

**THE
TAZEWELL
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

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Change 10
September 12, 2023

TOWN OF TAZEWELL, TENNESSEE

MAYOR

Bill Fannon

VICE MAYOR

Betsy Shoffner

ALDERMEN

JoAnn Bunch
Rusty Debusk
Patrick Hurley
Johnny Ramsey
Don Smith

RECORDER

Robin Sorke

PREFACE

The Tazewell Municipal Code contains the codification and revision of the ordinances of the Town of Tazewell, 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 Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, and Tracy Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Legal Consultant

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

1. All ordinances shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. (6-2-102)

2. Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published. (6-2-101)

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TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.

¹Charter references

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.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

For charter provisions related to the board of mayor and aldermen, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the board of mayor and aldermen, see the following sections:

City Administrator: § 6-4-101.

Compensation: § 6-3-109.

Duties of Mayor: § 6-3-106.

Election of the board: § 6-3-101.

Oath: § 6-3-105.

Ordinance procedure

Publication: § 6-2-101.

Readings: § 6-2-102.

Residence requirements: § 6-3-103.

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

- 1-104. Compensation of aldermen.
- 1-105. Aldermen elected from wards.
- 1-106. Powers and duties.
- 1-107. Compensation for officers and employees.
- 1-108. Elections date changed to November general election.
- 1-109. Administrative duties performed by annual appointment.
- 1-110. Compensation of officers, department heads and employees.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 6:30 P.M. on the second Tuesday of each month at the town hall. (1969 Code, § 1-101, as replaced by Ord. #336, Sept. 2021 *Ch10_09-12-23*)

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1969 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1969 Code, § 1-103, modified)

1-104. Compensation of aldermen. Each alderman shall receive the amount specified in the annual fiscal year budget of the town for each regular or special called meeting of the board of mayor and aldermen he or she attends. (1969 Code, § 1-104, as amended by Ord. #133, July 1985, and Ord. #211, Sept. 2003)

1-105. Aldermen elected from wards. The town is divided into three wards as shown on the ward map of record in the recorder's office.¹ Two

¹State law reference

aldermen shall be elected from each ward by the voters at large. (1969 Code, § 1-105)

1-106. Powers and duties. The board of mayor and aldermen shall approve all employment, promotions, disciplinary actions, suspensions, and discharges of any employee, officer, or department heads in accordance with the personnel policies and procedures that have been adopted or may be adopted by the board of mayor and aldermen. (Ord. #159, Sept. 1991, as amended by Ord. #215, Oct. 2004)

1-107. Compensation for officers and employees. Compensation for all officers and employees of the town shall be made by the board and adopted as part of the annual budget of the town. (Ord. #159, Sept. 1991)

1-108. Election date changed to November general election. (1) The terms of the mayor and aldermen elected in December 2007 shall be extended from the first day of January 2008 until the thirtieth day of November of 2012 after the election on the Tuesday after the first Monday in November of 2012, which will increase their terms by eleven (11) months.

(2) The terms of the three alderman elected in December of 2005 shall be extended to the thirtieth of November 2010 after the election on the Tuesday after the first Monday in November 2010, which will increase their terms by eleven (11) months. (as added by Ord. #215, Oct. 2004)

1-109. Administrative duties performed by annual appointment. The administrative duties of the town will be performed by an annual appointment by the board of aldermen appointee. This may be the mayor, city recorder, or another employee of the Town of Tazewell, Tennessee. All appointments to this position will be in compliance with state law, ordinances of the Town of Tazewell, Tennessee and any other requirements that may be applicable in the future. The board of mayor and aldermen reserve the right to make adjustments or reappoint entirely the administrative duties set forth in the annual appointment. If the mayor is appointed then, this appointee will be governed by the duties set forth in Tennessee Code Annotated, § 6-3-106 and any policies, ordinances, and procedures adopted by the board of mayor and aldermen. If the board of aldermen appoints the city recorder then, this appointee will be governed by the duties set forth in Tennessee Code Annotated, § 6-4-101 and any polices, ordinances, and procedures adopted by the board of mayor and aldermen. At the annual appointment of the administrator, the board of mayor and aldermen may dictate a joint administration to share the duties between the mayor's office and the appointee. This shall be done in writing to

(...continued)

Tennessee Code Annotated, §§ 6-54-101 and 6-54-102.

promote the most efficient and clairvoyant instruction to the appointee for the day to day needs of the town and reflect state law, ordinances, policies and procedures adopted by the board of mayor and aldermen. (as added by Ord. #215, Oct. 2004)

1-110. Compensation of officers, department heads and employees. Compensation for all officers, department heads, and employees of the Town of Tazewell, Tennessee shall be made by the board of mayor and aldermen and adopted as part of the annual budget of the town. (as added by Ord. #215, Oct. 2004)

