THE PLEASANT HILL MUNICIPAL CODE

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

Change 5, December 14, 2004

TOWN OF PLEASANT HILL, TENNESSEE

MAYOR

Virginia D. Nixon

VICE MAYOR

Jack E. Yates

COUNCILMEN

Lenora M. Iles Gordon L. Wheeler E. Mike Wimer

RECORDER

Dottie Thompson

ATTORNEY

James Thompson

Preface

The Pleasant Hill Municipal Code contains the codification and revision of the ordinances of the Town of Pleasant Hill, 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 town's ordinance book or the town recorder for a comprehensive and up to date review of the town's ordinances.

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

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

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

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

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

The able assistance of Mrs. Tracy G. Gardner, the MTAS Sr. Word Processing Specialist who did all the typing on this project, is gratefully acknowledged.

Steve Lobertini Codification Specialist

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE TOWN CHARTER

SECTION 7. Town legislation. Be it further enacted, That:

(a) Any action of the Council having a regulatory or penal effect, relating to taxation, or the appropriation of over \$500, awarding franchises or contracts over \$500, or authorizing the borrowing of money shall be done only by ordinance.

Ordinances shall be in written form before being introduced, and a copy shall be furnished to each member of the Council 7 days in advance of the meeting at which introduced. Every ordinance, except an emergency ordinance must be approved on two readings not less than one week apart and shall become effective immediately unless its terms provide for a later effective date.

To meet a public emergency affecting life, health, or property, an emergency ordinance may be adopted on two readings on separate days and become effective immediately by the affirmative vote of four members of the Council.

- (b) The Council shall have the general and continuing ordinances of the Town assembled into an official code, a copy of which shall be currently kept up-to-date in a book and shall be available to the public.
- (c) Standard codes may be adopted by ordinances which contain only references to titles, dates, and issuing organizations, and such changes to the standard codes as the Council may deem desirable. Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the Council.
- (d) The original copies of ordinances, resolutions and other documents shall be filed and preserved by the person acting as clerk of the Council.

GENERAL ADMINISTRATION¹

CHAPTER

- 1. TOWN COUNCIL.
- 2. MAYOR.
- 3. RECORDER.

CHAPTER 1

TOWN COUNCIL²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-101. <u>Time and place of regular meetings</u>. The town council shall hold regular monthly meetings at 7:00 P.M. on the second Tuesday of each month at the town hall.
- 1-102. Order of business. At each meeting of the board of mayor and aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:
 - (1) Call to order by the mayor.
 - (2) Roll call by the recorder.
 - (3) Approval of minutes.
 - (4) Grievances from citizens.
 - (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.

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 inspectors: title 12.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Town council: art. II.

¹Charter references

- (7) Old business.
- (8) New business.
- (9) Adjournment.

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

\underline{MAYOR}^1

SECTION

- 1-201. Generally supervises town's affairs.
- 1-202. Executes town's contracts.
- 1-201. <u>Generally supervises town's affairs</u>. The mayor shall have general supervision of all town affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities.
- 1-202. <u>Executes town's contracts</u>. The mayor shall execute all contracts as authorized by the town council.

¹Charter references

RECORDER

SECTION

- 1-301. To be bonded.
- 1-302. To keep minutes, etc.
- 1-303. To perform general administrative duties, etc.
- 1-301. <u>To be bonded</u>. The recorder shall be bonded in the sum of ten thousand dollars (\$10,000), with such surety as may be acceptable to the town council before assuming the duties of the office.
- 1-302. <u>To keep minutes, etc.</u> The recorder shall keep the minutes of all meetings of the town council and shall preserve the original copy of all ordinances in a separate ordinance book.
- 1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the town council and for the town which are not assigned by the charter, this code, or the town council to another corporate officer. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproff vault or safe as the town shall provide.

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. PARKS AND RECREATION ADVISORY BOARD.

CHAPTER 1

PARKS AND RECREATION ADVISORY BOARD

SECTION

- 2-101. Board created, members, and terms of office.
- 2-102. Mayor to be ex-officio member.
- 2-101. <u>Board created, members, and terms of office</u>. There shall be created a Parks and Recreation Advisory Board for the Town of Pleasant Hill. Said board shall consist of five (5) members appointed by the Mayor of Pleasant Hill. The members shall be at-large members. The terms of the designated members shall be five (5) years except that the terms of members first appointed shall be arranged so that the term of one (1) member shall expire annually thereafter. All appointed members are eligible for reappointment.

The following citizens shall be appointed to serve as the first board with terms of office as are described below:

- (1) Warren Siebert, Co-chairman
- (2) Carole Wheeler, Co-chairman
- (3) Travis Kitchens
- (4) Leslie Luna
- (5) Chris Gulick (As added by Ord. #LXXVIII, July 1999, and replaced by Ord. #XXCVII, Dec. 1999)
- 2-102. <u>Mayor to be ex-officio member</u>. The mayor shall be an ex-officio member of this board, and shall be responsible for coordinating meeting places announcements, minutes and logistical matters in order to expedite the board's function. The board shall send copies of minutes of all meetings to the Town of Pleasant Hill. (As added by Ord. #XXCVII, Dec. 1999)

MUNICIPAL COURT

(RESERVED FOR FUTURE USE)

MUNICIPAL PERSONNEL

CHAPTER

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

CHAPTER 1

SOCIAL SECURITY

SECTION

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports.
- 4-101. <u>Policy and purpose as to coverage</u>. It is hereby declared to be the policy and purpose of this town to provide for all eligible employees and officials of the town, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations.
- 4-102. <u>Necessary agreements to be executed</u>. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section.
- 4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations.

¹See Ordinance No. LXIII (April 1995) of record in the office of the recorder for amendments to the Social Security Agreement by and between the Town of Pleasant Hill, Tennessee, and the State Old Age and Survivors Insurance Agency.

- 4-104. <u>Appropriations for employer's contributions</u>. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations.
- 4-105. Records and reports. The town shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-201. Purpose.
- 4-202. Enforcement.
- 4-203. Travel policy.
- 4-204. Travel reimbursement rate schedules.
- 4-205. Administrative procedures.
- 4-201. <u>Purpose</u>. 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 board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (as added by Ord. #LV, July 1993)

- 4-202. <u>Enforcement</u>. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (as added by Ord. #LV, July 1993)
- 4-203. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.
- (2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursement 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, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests aren't 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:
 - odirectly related to the conduct of the city business for which travel was authorized, and
 - ° actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

- (7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.
- (8) Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.
- (9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (as added by Ord. #LV, July 1993)
- 4-204. <u>Travel reimbursement rate schedules</u>. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (as added by Ord. #LV, July 1993)

4-205. <u>Administrative procedures</u>. The city adopts and incorporates by reference - as if fully set out herein - the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June, 1993. A copy of the administrative procedures is on file in the office of the city recorder. (as added by Ord. #LV, July 1993)

PERSONNEL RULES AND REGULATIONS

SECTION

- 4-301. Personnel rules and regulations.
- 4-302. Classes of employees.
- 4-303. Hiring procedures.
- 4-304. Compensation.
- 4-305. Benefits.
- 4-306. Disciplinary and grievance procedures.
- 4-307. Miscellaneous personnel policies.
- 4-301. Personnel rules and regulations. (1) Purpose. The purpose of this chapter is to establish a system of personnel administration the Town of Pleasant Hill that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race or color, sex, age, creed or religion, ancestry or national origin, marital status, or disability.
- (2) <u>Coverage</u>. All offices and positions of the municipal government are divided into the classified service and the exempt service. The classified service shall include all regular and part-time positions in the town's service unless specifically placed in the exempt service. All offices and positions of the municipal government placed in the exempt service are as follows:
 - (a) All elected officials.
 - (b) Members of appointed boards and commissions.
 - (c) Consultants, advisers, legal counsel rendering temporary professional service.
 - (d) The town attorney
 - (e) The town auditor
 - (f) Independent contractors
 - (g) Persons employed by the municipality for not more than three months during a fiscal year.
 - (h) Temporary employees paid by the hour or the day, and not considered regular part-time employees.
- (i) Volunteer personnel appointed without compensation. All employment positions of the municipal government not expressly exempted from coverage by this section shall be subject to the provisions of the town charter. (as added by Ord. #C, April 2002)
- 4-302. <u>Classes of employees</u>. (1) <u>Regular</u>. Regular employees are individuals employed by the municipal government who work 30 hours or more per week and have completed a three (3) month probationary period.

