying relevant red flags for covered accounts as appropriate:

(a) The types of covered accounts offered or maintained;

(b) The methods provided to open covered accounts;

(c) The methods provided to access covered accounts; and

(d) Its previous experience with identity theft.

(3) The program shall incorporate relevant red flags from sources such as:

(a) Incidents of identity theft previously experienced;

(b) Methods of identity theft that reflect changes in risk; and

(c) Applicable supervisory guidance. (as added by Ord. #149-08, Oct. 2008)

**20-306. Detection of red flags.** The program shall address the detection of red flags in connection with the opening of covered accounts and existing covered accounts, such as by:

(1) Obtaining identifying information about, and verifying the identity of, a person opening a covered account; and

(2) Authenticating customers, monitoring transactions, and verifying the validity of change of address requests in the case of existing covered accounts. (as added by Ord. #149-08, Oct. 2008)

**20-307. Responses.** The program shall provide for appropriate responses to detected red flags to prevent and mitigate identity theft. Each response shall be commensurate with the apparent degree of risk posed. Appropriate responses may include any one (1) or more of the following and such other activities as the city shall deem appropriate:

(1) Monitor a covered account for evidence of identity theft;

(2) Contact the customer;

(3) Change any passwords, security codes or other security devices that permit access to a covered account;

(4) Reopen a covered account with a new account number;

(5) Not open a new covered account;

(6) Close an existing covered account;

(7) Notify law enforcement; and

(8) Determine no response is warranted under the particular circumstances.

This section shall be read in conjunction with the Tennessee Public Records Act, Tennessee Code Annotated, § 10-7-501 et seq. and the city's open records policy. In the event a city employee is uncertain whether a certain item is "sensitive information" as defined in this chapter, that employee should contact his or her supervisor. If the city, in consultation with the city attorney, is unable to resolve a conflict between the policy and program established by this chapter and the Tennessee Public Records Act., the city shall contact the Tennessee Office of Public Records. (as added by Ord. #149-08, Oct. 2008)

**20-308. Procedures established.** (1) Each city employee to whom this policy is applicable shall comply with the following policies for protection and destruction of sensitive information in hard copy form:

(a) File cabinets, desk drawers, overhead cabinets and all other storage spaces that contain documents with sensitive information shall be locked when not in use;

(b) Storage rooms that contain documents with sensitive information and record retention areas shall be locked at the end of each work day or at any time during the work day when not supervised.

(c) Desks, work stations, work areas, printers and fax machines shall be cleared of all documents containing sensitive information when not in use;

(d) Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas shall be erased, removed or shredded when not in use; and

(e) When documents containing sensitive information are to be discarded, they shall be placed inside a locked shred bin or immediately shredded, using a mechanical cross-cut or Department of Defense-approved shredding device. City records shall be destroyed only in accordance with the city's records retention policy.

(2) Each city employee to whom this policy is applicable shall comply with the following procedures regarding electronic distribution of information:

(a) Sensitive information may be transmitted internally using approved city e-mail. All sensitive information must be encrypted when stored in an electronic format.

(b) Any sensitive information sent externally must be encrypted and password protected, and only to approved recipients. A statement substantially the same as the following shall be put on each email:

"This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited." (as added by Ord. #149-08, Oct. 2008)

**20-309. Updating the program.** The program shall be updated periodically to reflect changes in risks to customers or to the safety and soundness of the city from identity theft based on factors such as:

- (1) The experiences of the city with identity theft;
- (2) Changes in methods of identity theft;
- (3) Changes in methods to detect, prevent and mitigate identity theft;
- (4) Changes in the types of accounts that the city offers or maintains;
- (5) Changes in the business arrangements of the city, including but not limited to changes in billing and collection procedures for utility service and other city services, joint ventures with other governmental entities and service provider arrangements. (as added by Ord. #149-08, Oct. 2008)

**20-310. Oversight of the program.** (1) Oversight of the program shall include:

- (a) Assignment of specific responsibility for implementation of the program;
- (b) Review of reports prepared by staff regarding compliance;

(c) Training of city staff to recognize red flags and take appropriate action; and

(d) Approval of material changes to the program as necessary to address changing risks of identity theft.