CHAPTER 2

MAYOR¹

SECTION

- 1-201. Generally supervises town's affairs.
- 1-202. Executes town's contracts.
- 1-203. Expense allowance.
- 1-204. Compensation.
- 1-205. Powers and duties.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities.² (1969 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts authorized by the board of mayor and aldermen. (1969 Code, § 1-202)

1-203. Expense allowance. The mayor shall receive one hundred and fifty dollars (\$150.00) per month for expenses. (1969 Code, § 1-203)

1-204. Compensation. The mayor shall receive the amount specified in the annual fiscal year budget of the town for each regular or special called meeting of the board of mayor and aldermen he or she attends. (1969 Code, § 1-104, as amended by Ord. #133, July 1985, and Ord. #211, Sept. 2003)

1-205. Powers and duties. The mayor shall be authorized to see that all department heads and employees are carrying out the duties, directives, and procedures set forth by the board. The mayor will counter sign all warrants or checks issued by the town or authorize other members of the board in his absence to counter sign with the city recorder. The mayor must approve any suspension, disciplinary actions or discharges of any officer or employee made by the board's administrative appointee, unless it is the mayor that has been appointed to this position by the board. In this case this will be considered a

¹Charter references

For charter provisions related to the mayor, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the mayor, see the following sections:

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

²Charter reference

Duties of mayor: § 6-3-106.

temporary action until the next meeting of the board of mayor and aldermen.
(Ord. #159, Sept. 1991, as replaced by Ord. #215, Oct. 2004)

CHAPTER 3

RECORDER¹

SECTION

- 1-301. To be bonded.
- 1-302. To keep minutes, etc.
- 1-303. [Deleted].
- 1-304. Powers and duties.

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by the board of mayor and aldermen and with such surety as may be acceptable to the board. (1969 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1969 Code, § 1-302)

1-303. [Deleted]. (1969 Code, § 1-303, as deleted by Ord. #215, Oct. 2004)

1-304. Powers and duties. The Board of Mayor and Aldermen of the Town of Tazewell, Tennessee shall appoint a city recorder and will perform the duties set forth in Tennessee Code Annotated, §§ 6-4-201, 202, 203, and 204. If the city recorder is not appointed to the administrative role as defined in § 1-110 of this chapter the recorder may serve as finance director or treasurer or both as stated in Tennessee Code Annotated, § 6-4-201. If the board does not appoint an individual to this department the city recorder shall be judge if the position is not filled by appointment by the board of mayor and aldermen as set forth in Tennessee Code Annotated, § 6-4-301. (Ord. #159, Sept. 1991, as replaced by Ord. #215, Oct. 2004)

¹Charter references

City recorder: § 6-4-201 et seq.

Recorder as treasurer: § 6-4-401(c).

Recorder as judge: § 6-4-301(b)(1)(C).

CHAPTER 4

CODE OF ETHICS¹

SECTION

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

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

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

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

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

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

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

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

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

1-410. Ethics complaints.

1-411. Violations.

1-401. Applicability. This chapter is the code of ethics for personnel of the Town of Tazewell, Tennessee. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the town. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #232, June 2007)

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

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #232, June 2007)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (as added by Ord. #232, June 2007)

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

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

affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #232, June 2007)

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

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #232, June 2007)

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

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #232, June 2007)

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

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #232, June 2007)

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

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #232, June 2007)

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

performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #232, June 2007)

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

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #232, June 2007)

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #232, June 2007)

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER****1. PARKS AND RECREATION ADVISORY BOARD.****CHAPTER 1****PARKS AND RECREATION ADVISORY BOARD****SECTION**

2-101. Creation and membership.

2-102. Duties of the parks and recreation advisory board.

2-101. Creation and membership. (1) The board of mayor and aldermen hereby creates a Town of Tazewell Parks and Recreation Board to consist of five (5) members to be appointed by the board in regular session to serve at three (3) year terms after the first year. The first board shall consist of two (2) members appointed for three (3) years, two (2) members appointed for two (2) years and one (1) member appointed for one (1) year resulting in annual appointments or reappointments to this board. These appointments are to be made without any consideration of age, sex, handicap, creed or color with the only requirement being a resident of the Town of Tazewell and remain a resident while serving as a board member. Any vacancy that may come about by resignation, non-residency or death shall be filled by the board of mayor and aldermen for the remainder of that term.

(2) The members appointed to this board will meet within thirty (30) days to adopt the bylaws and elect a chairman of the board. The town recorder shall appoint a town employee to serve as a non voting secretary to keep records and minutes of the Town of Tazewell Parks and Recreation Board and these records are to become an official part of the town's records. (as added by Ord. #191, July 1998)

2-102. Duties of the parks and recreation advisory board. (1) The advisory board shall have the duties to design and produce policy for all areas held for public recreation and parks by the town. A signed copy of their minutes will be forwarded to the board of mayor and aldermen to document their decisions and for final approval by the governing board.