- (2) <u>Part-time</u>. Part-time employees are individuals who do not work on a daily basis and whose hours cannot exceed 20 hours per week unless approved by the council.
- (3) <u>Temporary</u>. Temporary employees are individuals who hold a position which is of a temporary, seasonal, casual or emergency nature. (as added by Ord. #C, April 2002)
- 4-303. <u>Hiring procedures</u>. (1) <u>Policy statement</u>. Pursuant to Article III, § I of the Charter of the Town of Pleasant Hill, the primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the town. Appointments to positions are based on merit, technical knowledge and work experience, and no person shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of race or color, sex, age, creed or religion, ancestry or national origin, marital status, or disability.
- (2) Recruitment. When a vacancy occurs, the recorder will prepare and post the appropriate position description at various locations in town; in the local media, if necessary, in an effort to bring notice of the vacancy to as many qualified persons as possible, and in any appropriate state job service bureau.
- (3) <u>Application process</u>. All persons seeking employment with the town shall complete an application form as provided by the municipal government or by the job service bureau. Applications for employment shall be accepted in the recorder's office during regular office hours only.
- (4) <u>Interviews</u>. All applicants are subject to an interview with council members.
- (5) <u>Appointments</u>. All appointments to positions in the Town of Pleasant Hill shall be made by the council.
- (6) <u>Probation</u>. Applicants appointed to positions with the Town of Pleasant Hill are required to serve a three (3) month probationary period. An employee may be terminated during this period for any reason without respect or reference to the procedures set forth in this document.
- (7) <u>Transfers</u>. Pursuant to Article III, § I of the Charter of the Town of Pleasant Hill, the council may make transfers of employees or delegate this authority if it deems advisable.
- (8) <u>Promotions/demotions.</u> Pursuant to Article III, § I of the Charter of Pleasant Hill, the council may make promotions/demotions of employees or delegate this authority if it deems advisable. (as added by Ord. #C, April 2002)
- 4-304. <u>Compensation</u>. (1) <u>Salaries</u>. Pursuant to the town charter, Article III, § I, the council shall set by ordinance/resolution all salaries paid by the Town of Pleasant Hill. Due consideration shall be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily. In addition, consideration will be given to compensation as commensurate with general rates of pay for similar employment in private establishments and other public jurisdictions in the area, cost of living data, the financial condition of the town, and other factors.

- (2) <u>Hours of work</u>. The council shall establish the hours of work per week for each position in the service of the town.
- (3) <u>Pay day</u>. All employees of the Town of Pleasant Hill shall be paid on a weekly basis.
 - (4) <u>Payroll deductions</u>. (a) <u>Federal income tax</u>. Federal taxes are withheld from employee's paychecks based on the number of dependents claimed by the individual. Employees are required to keep on file with the municipal government a copy of the W-4 form. In the event of changes in the employee exemption status, a revised W-4 must be filed before payroll deduction adjustments will be made.
 - (b) <u>Social security</u>. Social security payments and deductions will be made in accordance with the Social Security Act. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.
 - (c) <u>Others</u>. Other deductions may be made from an employee's pay only with a signed consent from the employee (i.e., hospitalization, life insurance, etc.).
- (5) <u>Overtime</u>. An employee required to work overtime shall be compensated in accordance with the Fair Labor Standards Act at a rate of one-and-one half the employee's regular rate of pay. (as added by Ord. #C, April 2002)
- 4-305. <u>Benefits</u>. (1) <u>Eligibility</u>. All regular employees are eligible for all benefits provided by the town.
 - (2) <u>Holidays</u>. (a) Regular employees are allowed a day off with pay on the following 6 holidays:
 - (i) New Years Day
 - (ii) Memorial Day
 - (iii) Independence Day
 - (iv) Labor Day
 - (v) Thanksgiving Day
 - (vi) Christmas Day

An employee must be in a pay status on the work day before and on the work day after the holiday, unless excused by the supervisor, in order to receive compensation for the holiday.

- (b) All employees are allowed a day off without pay on the following holidays:
 - (i) Martin Luther King Day
 - (ii) Good Friday
- (3) <u>Vacation leave</u>. After one full year's interrupted employment as a regular employee, the following vacation schedule will be followed:

After 1 year--5 days After 2 years--10 days After 10 years--15 days

Such vacation leave shall be taken at a time approved by the employee's immediate supervisor. All vacations must be taken within one year after the

anniversary date of employment. Upon separation, employees are entitled to be reimbursed for any unused earned vacation.

- (4) <u>Sick leave</u>. All regular employees shall be given one day of sick leave pay for each month of employment, not exceeding 12 days. Any employee who shall have accumulated more than twelve days at the effective date of this chapter shall carry over such additional day until they are used or the employee leaves the service of the town. Sick leave may be granted for any of the following reasons:
 - (a) Personal illness or physical incapacity resulting from causes beyond the employee's control.
 - (b) Exposure to contagious disease so that their presence at work might jeopardize the health of other employees.
 - (c) Medical, dental, optical or other professional treatments or examinations.
 - (d) Acute illness of a member of the employee's family (i.e., spouse, parents, children.)

In order to be granted sick leave the employee must notify his/her immediate supervisor, prior to the beginning of the scheduled work day, of the reason for his/her absence.

Upon termination or resignation any unused sick leave shall not be cashed in for compensation.

- (5) <u>Funeral leave</u>. Employees will be allowed to use a maximum of 3 sick days during the death of an immediate family member. A member of their immediate family shall be defined as, and limited to: spouse, children, father, mother, brother, sister, step-parents and grandparents of the employee and of the employee's spouse.
- (6) <u>Civil leave</u>. Civil leave with pay may be granted to employees for the following reasons:
 - (a) Serve on jury duty. (Fees received, except for mileage reimbursement, for these services shall be returned to the town.)
 - (b) Answer a subpoena to testify for the town.
 - (c) Emergency duty for volunteer fire department when occurring during normal working hours.
 - (d) Active duty be a member of the National Guard or Reserve, when called up by appropriate officials.
- (7) <u>Voting</u>. When elections are held in the state, leave for the purpose of voting he/she shall be in accordance with <u>Tennessee Code Annotated</u>, § 2-1-106 herein reprinted:

EMPLOYERS MAY DESIGNATE PERIODS OF PERMISSIBLE ABSENTEEISM

Any person entitled to vote in an election held in this state may be absent from any service or employment on the day of the election for a reasonable period of time, not to exceed three hours, necessary to vote during the time the polls are open in the County when he/she is a resident. A voter who is absent from work to vote in compliance with this section may not be subjected to any penalty or reduction in pay for his/her absence. If the tour of duty of an employee begins three or more hours after the opening of the polls or ends three or more hours before the closing of the polls or the county where he/she is a resident, he/she may not take time off under this section. The employee may specify the hours during which the employee may be absent. Request for such an absence shall be made to the employer before twelve noon of the day before the election.

- (8) <u>Insurance allowance</u>. The Town of Pleasant Hill will contribute toward the monthly premium of a health insurance policy for each regular employee.
- (9) <u>Workers compensation</u>. All employees of the Town of Pleasant Hill are covered under the Worker's Compensation Insurance. (as added by Ord. #C, Aug. 2002)

4-306. Disciplinary grievance procedures. (1) General policy statement.

- (a) It is the responsibility of each employee of the Town of Pleasant Hill to conduct himself/herself in a manner that will reflect credit upon the town. Any misconduct while acting on behalf of the municipal government or in the judgment of the town council that brings adverse publicity or discredit upon the municipality may be regarded as grounds for dismissal.
- (b) The town council, under Article III, § I of the charter, may discharge an employee when it deems their services to be unsatisfactory of no longer needed. Reasons for dismissal may include, but shall not be limited to: misconduct, negligence, incompetence, insubordination, unauthorized absences, falsification of records, violation of any of the provisions of the charter, ordinances, or these rules.

It is expected that grievances will arise. If and when they do, they are not to be considered as reflecting unfavorably on the employee or the municipal government.