(2) Reports shall be prepared as follows:

(a) Staff responsible for development, implementation and administration of the program shall report to the mayor and board of commissioners at least annually on compliance by the city with the program.

(b) The report shall address material matters related to the program and evaluate issues such as:

(i) The effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;

(ii) Service provider agreements;

(iii) Significant incidents involving identity theft and management's response; and

(iv) Recommendations for material changes to the program.

(3) Staff training shall be conducted at least annually for all employees, officials and service providers (as applicable) who do or in the course of their normal activities for the city may come into contact with accounts or personal information that may constitute a risk of identity theft. (as added by Ord. #149-08, Oct. 2008)

**20-311. Oversight of service provider arrangements.** The city shall take steps to ensure that the activity of a service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft whenever the organization engages a service provider to perform an activity in connection with one or more covered accounts. Specific requirements for prevention of identity theft shall be addressed in any contract with a service provider. (as added by Ord. #149-08, Oct. 2008)

**20-312. Duties regarding address discrepancies.** The city shall develop policies and procedures designed to enable it to form a reasonable belief that a credit report relates to the consumer for whom it was requested, if the city receives a notice of address discrepancy from a nationwide consumer reporting agency indicating the address given by the consumer differs from the address contained in the consumer report.

The city may reasonably confirm that an address is accurate by any of the following means:

(1) Verification of the address with the consumer;

(2) Review of the city's records;

- (3) Verification of the address through third-party sources; or
- (4) Other reasonable means.

If an accurate address is confirmed, the city shall furnish the consumer's address to the nationwide consumer reporting agency from which it received the notice of address discrepancy if:

(1) The city establishes a continuing relationship with the consumer;  
and

(2) The city regularly and in the ordinary course of business, furnishes information to the consumer reporting agency. (as added by Ord. #149-08, Oct. 2008)

## CHAPTER 4

### KNOX BOXES

#### SECTION

20-401. Knox boxes.

**20-401. Knox boxes.** (1) Knox box required for new commercial buildings. All new commercial buildings shall have installed a Knox box, of a UL type and size approved by the city fire official, in a location specified by the city fire official prior to the issuance of the permit of occupancy.

(2) Knox box required for existing commercial buildings with improvements. All existing commercial buildings constructing improvements that require planning commission approval shall have installed a Knox box, of a UL type and size approved by the city fire official, in a location specified by the city fire official prior to the issuance of the construction permit.

(3) Knox box contents. All Knox boxes shall contain labeled keys, easily identified in the field to provide access into the property and/or building, and to any locked areas within the said building as the city fire official may direct.

(4) Penalties. Any property or building owner failing to comply with, or in violation of the terms of this chapter after notice from the city fire official, shall be subject to a fine of fifty dollars and zero cents (\$50.00).

(5) Definitions. "Knox box" means a secure rapid entry system that is designed to be used by the fire department personnel in the event of an emergency to gain entry into a structure by using the enclosed owner provided key(s). This box is usually mounted on the exterior of the building in a location that is specified by the local fire official. All boxes shall be UL (Underwriters Laboratories) certified and approved by the City of Piperton Fire Official. (as added by Ord. #233-14, Feb. 2014)

ORDINANCE NO. 45-04**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF PIPERTON, TENNESSEE.**

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

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

WHEREAS the board of commissioners of the City of Piperton, 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 "Piperton Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF PIPERTON, AS FOLLOWS:<sup>1</sup>

**Section 1. Ordinances codified.** The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Piperton 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 appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or

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<sup>1</sup>Charter reference

Tennessee Code Annotated, § 6-20-214.

providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

**Section 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."<sup>1</sup>

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<sup>1</sup>State law reference

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



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

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

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

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

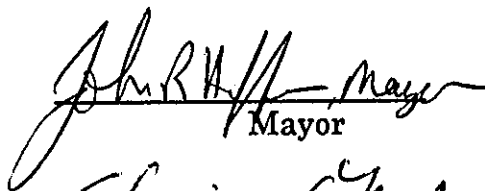
**Section 8. Construction of conflicting provisions.** Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

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

**Section 10. Date of effect.** This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading July 20, 2004. JRH

Passed 2nd reading August 17, 2004. JRH

  
Mayor

  
Recorder emc