(2) The board is authorized to issue direction to contractors, landscapers or other authorized personnel on behalf of the town on items such as placement of buildings, design, color, style or the concept of any building or landscaping of these areas prior to implementation.

(3) The board may present a budget to the board of mayor and aldermen for their consideration on the annual needs for the parks and all recreational activities of the town.

(4) The board of mayor and aldermen hereby retains the right to overrule any decision of the advisory board on policy, funds or expenditures for parks and recreation activities. (as added by Ord. #222, Aug. 2006)

TITLE 3**MUNICIPAL COURT¹****CHAPTER**

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

CHAPTER 1**CITY JUDGE AND MUNICIPAL COURT****SECTION**

3-101. City judge.

3-101. Municipal court clerk.

3-101. City judge. (1) The City Judge for the Town of Tazewell, Tennessee shall be at least twenty five (25) years of age and shall be a resident of Claiborne County. In the event he or she removes their residency from Claiborne County, he, she shall automatically vacate his or her office.

(2) The city judge shall be appointed or elected for a two (2) year term effective July 01, 2007 and every two (2) years thereafter by the board of mayor and aldermen of the town.

(3) Vacancies in the office of city judge shall be filled by the board of mayor and aldermen of the town.

(4) The compensation of the city judge shall be set at the appointment or the election of the judge and cannot be changed during the term of office.

(5) During the absence or the disability of the city judge, the mayor may appoint a judge pro tem until the next meeting of the board of mayor and aldermen who may appoint a city judge pro tem to serve until the city judge returns to his duties. The judge pro tem shall have all the authorities and the powers of the city judge.

(6) The city judge is an appointed or elected judge and shall have jurisdiction only over violations of the municipal ordinances. (1969 Code, § 1-501, as replaced by Ord. #231, May 2007)

¹Charter references

City Judge--City Court: § 6-4-301.

3-102. Municipal court clerk. (1) The municipal court clerk shall be a town employee designated by the board of mayor and aldermen to serve in this position with the compensation as part of their existing duties.

(2) The municipal court clerk is required to keep all municipal court related records, receipt, deposit all monies collected by the court, make all required state reports and payment of all required state litigation taxes.

(3) The board of mayor and aldermen of the town will make appointment of the municipal court clerk at their will and pleasure or by employee changes. (as added by Ord. #231, May 2007)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

3-203. Disposition and report of files, penalties, and costs.

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1969 Code, § 1-502)

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

(1) Court costs are hereby set in the amount of one hundred seventy dollars (\$170.00).

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

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55 -10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction. (1969 Code, § 1-508, as amended by Ord. #326, Dec. 2019 ***Ch9_08-11-20***, and Ord. #327, Dec. 2019 ***Ch9_08-11-20***)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid daily to the town. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1969 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane or blasphemous language, or by any distracting conduct whatsoever. (1969 Code, § 1-512)

3-205. Trail and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1969 Code, § 1-506)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1969 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons, ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1969 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1969 Code, § 1-505)

¹State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

- 3-401. Appearance bonds authorized.
- 3-402. Appeals.
- 3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1969 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days thereafter, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1969 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1969 Code, § 1-510)

¹State law reference
Tennessee Code Annotated, § 27-5-101.

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

1. SOCIAL SECURITY--TOWN PERSONNEL.
2. VACATION AND SICK LEAVE.
3. MISCELLANEOUS PERSONNEL REGULATIONS.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
5. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1**SOCIAL SECURITY--TOWN PERSONNEL****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 to be made.
- 4-106. Exclusions.
- 4-107. When coverage effective.
- 4-108. Tennessee Consolidated Retirement System.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Tazewell, Tennessee to extend, as of the date hereinafter set forth, to the employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance, as authorized by the Federal Social Security Act and Amendments thereto, including Public Law 734-81st Congress. In pursuance of said policy and for that purpose, the said town shall take such action as may be required by applicable state and federal laws or regulations. (1969 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor of the Town of Tazewell, Tennessee, is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the director of old age insurance agency, State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1969 Code, § 1-702)

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 federal or state laws or regulations, and shall be paid over to the federal or state agency designated by said laws or regulations. (1969 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions which shall be paid over to the state or federal agency designated by said laws or regulations. (1969 Code, § 1-704)

4-105. Records and reports to be made. The Town of Tazewell shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1969 Code, § 1-705)

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the said town or any employee, official or position not authorized to be covered under applicable state or federal laws or regulations.