- (2) <u>Purpose</u>. The purpose of this policy is to set forth the principles of the Town of Pleasant Hill and to prescribe uniform disposition procedures of grievances presented by individual employees.
- (3) <u>Policy</u>. A grievance can be something real, alleged, or a misunderstanding concerning rules and regulations or administrative orders involving the employee's health, safety, physical facilities, equipment or material used, employee evaluation, promotion, transfer, layoff, recall and/or any other related items. Employees will be treated fairly in all respects.

Those who feel they have been subjected to unfair treatment have the right to present their grievances to the proper person for prompt consideration and a fair decision. The employee may present the case for himself/herself or have a representative of his/her choosing.

(4) <u>Procedure</u>. Employees must remember that there is no grievance until the immediate supervisor or other appropriate person has been made aware of the dissatisfaction. Once this is done, the following steps are to be taken:

- Step 1. Discuss the problem with the immediate supervisor within two working days of the grievance. If satisfaction is not obtained within five working days the grievance is advanced to step 2.
- Step 2. Discuss the problem with the mayor. If the grievance is not resolved within five working days, it is advanced to the 3rd step along with documentation.
- Step 3. Present the problem to town council. The council's decision is the last and final step in the process. The decision of the council shall be final and binding to all parties.
- (5) <u>Policies governing the grievance procedure</u>. An employee with a grievance shall be notified in writing of these rights:
 - (a) The right to a grievance hearing as specified in this policy.
 - (b) The right to receive written notification of the reason for the action that led to the grievance.
 - (c) The right to be represented at all stages of the grievance proceedings by legal counsel retained at the employee's expense.
 - (d) The right to present witnesses in his/her behalf and the right to cross examine witnesses in support of the municipal government's action.
 - (e) The right to examine a copy of all documents that will be used by the municipality as justification for its actions.
 - (f) The right to be free from threats, coercion, intimidation, or discrimination from other employees because he/she has made complaints, testified, or assisted in any manner in the above stated grievance procedures.
- (6) <u>Records</u>. Records shall be made of all proceedings pertaining to grievance actions and these records shall be maintained in the municipal government's permanent file by the recorder. (as added by Ord. #C, April 2002)
- 4-307. <u>Miscellaneous personnel policies</u>. Pursuant to chapter 9 of the charter of the Town of Pleasant Hill, the following miscellaneous personnel policies shall be enforced:
- (1) <u>Business dealings</u>. Except for the receipt of such compensation as may be lawfully provided for the performance of his/her municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality.
- (2) <u>Acceptance of gratuities</u>. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality for the performance of an act which he/she would be required or expected to perform in the regular course of his/her duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity or favor of any kind which might reasonably be interpreted as an attempt to influence his/her actions with respect to town business.
- (3) <u>Outside employment</u>. No regular officer or employee of the municipality shall accept any outside employment without written authorization

from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his/her municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality.

- (4) <u>Political activity</u>. Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal campaign during hours such officer or employee is working for the town. These restrictions shall not apply to elected officials.
- (5) <u>Use of municipal time, facilities, etc.</u> No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself/herself or any other private person or group. Provided, however, that this prohibition shall not apply where the governing body has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services.
- (6) <u>Use of position</u>. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he/she otherwise use or attempt to use his/her position to secure unwarranted privileges or exemptions for himself/herself or others.
- (7) <u>Strikes and unions</u>. No municipal officer or employee shall participate in any strike against the municipality.
- (8) <u>Repeal of ordinances</u>. All ordinances, resolutions, previous actions contained in minutes, in conflict herewith are hereby repealed.
- (9) <u>Severability</u>. Each section, subsection, paragraph, sentence, and clause of the chapter is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence or clause shall not affect the validity of any other portion of the chapter, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted here from.
- (10) <u>Effective date</u>. This chapter shall take effect twenty days from and after its first passage, or upon final passage, whichever is later, the public welfare requiring it. (as added by Ord. #C, April 2002)

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-401. General information.
- 4-402. General policies and procedures.
- 4-403. Vaccinations, testing, and post-exposure management.
- 4-404. Training.
- 4-405. Records and reports.
- 4-406. Legal rights of victims of communicable diseases.
- 4-401. General information. (1) Purpose. It is the responsibility of the Town of Pleasant Hill to provide employees a place of employment, which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the Town of Pleasant Hill, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as if it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV) and Tuberculosis (TB).

- (2) <u>Coverage</u>. Occupational exposures may occur in many ways, including needle sticks and cut injuries. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to infectious materials from potentially infected individuals. Those high-risk occupations include but are not limited to sanitation and landfill workers and any other employee deemed to be at high risk per this policy and exposure determination.
- (3) <u>Administration</u>. This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:
 - (a) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the town charter, and federal and state law relating to OSHA regulations;
 - (b) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials:
 - (c) Maintain records of all employees and incidents subject to the provisions of this chapter;
 - (d) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;

- (e) Coordinate and document all relevant training activities in support of the infection control policy;
- (f) Prepare and recommend to the town council any amendments or changes to the infection control policy;
- (g) Perform such other duties and exercise such other authority as may be prescribed by the town council.
- (4) <u>Definitions</u>. (a) "Body fluids" fluids that have been recognized by the Center of Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.
- (b) "Exposure" the contact with blood or other potentially infectious materials to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.
- (c) "Hepatitis B Virus (HBV)" a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.
- (d) "Human Immunodeficiency Virus (HIV)" the virus that causes Acquired Immunodeficiency Syndrom (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.
- (e) "Tuberculosis (TB)" an acute or chronic communicable disease that usually effects the respiratory system, but may involve any system in the body.
- (f) "Universal precautions" refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be protected as though such body fluid were HBV or HIV infected. (as added by Ord. #CVII, Aug. 2003)
- 4-402. General policies and procedures. (1) Policy statement. All blood and other potentially infectious materials are infectious for several blood-borne pathogens. Some body fluids can also transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. The precaution has been termed "universal precautions".

Universal precautions stress that <u>all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens</u>. Universal precautions apply to blood, tissues, and other potential infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, tears, urine, and vomitus unless these substances contain visible blood.

- (2) <u>General guidelines</u>. General guidelines which shall be used by everyone include:
 - (a) Keep all open cuts and abrasions covered with adhesive bandages, which repel liquids.
 - (b) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with potentially infectious materials to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or hand washing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.
 - (c) All workers shall take precautions to prevent injuries caused by needles and other sharp instruments.
 - (d) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120 degrees are adequate for decontamination.
 - (e) Whenever possible, disposable equipment shall be used to minimize and contain clean up. (as added by Ord. #CVII, Aug. 2003)

4-403. Vaccinations, testing, and post-exposure management.

- (1) <u>Hepatitis B vaccinations</u>. The Town of Pleasant Hill shall offer the appropriated Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High-risk employees who wish to take the HBV vaccination should notify their department head that shall make the appropriate arrangements through the infectious disease control coordinator.
- (2) <u>Reporting potential exposure</u>. Town employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infection (e.g., needle sticks, etc.)
 - (a) Notify the infectious disease control coordinator of the contact incident and details thereof.
 - (b) Complete the appropriate accident reports and any other specific form required.
 - (c) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B Surface Antigen (HbsAg) and/or antibody to Human Immunodeficiency Virus (HIV antibody). Testing of the source individual should be done at a location where appropriated pretest counseling is available. Post-test counseling and referral for treatment should also be provided.

(3) <u>Disability benefits</u>. The Tennessee Worker's Compensations Bureau in accordance with the provision of <u>Tennessee Code Annotated</u>, § 50-6-303 will determine entitlement to disability and any other benefits available for

employees who suffer from on-the-job injuries. (as added by Ord. #CVII, Aug. 2003)

- 4-404. <u>Training</u>. (1) <u>Training regular employees</u>. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious materials. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents.
- (2) <u>Training new employees</u>. During the new employee's orientation to his/her job, all new employees will be trained on the effects of infectious disease prior to putting them to work. (as added by Ord. #CVII, Aug. 2003)
- 4-405. Records and reports. (1) Reports. The infectious disease control coordinator shall maintain occupational injury and illness records. Statistics shall be maintained on the OSHA-300 report. Only those work-related injuries that involve loss of consciousness transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-300 form.
- (2) <u>Needle sticks</u>. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e., gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.
- (3) <u>Prescription medication</u>. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.
- (4) <u>Employee interviews</u>. Should the U.S. Department of Labor Office of Health Compliance inspect the town, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (as added by Ord. #CVII, Aug. 2003)
- 4-406. <u>Legal rights of victims of communicable diseases</u>. Victims of communicable diseases have the legal right to expect, and town employees are duty bound to provide, the same level of service as any other individual would receive. (as added by Ord. #CVII, Aug. 2003)

MUNICIPAL FINANCE AND TAXATION1

CHAPTER

1. MISCELLANEOUS.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Sale of surplus property.

- 5-101. Sale of surplus property. (1) The town council, by a majority vote, may authorize the sale of any property which it determines to be obsolete, surplus or unusable, without taking bids thereof if the proceeds of such sale do not exceed one hundred (\$100.00) dollars, but sealed bids shall be taken or a public auction shall be held for any sale over one hundred (\$100.00) dollars, and any sale of real estate shall be subject to approval of the council.
- (2) An advertisement for sealed bids shall be published in a paper of general circulation (10) days in advance of the bid opening. The advertisement shall include a general description of the property or equipment and, a notice that the Town of Pleasant Hill reserves the right to reject any or all bids when such rejection is deemed to be in the best interest of the town. The bids shall be opened at a regular meeting of the town council.
- (3) All bids taken under the requirements of competitive bidding shall be preserved for a period of five (5) years, and shall be available for public inspection during regular business hours. (Ord. # 10, Jan. 1983, as amended by Ord. # XIII, May 1986)

¹Charter references

Corporate powers: art. I, § 1(4).

LAW ENFORCEMENT¹

CHAPTER

- 1. POLICE DEPARTMENT.
- 2. ARREST PROCEDURES.

CHAPTER 1

POLICE DEPARTMENT

SECTION

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Police department records.
- 6-101. <u>Policemen subject to chief's orders</u>. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue.
- 6-102. <u>Policemen to preserve law and order, etc.</u> Policemen shall patrol the town and preserve law and order within the town.
- 6-103. <u>Police department records</u>. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:
- (1) All known or reported offenses and/or crimes committed within the corporate limits.
 - (2) All arrests made by policemen.
- (3) All police investigations made, funerals, convoyed, fire calls answered, and other miscellaneous activities of the police department.
- (4) Any other records required to be kept by the town council or by law. The police chief shall be responsible for insuring that the police department complies with the section.

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

¹Municipal code reference

ARREST PROCEDURES

SECTION

- 6-201. When policemen to make arrests.
- 6-202. Disposition of persons arrested.
- 6-201. 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 reasonable cause to believe the person has committed it.
- 6-202. <u>Disposition of persons arrested</u>. (1) <u>For code or ordinance violations</u>. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinance, 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 fails or refuses to post bond, he shall be confined pending his release by the city judge. In addition, 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.
- (2) <u>Felonies or misdemeanors</u>. 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.

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

¹Municipal code reference

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

- 1. FIRE DISTRICT.
- 2. FIRE CODE.

CHAPTER 1

FIRE DISTRICT²

SECTION

7-101. Fire district described.

7-101. <u>Fire district described</u>. The corporate fire district shall be as follows:

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

²The significance of the fire district is that Chapter III of the <u>Standard Building Code</u>, applicable to the Town of Pleasant Hill through title 12 of this code, imposes certain construction, modification and other requirements peculiar to buildings located within the fire district, and prohibits Hazardous (Group H) occupancies within the fire district. Chapter IV, Section 408 of the <u>Standard Building Code</u> defines Hazardous (Group H) occupancy in both general and specific terms, but generally it refers to occupancies involving highly combustible, flammable or explosive materials.

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations and penalties.
- 7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code, 1991 edition as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, section 6-54-502, one (1) copy of the fire prevention code has been filed with the town recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. # V, Oct. 1969, modified)
- 7-202. <u>Enforcement</u>. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal.
- 7-203. <u>Definition of "municipality</u>." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Pleasant Hill, Tennessee.
- 7-204. Storage of explosives, flammable liquids, etc. (1) The district referred to in section 1901.4.2 of the fire prevention code, in which storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.

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

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

- (2) The district referred to in section 902.1.1 of the fire prevention code, in which storage of flammable liquids in outside above ground tanks is prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.
- (3) The district referred to in section 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.
- (4) The district referred to in section 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in section 7-101 of this code.
- 7-205. <u>Gasoline trucks</u>. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of, and while actually engaged in, the expeditious delivery of gasoline.
- 7-206. <u>Variances</u>. The chief of the fire department may recommend to the town council variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the town council.
- 7-207. <u>Violations and penalties</u>. It shall be unlawful for any person to violate any of the provisions of this chapter or the <u>Standard Fire Prevention Code</u> herein adopted, or fail to comply the rewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the town council or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for this municipal code shall not be held to prevent the enforced removal of prohibited conditions.

ALCOHOLIC BEVERAGES¹

CHAPTER

- 1. INTOXICATING LIQUORS.
- 2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable laws² and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within this town. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight.

Driving under the influence: section 15-104.

Minors in beer places, public drunkenness, etc.: title 11 chapter 2. State law reference

Tennessee Code Annotated, title 57.

Tennessee Code Annotated, title 39, chapter 17.

¹Municipal code references

²State law reference

$BEER^{1}$

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Beer permits shall be restrictive.
- 8-209. Interference with public health, safety, and morals prohibited.
- 8-210. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-211. Prohibited conduct or activities by beer permit holders.
- 8-212. Suspension and revocation of beer permits.
- 8-201. <u>Beer board established</u>. There is hereby established a beer board to be composed of all the members of the town council. A chairman shall be elected annually by the board from among its members. Members of the beer board shall serve without compensation.
- 8-202. <u>Meetings of the beer board</u>. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the town 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.
- 8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of

Public drunkenness, minors in beer places, etc.: title 11, chapter 2. Tax provisions: title 5.

State law reference

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

¹Municipal code references

each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board.

- 8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote.
- 8-205. <u>Powers and duties of the beer board</u>. 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.
- 8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight.
- 8-207. 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 shall be accompanied by a one hundred dollar (\$100.00) non-refundable application fee. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.
- 8-208. 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. 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.

Tennessee Code Annotated, section 57-5-108(c).

¹State law reference

- 8-209. <u>Interference with public health, safety, and morals prohibited</u>. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with hospitals, schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer at places within three hundred (300) feet of any hospital, school, church or other place of public gathering. The distances shall be measured in a straight line¹ from the nearest point on the property line upon which sits the building from which the beer will be sold, manufactured or stored to the nearest point on the property line of the hospital, school, church or other place of public gathering.
- 8-210. <u>Issuance of permits to persons convicted of certain crimes prohibited</u>. 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.
- 8-211. <u>Prohibited conduct or activities by beer permit holders</u>. It shall be unlawful for any beer permit holder to:
- (1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.
- (2) Make or allow any sale of beer between the hours of 12:00 Midnight and 6:00 A.M. during any night of the week; at any time on Sunday; or on election days before and while the polls are lawfully open.
- (3) Allow any loud, unusual, or obnoxious noises to emanate from his premises.
- (4) Make or allow any sale of beer to a person under twenty-one (21) years of age.
- (5) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.
- (6) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
 - (7) Allow drunk persons to loiter about his premises.
- (8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.
- (9) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.

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

¹State law reference

- (10) Allow dancing on his premises.
- (11) Allow pool or billiard playing in the same room where beer is sold and/or consumed.
- (12) Fail to provide and maintain separate sanitary toilet facilities for men and women.
- 8-212. <u>Suspension and revocation of beer permits</u>. 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.

BUSINESS, PEDDLERS, SOLICITORS, ETC.

(RESERVED FOR FUTURE USE)

ANIMAL CONTROL

CHAPTER

- 1. IN GENERAL.
- 2. DOGS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Running at large prohibited.
- 10-102. Pen or enclosure to be kept clean.
- 10-103. Adequate food, water, and shelter, etc., to be provided.
- 10-104. Keeping in such manner as to become a nuisance prohibited.
- 10-105. Cruel treatment prohibited.
- 10-106. Inspections of premises.
- 10-101. <u>Running at large prohibited</u>. It shall be unlawful for any person owning or being in charge of any cows, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits.