Furthermore, there is excluded from this chapter any authority to make any agreement with respect to any employee or official in the following classification of positions.

- (1) Employees engaged in rendering services in part-time positions. (a position not requiring at least 600 hours of service each year.)
- (2) Full-time employees engaged in rendering services in positions the compensation for which is on a fee basis.
- (3) Part-time employees engaged in rendering services in positions the compensation for which is on a fee basis.
- (4) Elective officials engaged in rendering "executive" services.
- (5) Elective officials engaged in rendering "legislative" services.
- (6) Elective officials engaged in rendering "judicial" services.

The mayor is authorized and directed to execute an amendment to said agreement of to exclude from coverage under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of an election worker and an election official if the remuneration paid for such services in a calendar year is less than \$1,000 on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount determined under § 218(c)(8)(B) of the Social Security Act for any calendar year, commencing on or after January 1, 2000, with respect to services performed during any such calendar year. This exclusion to be effective in and after a calendar year in which a State's

Modification is mailed, or delivered by other means, to the appropriate federal official. (1969 Code, § 1-706, as amended by Ord. #170, April 1995)

4-107. When coverage effective. The coverage afforded by this chapter shall be effective the 1st day of January, 1975. (1969 Code, § 1-707)

4-108. Tennessee Consolidated Retirement System. Effective on July 01, 1997, employees of the Town of Tazewell are covered under the Tennessee Consolidated Retirement System with the same qualifications set forth in §§ 4-103, 4-104, 1-105, 4-106 of this chapter of the code. (as added by Ord. #211, Sept. 2003)

CHAPTER 2

VACATION AND SICK LEAVE

SECTION

- 4-201. Applicability of chapter.
- 4-202. Vacation leave.
- 4-203. [Deleted.]
- 4-204. Leave records.
- 4-205. Official holidays of the town.

4-201. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees employed by the board of mayor and aldermen. (1969 Code, § 1-801)

4-202. Vacation leave. All officers and employees shall be given one (1) week (forty (40) hours) of vacation leave with pay per year after one (1) year, two (2) weeks (eighty (80) hours) of vacation leave after five (5) years, and three (3) weeks (one hundred twenty (120) hours) of vacation leave after ten (10) years. Such vacation leave shall be taken at a time approved by the mayor or such other officer as he/she may designate. No two (2) weeks can be taken consecutively. Employees with one (1) year and up to nine (9) years of employment can accrue up to eighty (80) hours of vacation leave and employees with ten (10) or more years of employment can accrue one hundred twenty (120) hours of vacation leave. The employee may elect to receive compensation in lieu of time taken for up to forty (40) hours during the anniversary year. Upon separation, employees are entitled to be reimbursed for any unused vacation leave, not to exceed the maximum accrual allowed for the years of service completed. (1969 Code, § 1-802, modified, as replaced by Ord. #322, April 2019 *Ch 9_08-11-20*)

4-203. [Deleted.] (1969 Code, § 1-803, as replaced by Ord. #242, Sept. 2008, and deleted by Ord. #270, Jan. 2012)

4-204. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credit earned and leave taken under this chapter. (1969 Code, § 1-804)

4-205. Official holidays of the town. The town will observe the following dates as the official holidays of the town and these dates will be observed by all employees with pay:

- (1) New Year's Day
- (2) Martin Luther King, Jr. Day
- (3) Presidents Day

- (4) Good Friday
- (5) Memorial Day
- (6) Juneteenth
- (7) Independence Day
- (8) Labor Day
- (9) Columbus Day
- (10) Veteran's Day
- (11) Thanksgiving Day
- (12) Day after Thanksgiving
- (13) Christmas Eve
- (14) Christmas Day
- (15) One-half (1/2) day on any weekday election. (as added by Ord. #195, March 2000, replaced by Ord. #322, April 2019 **Ch9_08-11-20**, and amended by Ord. #341, Aug. 2022 **Ch10_09-12-23**, and Ord. #342, Nov. 2022 **Ch_09-12-23**)

CHAPTER 3

MISCELLANEOUS PERSONNEL REGULATIONS

SECTION

- 4-301. Business dealings.
- 4-302. Acceptance of gratuities.
- 4-303. Outside employment.
- 4-304. Political activity.
- 4-305. Use of municipal time, facilities, etc.
- 4-306. Use of position.
- 4-307. Strikes and unions.
- 4-308. Sexual harassment prohibited.
- 4-309. Sexual harassment defined.
- 4-310. Officers and employees to report sexual harassment.
- 4-311. Town to conduct investigation.
- 4-312. Violation.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the Town of Tazewell. (1969 Code, § 1-901)

4-302. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business. (1969 Code, § 1-902)