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner.

- 10-102. <u>Pen or enclosure to be kept clean</u>. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition.
- 10-103. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

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

- 10-104. <u>Keeping in such manner as to become a nuisance prohibited</u>. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason.
- 10-105. <u>Cruel treatment prohibited</u>. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl.
- 10-106. <u>Inspections of premises</u>. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter.

DOGS

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.
- 10-201. <u>Rabies vaccination and registration required</u>. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (<u>Tennessee Code Annotated</u>, sections 68-8-101 through 68-8-114) or other applicable law.
- 10-202. <u>Dogs to wear tags</u>. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section.
- 10-203. <u>Running at large prohibited</u>. ¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits.

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.

- 10-204. <u>Vicious dogs to be securely restrained</u>. 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.
- 10-205. <u>Noisy dogs prohibited</u>. 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.

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

¹State law reference

10-206. <u>Confinement of dogs suspected of being rabid</u>. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid.

10-207. 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 town council. If the dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog will be sold or humanely destroyed. If the dog is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and has a tag evidencing such vaccination placed on its collar.

10-208. <u>Destruction of vicious or infected dogs running at large</u>. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer.¹

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

¹State law reference

MUNICIPAL OFFENSES¹

CHAPTER

- 1. MISDEMEANORS OF THE STATE ADOPTED.
- 2. ALCOHOL.
- 3. GAMBLING, FORTUNE TELLING, ETC.
- 4. OFFENSES AGAINST THE PERSON.
- 5. OFFENSES AGAINST THE PEACE AND QUIET.
- 6. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
- 7. FIREARMS, WEAPONS AND MISSILES.
- 8. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
- 9. OFFENSES AGAINST THE PUBLIC HEALTH, SAFETY, WELFARE.

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-101. Misdemeanors of the state adopted.

11-101. <u>Misdemeanors of the state adopted</u>.² All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the Common Law to be misdemeanors are hereby designated and declared to be offenses against this town also. Any violation of any such law within the corporate limits is also a violation of this section.

Housing and utilities: title 12. Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

²State law reference

For the definition of "misdemeanor," see <u>Tennessee Code Annotated</u>, sections 39-11-110 and 39-11-111.

¹Municipal code references

$ALCOHOL^1$

SECTION

- 11-201. Public drunkenness.
- 11-202. Drinking alcoholic beverages in public, etc.
- 11-203. Minors in beer places.
- 11-201. <u>Public drunkenness</u>. See <u>Tennessee Code Annotated</u>, section 39-17-310; see also title 33, chapter 8.
- 11-202. <u>Drinking alcoholic beverages in public, etc.</u> It shall be unlawful for any person to drink, consume or have an open can 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.
- 11-203. <u>Minors in beer places</u>. 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.

See <u>Tennessee Code Annotated</u> section 33-8-203 (<u>Arrest for Public Intoxication</u>, cities may not pass separate legislation).

¹State law reference

GAMBLING, FORTUNE TELLING, ETC.

- 11-301. Gambling prohibited.
- 11-302. Fortune telling, etc.
- 11-301. Gambling prohibited. See Tennessee Code Annotated, section 39-17-501 et seq.
- 11-302. <u>Fortune telling, etc.</u> It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers.

OFFENSES AGAINST THE PERSON

SECTION

11-401. Assault and battery.

11-401. <u>Assault and battery</u>. It shall be unlawful for any person to commit an assault and battery upon another person.

OFFENSES AGAINST THE PEACE AND QUIET

- 11-501. Disturbing the peace.
- 11-502. Anti-noise regulations.
- 11-501. <u>Disturbing the peace</u>. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.
- 11-502. <u>Anti-noise regulations</u>. 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) <u>Miscellaneous prohibited noises enumerated</u>. 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) <u>Blowing horns</u>. 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) <u>Yelling, shouting, etc.</u> 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) <u>Pets</u>. 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) <u>Use of vehicle</u>. 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) <u>Blowing whistles</u>. 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 town authorities.
- (g) <u>Exhaust discharge</u>. 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.
- Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.
- (i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.
- (j) <u>Loading and unloading operations</u>. 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) <u>Noises to attract attention</u>. 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) <u>Loudspeakers or amplifiers on vehicles</u>. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
- (2) <u>Exceptions</u>. None of the terms or prohibitions hereof shall apply to or be enforced against:
 - (a) <u>Town vehicles</u>. Any vehicle of the town 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 town, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.
 - (c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the town council. Hours for the use of an amplified 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.

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

- 11-601. Escape from custody or confinement.
- 11-602. Impersonating a government officer or employee.
- 11-603. False emergency alarms.
- 11-601. <u>Escape from custody or confinement</u>. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the town to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement.
- 11-602. <u>Impersonating a government officer or employee</u>. No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee.
- 11-603. <u>False emergency alarms</u>. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act.

FIREARMS. WEAPONS AND MISSILES

- 11-701. Air rifles, etc.
- 11-702. Throwing missiles.
- 11-703. Discharge of firearms.
- 11-701. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method.
- 11-702. <u>Throwing missiles</u>. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person.
- 11-703. <u>Discharge of firearms</u>. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits.

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

- 11-801. Trespassing.
- 11-802. Malicious mischief.
- 11-803. Interference with traffic.

11-801. 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) <u>Vacant buildings</u>. 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) <u>Lots and buildings in general</u>. 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) <u>Peddlers, etc.</u> 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.
- 11-802. <u>Malicious mischief</u>. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage,

Subsections (1) through (4) of this section were taken substantially from <u>Tennessee Code Annotated</u>, section 39-14-405.

¹State law reference

deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him.

11-803. <u>Interference with traffic</u>. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon.

OFFENSES AGAINST THE PUBLIC HEALTH, SAFETY, WELFARE

- 11-901. Abandoned refrigerators, etc.
- 11-902. Caves, wells, cisterns, etc.
- 11-903. Posting notices, etc.
- 11-901. <u>Abandoned refrigerators, etc.</u> 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.
- 11-902. <u>Caves, wells, cisterns, etc.</u> 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.
- 11-903. <u>Posting notices, etc.</u> 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.

BUILDING, UTILITY, ETC. CODES

CHAPTER

- 1. BUILDING CODE.
- 2. PLUMBING CODE.
- 3. ELECTRICAL CODE.
- 4. GAS CODE.
- 5. HOUSING CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations.
- 12-101. <u>Building code adopted</u>. Pursuant to authority granted by <u>Tennessee Code Annotated</u>, sections 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the <u>Standard Building Code</u>², 1991 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (Ord. #I, Oct. 1969, modified)
- 12-102. <u>Modifications</u>. (1) <u>Definitions</u>. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the town council. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

¹Municipal code references

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

- code, mean such person as the town council has appointed or designated to administer and enforce the provisions of the building code.
- (2) <u>Permit fees</u>. The recommended schedule of permit fees set forth in Appendix "K" of the building code is adopted.
- 12-103. <u>Available in recorder's office</u>. Pursuant to the requirements of the <u>Tennessee Code Annotated</u>, section 6-54-502 one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.
- 12-104. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified.

PLUMBING CODE¹

SECTION

- 12-201. Plumbing code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Violations.
- 12-201. <u>Plumbing code adopted</u>. Pursuant to authority granted by <u>Tennessee Code Annotated</u>, sections 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the town, when such plumbing is or is to be connected with the town water or sewerage system, the <u>Standard Plumbing Code</u>, 1991 edition as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (Ord. #VI, Oct. 1969, modified)
- 12-202. <u>Modifications</u>. (1) <u>Definitions</u>. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the town council.

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

- (2) <u>Permit fees</u>. The schedule of permit fees as recommended in "Appendix H" of the plumbing code is hereby adopted.
- 12-203. <u>Available in recorder's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, section 6-54-502 one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

Street excavations: title 16.

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

¹Municipal code references

12-204. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified.

ELECTRICAL CODE¹

SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in recorder's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations.
- 12-305. Enforcement.
- 12-306. Fees.
- 12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code, 1990 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (Ord. # II, Oct. 1969, modified)
- 12-302. <u>Available in recorder's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, section 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.
- 12-303. <u>Permit required for doing electrical work</u>. No electrical work shall be done within the town until a permit therefor has been issued by the town. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician.
- 12-304. <u>Violations</u>. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code.