4-303. Outside employment. No full-time officer or employee of the Town of Tazewell shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1969 Code, § 1-903)

4-304. Political activity. 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 political campaign. These restrictions shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1969 Code, § 1-904, modified)

4-305. Use of municipal time, facilities, etc. 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 or any other private person or group. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1969 Code, § 1-905)

4-306. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1969 Code, § 1-906)

4-307. Strikes and unions. No municipal officer or employee shall participate in any strike against the town, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1969 Code, § 1-907)

4-308. Sexual harassment prohibited. The Town of Tazewell, Tennessee forbids any officer or employee to commit or practice any form of sexual harassment against another officer or employee of the town "on" or "off" duty. (as added by Ord. #186, June 1997)

4-309. Sexual harassment defined. The definition of sexual harassment under this section shall be: "Sexual harassment" is unwanted sexual conduct, or conduct based upon sex, by an employee's supervisor(s) or fellow employees or others at the work place that adversely affects an employee's job or job performance. Examples of conduct that may constitute sexual harassment are: sexual advances, requests for sexual favors, propositions, physical touching, sexual provocative language, sexual jokes, and the display of sexually-oriented pictures or photographs. (as added by Ord. #186, June 1997)

4-310. Officers and employees to report sexual harassment. Any officer or employee who believes that they have been subjected to any type of sexual harassment should immediately report this to the mayor, any of the aldermen or the city recorder. The town will investigate the matter with all confidentiality as possible and there will be no retaliation against any employee

who makes a claim of sexual harassment or might be a witness to the harassment. (as added by Ord. #186, June 1997)

4-311. Town to conduct investigation. The Town of Tazewell, Tennessee will conduct an immediate investigation in an attempt to determine all the facts concerning any alleged harassment complaint made. In the investigation the town will make every effort to be impartial until all facts are determined. If the town determines that no harassment has occurred or there is not sufficient evidence that the harassment occurred, this finding will be communicated to the complainant along with the reasons for this determination. If the town determines that sexual harassment has occurred, corrective action is to be taken as soon as possible. (as added by Ord. #186, June 1997)

4-312. Violation. Any officer or employee found to be in violation of these sections of the Tazewell Municipal Code (§§ 4-309, 310, 311) may be subject to the penalties set forth by the board of mayor and aldermen to include written reprimand, suspension (with or without pay), reduction in rank or pay or dismissal. (as added by Ord. #186, June 1997)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

SECTION

- 4-401. Title.
- 4-402. Purpose.
- 4-403. Coverage.
- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding the program plan.
- 4-408.--4-409. Deleted.

4-401. Title. This chapter shall be known as the "Occupational Safety and Health Program Plan" for the employees of the Town of Tazewell. (1969 Code, § 1-1001, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 *Ch9_08-11-20*)

4-402. Purpose. The Town of Tazewell in electing to update the established program plan will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:

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

¹The Plan of Operation for the Occupational Safety and Health Program for the Town of Tazewell is included as Appendix A.

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

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (1969 Code, § 1-1002, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 ***Ch9_08-11-20***)

4-403. Coverage. The provisions of the occupational safety and health program plan for the employees of the Town of Tazewell shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (1969 Code, § 1-1002, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 ***Ch9_08-11-20***)

4-404. Standards authorized. The occupational safety and health standards adopted by the Town of Tazewell are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (1969 Code, § 1-1002, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 ***Ch9_08-11-20***)

4-405. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (1969 Code, § 1-1003, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 ***Ch9_08-11-20***)

4-406. Administration. For the purposes of this chapter, the CITY RECORDER is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (as added by Ord. #186, June 1997, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 *Ch9_08-11-20*)

4-407. Funding the program plan. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the Town of Tazewell. (as added by Ord. #186, June 1997, as replaced by Ord. #278, March 2013, and Ord. #333, Aug. 2020 *Ch9_08-11-20*)

4-408.--4-409. Deleted. (as added by Ord. #186, June 1997, and deleted by Ord. #278, March 2013)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-501. Enforcement.

4-502. Travel policy.

4-503. Travel reimbursement rate schedule.

4-504. Administrative procedures.

4-501. Enforcement. The city recorder or his or her designee shall be responsible for the enforcement of these regulations. (Ord. #164, July 1993)

4-502. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" 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 town 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 town. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the city recorder. 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 town for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests aren't considered documentation of travel expenses. If travel expenses exceed documented expenses, the traveler must immediately reimburse the town. It will be the responsibility of the city recorder to initiate action to recover any undocumented travel advances.