Fire protection, fireworks and explosives: title 7.

¹Municipal code reference

²Copies of this code may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

12-305. <u>Enforcement</u>. The electrical inspector shall be such person as the town council shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code.

12-306. <u>Fees</u>. The electrical inspector shall collect the same fees as are authorized in <u>Tennessee Code Annotated</u>, section 68-17-143 for electrical inspections by deputy inspectors of the state fire marshal.

GAS CODE

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-401. <u>Title and definitions</u>. This chapter and the code herein adopted by reference shall be known as the gas code of the town. The following definitions are provided for the purpose of interpretation and administration of the gas code.
- (1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the town council.
- (2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.
- (3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.
- (4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.
- (5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers.
- 12-402. <u>Purpose and scope</u>. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances

installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the <u>Standard Gas Code</u>,¹ 1991 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the town recorder for the use and inspection of the public. (Ord. # III, Oct. 1969, modified)

- 12-403. <u>Use of existing piping and appliances</u>. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code.
- 12-404. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the town recorder a good and sufficient bond in the penal sum of \$10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the town recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.
- (2) Upon approval of said bond, the person desiring to do such work shall secure from the town recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the town recorder.
- (3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees.

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

- 12-405. <u>Gas inspector and assistants</u>. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the town council.
- 12-406. <u>Powers and duties of inspector</u>. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.
- (2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector, and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.
- (3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration.
- 12-407. <u>Permits</u>. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the town recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.
- (2) When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.
- (3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system.

- 12-408. <u>Inspections</u>. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.
- (2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping.
- 12-409. <u>Certificates</u>. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service.
- 12-410. <u>Fees</u>. The permit fee schedule as recommended in Appendix "C" of the gas code is hereby adopted.
- 12-411. <u>Violations and penalties</u>. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed.

HOUSING CODE

- 12-501. Housing code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations.
- 12-501. <u>Housing code adopted</u>. Pursuant to authority granted by <u>Tennessee Code Annotated</u>, sections 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the <u>Standard Housing Code</u>, 1991 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (Ord. # IV, Oct. 1969, modified)
- 12-502. <u>Modifications</u>. (1) <u>Definitions</u>. Wherever the housing code refers to the "Housing Official" it shall mean the person appointed or designated by the town council to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the town attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the town council.
- (2) <u>Penalty clause deleted</u>. Section 108 of the housing code is deleted. 12-503. <u>Available in recorder's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, section 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.
- 12-504. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified.

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

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

- 1. MISCELLANEOUS.
- 2. JUNKYARDS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. House trailers.
- 13-103. Smoke, soot, cinders, etc.
- 13-104. Stagnant water.
- 13-105. Weeds and grass.
- 13-106. Dead animals.
- 13-107. Health and sanitation nuisances.
- 13-108. Violations and penalty.
- 13-101. <u>Health officer</u>. The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality.
- 13-102. <u>House trailers</u>. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code.
- 13-103. <u>Smoke, soot, cinders, etc.</u> 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

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: section 16-107.

Toilet facilities in beer places: section 8-213(12).

Wastewater treatment: title 18, chapter 2.

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.

- 13-104. <u>Stagnant water</u>. 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.
- 13-105. Weeds and grass. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder to cut such vegetation when it has reached a height of over one (1) foot.
- 13-106. <u>Dead animals</u>. 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 recorder and dispose of such animal in such manner as the city recorder shall direct.
- 13-107. <u>Health and sanitation nuisances</u>. 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.
- 13-108. <u>Violations and penalty</u>. Violations of this chapter shall be punished in accordance with the general penalty provision of this municipal code of ordinances except that violations of section 13-104 shall be handled in accordance with the provisions of that section.

JUNKYARDS

SECTION 13-201. Junkyards.

- 13-201. <u>Junkyards</u>.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:
- (1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- (2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.
- (3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

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

¹State law reference

ZONING AND LAND USE CONTROL

CHAPTER

- 1. MUNICIPAL PLANNING COMMISSION.
- 2. ZONING ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.
- 14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, section 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 town council selected by the town council; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the town council shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (Ord. # XI, Apr. 1984)
- 14-102. <u>Organization</u>, 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 <u>Tennessee Code Annotated</u>, title 13. (Ord. # XI, Apr. 1984)

14-103. Additional powers.¹ The planning commission shall be designated as the board of zoning appeals. The procedures for this board are outlined in section 16-1 of the Zoning Ordinance for Pleasant Hill, Tennessee. (Ord. # XI, Apr. 1984, modified)

¹State law reference

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

ZONING ORDINANCE

SECTION

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

14-201. <u>Land use to be governed by zoning ordinance</u>. Land use within the Town of Pleasant Hill shall be governed by Ordinance Number 7, titled "Zoning Ordinance, Pleasant Hill, Tennessee," and any amendments thereto.¹

¹Ordinance No. 7, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. Driving under the influence.
- 15-105. One-way streets.
- 15-106. Unlaned streets.
- 15-107. Laned streets.
- 15-108. Yellow lines.
- 15-109. Miscellaneous traffic control signs, etc.
- 15-110. General requirements for traffic control signs, etc.
- 15-111. Unauthorized traffic control signs, etc.
- 15-112. Presumption with respect to traffic control signs, etc.

Excavations and obstructions in streets, etc.: title 16.

²State law references

Under <u>Tennessee Code Annotated</u>, section 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by <u>Tennessee Code Annotated</u>, section 55-10-401; failing to stop after a traffic accident, as prohibited by <u>Tennessee Code Annotated</u>, section 55-10-101 et seq.; driving while license is suspended or revoked, as prohibited by <u>Tennessee Code Annotated</u>, section 55-7-116; and drag racing, as prohibited by <u>Tennessee Code Annotated</u>, section 55-10-501.

¹Municipal code reference

- 15-113. School safety patrols.
- 15-114. Driving through funerals or other processions.
- 15-115. Clinging to vehicles in motion.
- 15-116. Riding on outside of vehicles.
- 15-117. Backing vehicles.
- 15-118. Projections from the rear of vehicles.
- 15-119. Causing unnecessary noise.
- 15-120. Vehicles and operators to be licensed.
- 15-121. Passing.
- 15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-123. Delivery of vehicle to unlicensed driver, etc.
- 15-101. <u>Motor vehicle requirements</u>. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by <u>Tennessee Code Annotated</u>, title 55, chapter 9.
- 15-102. <u>Driving on streets closed for repairs</u>, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose.
- 15-103. <u>Reckless driving</u>. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property.
- 15-104. <u>Driving under the influence</u>. (See <u>Tennessee Code Annotated</u>, sections 55-10-401, 55-10-303, and 55-10-307).
- 15-105. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction.
- 15-106. <u>Unlaned streets</u>. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:
 - (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
 - (b) When the right half of a roadway is closed to traffic while under construction or repair.
 - (c) Upon a roadway designated and signposted by the town for one-way traffic.
- (2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as

close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

15-107. <u>Laned streets</u>. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary.

15-108. <u>Yellow lines</u>. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street.

15-109. <u>Miscellaneous traffic control signs, etc.</u>¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

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

15-110. General requirements for traffic control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive.

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: sections 15-505--15-509.

¹Municipal code references

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

- 15-111. <u>Unauthorized traffic control signs, etc.</u> No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal.
- 15-112. <u>Presumption with respect to traffic control signs, etc.</u> When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper town authority.
- 15-113. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals.
- 15-114. <u>Driving through funerals or other processions</u>. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated.
- 15-115. <u>Clinging to vehicles in motion</u>. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place.
- 15-116. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks.
- 15-117. <u>Backing vehicles</u>. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

- 15-118. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle.
- 15-119. <u>Causing unnecessary noise</u>. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle.
- 15-120. <u>Vehicles and operators to be licensed</u>. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law."
- 15-121. <u>Passing</u>. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety.