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

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

(6) To qualify for reimbursement, travel expenses must be:

(a) directly related to the conduct of the town business for which travel was authorized, and

(b) actual, reasonable, and necessary under the circumstances. The city recorder 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 town or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the town aren't ordinarily considered eligible expenses for reimbursement. (Ord. #164, July 1993)

4-503. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The town's travel reimbursement rates will automatically change when the State of Tennessee rates are adjusted. The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #164, July 1993)

4-504. Administrative procedures. The town 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.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #164, July 1993)

TITLE 5**MUNICIPAL FINANCE AND TAXATION¹****CHAPTER**

1. MISCELLANEOUS.
2. PRIVILEGE TAXES.
3. WHOLESALE BEER TAX.
4. PURCHASING.
5. HOTEL/MOTEL TAX.

CHAPTER 1**MISCELLANEOUS****SECTION**

5-101. Official depository for town funds.

5-101. Official depository for town funds. The First Century Bank is hereby designated as the official depository for funds of the Town of Tazewell, and all institutions doing business with the Town of Tazewell, Tennessee, will require secured funds in accordance with the policies of the State of Tennessee Comptroller's Office. (Ord. #159, Sept. 1991, as amended by Ord. #211, Sept. 2003, Ord. #215, Oct. 2004, and Ord. #236, Nov. 2007)

¹Charter references

For specific charter provisions on depositories of municipal funds, see Tennessee Code Annotated, § 6-4-402.

CHAPTER 2

PRIVILEGE TAXES

SECTION

5-201. Tax levied.

5-202. License required.

5-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege (business) tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city/town at the rates and in the manner prescribed by the act. (1969 Code, § 6-101, as replaced by Ord. #329, Feb. 2020 *Ch9_08-11-20*)

5-202. License required. No person shall exercise any such privilege within the town without a currently effective privilege (business) license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1969 Code, § 6-102, as replaced by Ord. #329, Feb. 2020 *Ch9_08-11-20*)

CHAPTER 3**WHOLESALE BEER TAX****SECTION**

5-301. To be collected.

5-301. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the Town of Tazewell of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1969 Code, § 6-201)

¹State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax of 17% on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

CHAPTER 4

PURCHASING

SECTION

5-401. Purchasing policy.

5-401. Purchasing policy. (1) All purchasing other than monthly utilities, gasoline, insurances, lease payments, retainers, janitorial services, fire department, garbage services, state dues, authorized employee deductions and tax deposits will require that a purchase order be issued by the mayor, vice-mayor or department head.

(2) All purchase orders are to be made from local vendors if possible, if the local vendor is comparable in costs to out of town vendors including freight.

(3) All purchase orders will be issued in accordance with the annual budget adopted by the board of mayor and aldermen and for items or services for the Town of Tazewell only. Each purchase order must have the signatures of the department account is assigned. Authorization will be given on an annual basis to each department head on this policy and the assignment of accounts.

(4) Contracts shall be put for bid on the town's needs for garbage services, paving repairs, construction and general property repairs. The construction and general repair category may stay in house if it is shown to be more feasible and does not interfere with the town's regular duties provided by the existing staff.

(5) The current law of Tennessee Code Annotated limits on purchasing before bidding will be observed by bid soliciting or public notice for the town's needs.

(6) The mayor or department head, as defined by the board of mayor and aldermen, has the authority to purchase up to two thousand five hundred dollars (\$2,500.00) on their accounts. The limit can be raised to five thousand dollars (\$5,000.00) with the joint signature of the mayor. These purchases must be in compliance with the annual budget and its amendments by the board of mayor and aldermen. All purchases above the stated amount must have the approval of the board of mayor and aldermen. In an emergency situation or a time limit situation, the mayor may get written or verbal permission from a majority the board to exceed the set amount stated above outside of the regular meeting of the board of mayor and aldermen.

(7) Purchases made from other government agencies or entities will not be required to comply with the bid process set forth in item (5).

(8) The board of mayor and alderman may approve a purchase not to exceed twenty-five thousand dollars (\$25,000.00) without public competitive bidding if they feel it would cause a hardship to the town by increasing costs, wasting need time, a negotiated sale for a specific item or any emergency

situation. At least three (3) quotations shall be obtained from different vendors. (as added by Ord. #183, Nov. 1996, amended by Ord. #222, Aug. 2006, replaced by Ord. #225, Oct. 2006, and amended by Ord. #321, April 2019 **Ch9_08-11-20**, and Ord. #347, Aug. 2023 **Ch10_09-12-23**)

CHAPTER 5

HOTEL/MOTEL TAX

SECTION

- 5-501. Definitions.
- 5-502. Register required, availability for inspection.
- 5-503. Rooms to be numbered.
- 5-504. Tax levied.
- 5-505. Collection.
- 5-506. Remission to city.
- 5-507. Collection, development of report, audit, etc.
- 5-508. Operator cannot advertise that he will assume tax.
- 5-509. Delinquent taxes; offenses by operators and/or transients.
- 5-510. Operators to keep records.
- 5-511. Additional powers of recorder; remedies available to taxpayer.
- 5-512. Recorder to collect, disposition of proceeds.

5-501. Definitions. As used in this chapter:

(1) "Consideration" means the consideration charged, whether received or not, for the occupancy in a hotel valued in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever.

(2) "Hotel" means any structure or space, or any portion thereof, that is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes privately, publicly, or government-owned hotels, inns, tourist camps, tourist courts, tourist cabins, motels, short-term rental units, primitive and recreational vehicle campsites and campgrounds, or any place in which rooms, lodgings, or accommodations are furnished to transients for consideration.

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

(4) "Persons" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

(5) "Tourism" means attracting nonresidents to visit a particular municipality and encouraging those nonresidents to spend money in the municipality, which includes travel related to both leisure and business activities.

(6) "Tourism development" means the acquisition and construction of, and financing and retirement of debt for, facilities related to tourism; and

(7) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings, or accommodations in a hotel for

a period of less than thirty (30) continuous days. (as added by Ord. #337, May 2022 *Ch10_09-12-23*)

5-502. Registration required, availability for inspection. Every person to whom a permit is issued under this article shall at all times keep a standard hotel register, in which shall be inscribed the names of all guests renting or occupying rooms in his hotel. Such register shall be signed in every case by the persons renting a room or by someone under his direction, and after registration is made and the name of the guest is inscribed as herein provided, the manager shall write the number of the room which guest is to occupy, together with the time such room is rented, before such person is permitted to occupy such room. The register shall be always open to inspection to the city. (as added by Ord. #337, May 2022 *Ch10_09-12-23*)

5-503. Rooms to be numbered. Each sleeping room and in every hotel in the city shall be numbered in a plain and conspicuous manner. The number of each room shall be placed on the outside of the door of such room, and no two (2) doors shall bear the same number. (as added by Ord. #337, May 2022 *Ch10_09-12-23*)

5-504. Tax levied. There is hereby levied, assessed, and imposed, and shall be paid and collected, a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount equal to four percent (4%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided herein. (as added by Ord. #337, May 2022 *Ch10_09-12-23*)

5-505. Collection. Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy in his hotel to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the city. (as added by Ord. #337, May 2022 *Ch10_09-12-23*)

5-506. Remission to city. The tax hereby levied shall be remitted by all operators who lease, rent or charge for occupancy within a hotel in the city to the city recorder of the city, such tax to be remitted to such officer no later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator and if credit is granted by the operator to the transient then the obligation to the city entitled to such tax shall be that of the operator. (as added by Ord. #337, May 2022 *Ch10_09-12-23*)

5-507. Collection, development of report, audit, etc. The city recorder shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the city recorder by the operator with such number of copies thereof as the city recorder/finance director may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the city recorder and approved by the board of mayor and aldermen prior to use. The city recorder/finance director may audit each operator in the city at least once per year and shall report on the audits made on a quarterly basis to the board of mayor and aldermen. (as added by Ord. #337, May 2022 *Ch10_09-12-23*)

5-508. Operator cannot advertise that his will assume tax. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof, will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded. (as added by Ord. #337, May 2022 *Ch10_09-12-23*)

5-509. Delinquent taxes; offenses by operators and/or transients. Taxes collected by the operator which are not remitted to the city recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per year, such taxes are delinquent. Such interest shall become a part of the tax. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is declared to be unlawful and shall be punishable upon conviction by a fine not more than fifty dollars (\$50.00). (as added by Ord. #337, May 2022 *Ch10_09-12-23*)

5-510. Operators to keep records. It shall be the duty of every operator liable for the collection and payment to the city of the tax imposed by this article to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city which records the city recorder shall have the right to inspect at all reasonable times. (as added by Ord. #337, May 2022 *Ch10_09-12-23*)

5-511. Additional powers of recorder; remedies available to taxpayer. The city recorder or other authorized collector of the tax in administering and enforcing the provisions of this act shall have, as additional powers, those powers, and duties with respect to collecting taxes as provided by law for the county clerks.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, title 67. The city recorder shall have all those powers and duties as provided in Tennessee Code

Annotated, § 67-1-707(b) with respect to the adjustment and settlement with taxpayers of errors of taxes collected. Any tax paid under protest shall be paid to the city recorder. Any suit filed to recover taxes paid under protest may be brought by filing the same against the city recorder of the city. (as added by Ord. #337, May 2022 *Ch10_09-12-23*)

5-512. Recorder to collect, disposition of proceeds. The city recorder is hereby charged with the duty of collection of the tax herein levied and the proceeds received by the city from the tax shall be used exclusively for tourism and tourism development within the city as required by Tennessee Code Annotated, § 67-4-1403. (as added by Ord. #337, May 2022 *Ch10_09-12-23*)

TITLE 6**LAW ENFORCEMENT****CHAPTER**

1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1**POLICE AND ARREST****SECTION**

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance in making arrests.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1969 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the Town of Tazewell. They shall patrol the town and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1969 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a department issued or approved weapon at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1969 Code, § 1-403, modified)

6-104. When policemen to make arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

¹Municipal code reference

Traffic citations, etc.: title 15, chapter 7.