- 15-122. <u>Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.</u>
 (1) <u>Definitions</u>. For the purpose of the application of this section, the following words shall have the definitions indicated:
 - (a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.
 - (b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor capacity that does not exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);
 - (c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.
- (2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.
- (3) No person operating or riding a bicycle, motorcycle, motor driven cycle or motorized bicycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.
- (4) No bicycle, motorcycle, motor driven cycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- (5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.
- (6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.
- (7) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.
- (8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistent lens for the

purpose of preventing any flying object from striking the operator or any passenger in the eyes.

- (9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section.
 - 15-123. <u>Delivery of vehicle to unlicensed driver, etc.</u> (1) <u>Definitions</u>.
 - (a) "Adult" shall mean any person eighteen years of age or older.
 - (b) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.
 - (c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.
 - (d) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.
 - (e) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.
- (2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the Town of Pleasant Hill unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.
- (3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the town in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the town.

EMERGENCY VEHICLES

SECTION

- 15-201. Authorized emergency vehicles defined.
- 15-202. Operation of authorized emergency vehicles.
- 15-203. Following emergency vehicles.
- 15-204. Running over fire hoses, etc.
- 15-201. <u>Authorized emergency vehicles defined</u>. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police.
- 15-202. Operation of authorized emergency vehicles.¹ (1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- (2) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.
- (3) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.
- (4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Operation of other vehicle upon the approach of emergency vehicles: section 15-501.

¹Municipal code reference

- 15-203. <u>Following emergency vehicles</u>. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.
- 15-204. <u>Running over fire hoses, etc</u>. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman.

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-301. <u>In general</u>. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply.

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

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

In school zones where the town council has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving.

TURNING MOVEMENTS

SECTION

- 15-401. Generally.
- 15-402. Right turns.
- 15-403. Left turns on two-way roadways.
- 15-404. Left turns on other than two-way roadways.
- 15-405. U-turns.
- 15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹
- 15-402. <u>Right turns</u>. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.
- 15-403. <u>Left turns on two-way roadways</u>. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways.
- 15-404. <u>Left turns on other than two-way roadways</u>. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered.
 - 15-405. <u>U-turns</u>. U-turns are prohibited.

Tennessee Code Annotated, section 55-8-143.

¹State law reference

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic control signals generally.
- 15-508. At flashing traffic control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled.
- 15-501. <u>Upon approach of authorized emergency vehicles</u>.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- 15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles.
- 15-503. <u>To prevent obstructing an intersection</u>. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed.
- 15-504. <u>At railroad crossings</u>. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the

Special privileges of emergency vehicles: title 15, chapter 2.

¹Municipal code reference

nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.
- 15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety.
- 15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted.
- 15-507. At traffic control signals generally. Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) <u>Green alone, or "Go":</u>

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

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

- (a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
- (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) <u>Steady red alone, or "Stop"</u>:

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

(4) Steady red with green arrow:

- (a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.
- (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.
- (5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal.
- 15-508. <u>At flashing traffic control signals</u>. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town it shall require obedience by vehicular traffic as follows:
 - (a) <u>Flashing red (stop signal)</u>. When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 - (b) <u>Flashing yellow (caution signal)</u>. When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

- (2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in section 15-504 of this code.
- 15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the town, such signals shall apply as follows:
- (1) <u>Walk</u>. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- (2) <u>Wait or Don't Walk</u>. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing.
- 15-510. <u>Stops to be signaled</u>. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law, except in an emergency.

¹State law reference

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by parking meters.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. Presumption with respect to illegal parking.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

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

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street.

15-602. <u>Angle parking</u>. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet.

- 15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space.
- 15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or town, nor:
- (1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic.
 - (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within fifteen feet (15') of a fire hydrant;
 - (5) Within a pedestrian crosswalk;
 - (6) Within twenty feet (20) of a crosswalk at an intersection;
- (7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
 - (8) Within fifty feet (50') of the nearest rail of a railroad crossing;
- (9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under <u>Tennessee Code Annotated</u>, title 55, chapter 21.
- 15-605. <u>Loading and unloading zones</u>. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone.
- 15-606. <u>Regulation by parking meters</u>. In the absence of an official sign to the contrary which has been installed by the town, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the town council, parking shall be regulated by parking meters where the same

have been installed by the town. The presumption shall be that all installed parking meters were lawfully installed by the town.

- 15-607. <u>Lawful parking in parking meter spaces</u>. Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon.
- 15-608. <u>Unlawful parking in parking meter spaces</u>. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one time. Insertion of additional coin or coins in the meter to purchase additional time is unlawful.

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked.

- 15-609. <u>Unlawful to occupy more than one parking meter space</u>. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters.
- 15-610. <u>Unlawful to deface or tamper with meters</u>. It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter.
- 15-611. <u>Unlawful to deposit slugs in meters</u>. It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States.
- 15-612. <u>Presumption with respect to illegal parking</u>. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking.

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Deposit of driver license in lieu of bail.

15-701. <u>Issuance of traffic citations</u>.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address.

15-702. <u>Failure to obey citation</u>. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued.

15-703. <u>Illegal parking</u>. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) days during the hours and at a place specified in the citation.

If the offense is a parking meter parking violation, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the town recorder a fine of one dollar (\$1.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days, but before a warrant for his arrest is issued, his fine shall be

¹State law reference

Tennessee Code Annotated, section 7-63-101 et seg.

three dollars (\$3.00). For other parking violations the offender may similarly waive his right to a judicial hearing and have the charges disposed of out of court, but the fines shall be three dollars (\$3.00) within thirty (30) days and five dollars (\$5.00) thereafter, except for the violation of parking in a handicapped parking space under section 15-604(13) of this code, for which the offender may be punished according to the general penalty provisions of this code of ordinances.

- 15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been issued and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of.
- 15-705. <u>Disposal of abandoned motor vehicles</u>. "Abandoned motor vehicles," as defined in <u>Tennessee Code Annotated</u>, section 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of <u>Tennessee Code Annotated</u>, sections 55-16-103 through 55-16-109.
- 15-706. Deposit of driver license in lieu of bail. (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any town ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the town court of this town in answer to such charge before said court.
- (2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than

the time necessary for an appropriate adjudication of the matter in the town court, and shall state such period of validity on its face.

(3) <u>Failure to appear - disposition of license</u>. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the town court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, section 55-50-801 et seq.

TITLE 16

STREETS AND SIDEWALKS, ETC.

CHAPTER

- 1. MISCELLANEOUS.
- 2. EXCAVATIONS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Permit required.
- 16-102. Notice of rejection.
- 16-103. Right to appeal.
- 16-101. <u>Permit required</u>. No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the mayor.
 - (1) <u>Exceptions</u>. This chapter shall not apply to:
 - (a) Funeral processions;
 - (b) Students going to and from classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;
 - (c) A governmental agency acting within the scope of its functions.
- (2) Any person who desires to conduct a parade involving two (2) or more vehicles, humans, bicycles, or animals, on the streets of this town, shall make application to the mayor, for a permit authorizing such activity, and no such parade shall be conducted without first receiving such a permit.
- (3) Those seeking parade permits shall make application to the mayor in writing at least thirty (30) days prior to the contemplated parade date and time of day setting out the number of vehicles and/or units, the purpose of and sponsorship of the activity, and the route desired. (Ord. # 12, Feb. 1985)
- 16-102. <u>Notice of rejection</u>. The mayor shall act upon the application for a parade permit within seven (7) days after the filing thereof. If the mayor disapproves the application, he shall mail to the applicant within seven (7) days after the date upon the application was filed, a notice of the action, stating the reasons for the denial of the permit. (Ord. # 12, Feb. 1985)
- 16-103. <u>Right to appeal</u>. Any person aggrieved shall have the right to appeal the denial of a parade permit to the town council. The appeal shall be

taken within seven (7) days after notice. The town council shall act upon the appeal within seven (7) days after its receipt. (Ord. # 12, Feb. 1985)

EXCAVATIONS

SECTION 16-201. Requirements.

- 16-201. Requirements. The following minimum requirements are established for open cut trenching, backfilling and replacement paving of all town streets. (1) One-half of the traveled portion of the pavement must remain open to traffic at all times with the contractor responsible for traffic control.
- (2) If permanent pavement repairs cannot be made within two (2) days, then temporary replacement shall be made two inches (2) of cold mix or hot bituminous sealcoat over compacted crushed stone.
- (3) Materials and workmanship shall comply with "Standards Specifications for Road and Bridge Construction" issued by the Tennessee Department of Transportation, January 1, 1968. Any change or amendment from time to time will be effective. All work is subject to inspection and approval by the roads councilor or the mayor.
- (4) Trenches under roadways shall be backfilled to the base of the pavement or a minimum of nine inches (9") below finished grade, which ever is greater, with crushed stone. Pavement will be removed for a minimum of one foot on each side of the trench. The depth of the patch shall be the depth of the existing pavement or nine inches (9") whichever is greater. The patch shall be finished so as not to leave a bump or dip in the finished grade. Pavement shall be replaced in kind as shown below or as directed by the roads councilor or mayor.
- (5) "Perpetual care" any person, firm, corporation, public or private utility, association, or others effecting a public way within the town shall be responsible for the perpetual care of all street cuts until the street is resurfaced by the Town of Pleasant Hill. Repairs shall be made in accordance with specifications furnished by the Town of Pleasant Hill. It shall be the responsibility of the mayor to give notice in writing to appropriate utilities when street repairs are needed. Said notice shall state location of needed repairs and specify a reasonable period of time in which repairs must be made. Failure to comply to said notice shall be a violation of the law and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (6) The contractor, or others effecting a public way within the town, will bear the costs of placing a notice in the local newspaper for three days during the week preceding the actual road work. The notice will indicate the date and times that the road will be closed to traffic.

Now therefore be it ordained that no deviation from these requirements shall be allowed without the specific written authorization from the mayor. (Ord. # XXXIX, Sept. 1991)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

- 1. REFUSE STORAGE AND COLLECTION.
- 2. ROADSIDE COLLECTIONS.

CHAPTER 1

REFUSE STORAGE AND COLLECTION

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. Disposal.
- 17-108. Refuse collection fees.
- 17-101. <u>Refuse defined</u>. 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.
- 17-102. <u>Premises to be kept clean</u>. 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.
- 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 likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons. This maximum capacity shall not apply to larger containers that the city handles mechanically. Furthermore, except for containers that the city handles mechanically, the combined weight of any refuse container and its contents shall not exceed

Property maintenance regulations: title 13.

¹Municipal code reference

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 five (5) feet and shall be stacked in piles not to exceed five (5) feet in length and three (3) feet in height and depth and weighing not more than seventy-five (75) pounds each. No more than four (4) such piles shall be put out on any one trash day. Loose materials such as leaves, pine needles, and small clippings shall be put in plastic bags. (as amended by Ord. #CXIII, Dec. 2004)

- 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.
- 17-105. <u>Disturbing containers</u>. 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.
- 17-106. <u>Collection</u>. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the town council shall designate. Collections shall be made regularly in accordance with an announced schedule.
- 17-107. <u>Disposal</u>. 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 town council is expressly prohibited.
- 17-108. <u>Refuse collection fees</u>. Refuse collection fees shall be at such rates as are from time to time set by the town council by ordinance or resolution.¹

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

ROADSIDE COLLECTIONS

SECTION

- 17-201. Schedule to be published.
- 17-202. Amount of collections.
- 17-203. Fee exemption.
- 17-201. <u>Schedule to be published</u>. A schedule of collection of materials will be published by the town, and residents who wish to avail of this service should place materials to be collected at roadside of their residences accordingly. (Ord. #LXXV, Oct. 1998)
- 17-202. <u>Amount of collections</u>. Quarterly collection fees will amount to twenty (20.00) dollars quarterly or seventy-five (75.00) annually. (Ord. #LXXV, Oct. 1998, as amended by Ord. #CXIII, Dec. 2004)
- 17-203. <u>Fee exemption</u>. Residents who wish to avail this service, but for whom payment of the fee is a hardship may apply for fee exemption to the town council. (Ord. #LXXV, Oct. 1998)

TITLE 18

WATER AND SEWERS

CHAPTER

- 1. SEWAGE DISPOSAL.
- 2. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

SEWAGE DISPOSAL

SECTION

- 18-101. Definitions.
- 18-102. Places required to have sanitary disposal methods.
- 18-103. When a connection to the public sewer is required.
- 18-104. When a septic tank shall be used.
- 18-105. Registration and records of septic tank cleaners, etc.
- 18-106. Use of pit privy or other method of disposal.
- 18-107. Approval and permit required for septic tanks, privies, etc.
- 18-108. Owner to provide disposal facilities.
- 18-109. Occupant to maintain disposal facilities.
- 18-110. Only specified methods of disposal to be used.
- 18-111. Discharge into watercourses restricted.
- 18-112. Pollution of ground water prohibited.
- 18-113. Enforcement of chapter.
- 18-114. Carnivals, circuses, etc.
- 18-115. Violations.
- 18-101. <u>Definitions</u>. The following definitions shall apply in the interpretation of this chapter.
- (1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.
- (2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.
- (3) "Human excreta." The bowel and kidney discharges of human beings.
- (4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.
- (5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer.

- (6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.
- (7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.
- (8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently.
- 18-102. <u>Places required to have sanitary disposal methods</u>. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta.
- 18-103. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed.
- 18-104. When a septic tank shall be used. Wherever water-carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

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

18-105. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer.

- 18-106. <u>Use of pit privy or other method of disposal</u>. Wherever a sanitary method of human excreta disposal is required under section 18-202 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided.
- 18-107. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system.
- 18-108. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by section 18-102, or the agent of the owner to provide such facilities.
- 18-109. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein.
- 18-110. <u>Only specified methods of disposal to be used</u>. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter.
- 18-111. <u>Discharge into watercourses restricted</u>. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board.
- 18-112. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water.
- 18-113. <u>Enforcement of chapter</u>. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the

health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction.

- 18-114. <u>Carnivals, circuses etc.</u> Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section.
- 18-115. <u>Violations</u>. Any person, persons, firm, association, or corporation or agent thereof who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code.

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

SECTION

- 18-201. Definitions.
- 18-202. Regulated.
- 18-203. Statement required.
- 18-204. Violations.
- 18-201. <u>Definitions</u>. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.
- (1) "Public water supply." The water works system furnishing water to the municipality 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 ineffective check or back pressure valves, or because of any other arrangement.
- (3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.
- (4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.
- (5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool storage reservoir, or other device which normally contains sewage or other waste or liquid which would be capable of importing contamination to the public water supply.
- (6) "Person." Any and all persons, natural or artificial, including any individual firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or county.
- 18-202. Regulated. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Public Health, and the operation of such cross-connection, auxiliary intake, by-pass, or interconnection is at all times under the direct supervision of the superintendent of the water works of this municipality.
- 18-203. <u>Statement required</u>. Any person whose premises are supplied with water from the public water supply, and who also has on the same

premises a separate source of water supply, or stores water in an uncovered or insanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the water works, a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or interconnection will be permitted upon the premises until the construction and operation of some have received the approval of the Tennessee Department of Public Health, and the operation and maintenance of some have been placed under the direct supervision of the superintendent of the water works.

18-204. <u>Violations</u>. Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the water works. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the water works shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or interconnection, auxiliary intake, by-pass, or interconnection has been discontinued.

TITLE 19

ELECTRICITY AND GAS

(RESERVED FOR FUTURE USE)

TITLE 20

$\underline{\text{MISCELLANEOUS}}$

(RESERVED FOR FUTURE USE)

ORDINANCE NO. L

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION [AND REVISION] OF THE ORDINANCES OF THE TOWN OF PLEASANT HILL, TENNESSEE.

WHEREAS some of the ordinances of the Town of Pleasant Hill are obsolete, and

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

WHEREAS the Board of Mayor and Aldermen of the Town of Pleasant Hill, 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 "Pleasant Hill Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF PLEASANT HILL, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the town 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 "Pleasant Hill 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 town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing or authorizing the establishment of a social security system or providing or changing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel,

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

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

Section 5. Penalty clause. Unless otherwise specified, wherever in the municipal code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the municipal code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the municipal code shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law.

When any person is fined for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.¹

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

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see <u>Tennessee Code Annotated</u>, section 40-24-101 et seq.

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

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town 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 Feb. 9, 1993.

Passed 2nd reading MANCH 9, 1993.

Mayor

Dorothy C. Harrison

Recorder