(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.

(4) At the scene of a traffic accident a policeman may arrest the driver of a vehicle involved in such accident when, based on personal investigation, the officer has probable cause to believe that such person has committed an offense under the provisions of title 55, chapters 8 and 10. The provisions of this subdivision shall not apply to traffic accidents in which no personal injury occurs or property damage is less than one thousand dollars (\$1,000) unless the officer has probable cause to believe that the driver of such vehicle has committed an offense under § 55-10-401; and

(5) Notwithstanding any other provision of law to the contrary, when a law enforcement officer responds to a domestic violence call and finds the victim and alleged assailant are both present, such officer may arrest the alleged assailant without a warrant if:

(a) Such officer actually observes the commission of an assault and battery or more serious offense against the victim; or

(b) Such officer has probable cause to believe that an assault and battery or more serious offense against the victim has been committed though not in his presence and that more violence will occur if the alleged assailant is not immediately taken into custody. (1969 Code, § 1-404, modified)

6-105. Policemen may require assistance in making arrests. It shall be unlawful for any male person to willfully refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1969 Code, § 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the require bond, he shall be confined. (1969 Code, § 1-406)

6-107. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1969 Code, § 1-407)

CHAPTER 2**WORKHOUSE****SECTION**

- 6-201. County workhouse to be used.
- 6-202. Inmates to be worked.
- 6-203. Compensation of inmates.

6-201. County workhouse to be used. The county jail is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1969 Code, § 1-601)

6-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1969 Code, § 1-602)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed two dollars (\$2.00) per day as credit toward payment of the fines and costs assessed against him. (1969 Code, § 1-603)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN LIMITS.
5. FIREWORKS.
6. FIRE HYDRANTS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include all that area defined and described in the town's zoning ordinance and map as the central business zone.² (1969 Code, § 7-101)

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

²The zoning ordinance and map are of record in the office of the recorder.

CHAPTER 2

FIRE CODE¹

SECTION

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

7-201. Fire code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 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 International Fire Code,² 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code and is hereafter referred to as the International Fire Code. Pursuant to the requirement of Tennessee Code Annotated, §§ 6-54-502, one (1) copy of the fire prevention code has been filed with the city 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. #140, Sept. 1987, as replaced by Ord. #199, Feb. 2001, Ord. #233, June 2007, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (Ord. #140, Sept. 1987)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Tazewell, Tennessee. (Ord. #140, Sept. 1987)

7-204. Storage of explosives, flammable liquids, etc. (1) The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

materials is prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

(2) The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, is hereby declared to be the fire limits as set out in § 7-101 of this code.

(3) The limits referred to in § 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 limits as set out in § 7-101 of this code.

(4) The limits referred to in § 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 limits as set out in § 7-101 of this code. (Ord. #140, Sept. 1987)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (Ord. #140, Sept. 1987)

7-206. Variances. The chief of the fire department may recommend to the governing body 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 governing body. (Ord. #140, Sept. 1987)

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (Ord. #140, Sept. 1987)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

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

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the boards of mayor and aldermen of the Towns of Tazewell and New Tazewell. The appropriations shall be paid over to and administered by a fire department committee composed of five members (two from the Tazewell council, two from the New Tazewell council, and the fire chief) for the exclusive use of the fire department. Council members of the fire department committee shall serve at the will and pleasure of the mayor appointing them. The committee shall provide for its organization, shall adopt its own by-laws, and shall keep complete minutes of all its meetings. All apparatus, equipment and supplies shall be purchased by the fire department committee for the towns, in accordance with the annual budget approved by the boards of mayor and aldermen of Tazewell and New Tazewell, and shall be and remain the joint property of Tazewell and New Tazewell. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the fire department committee shall appoint or authorize. (1969 Code, § 7-301)

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

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1969 Code, § 7-302)

¹Municipal code reference

Special privileges with respect to traffic: title 15, chapter 2.

7-303. Organization, rules and regulations. The chief of the fire department, subject to the approval of the fire department committee, shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (Code, § 7-303)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel and work of the department. He shall submit such written reports on such matters to the fire department committee as the latter may require. The fire department committee shall make such reports to the Boards of Mayor and Aldermen of Tazewell and New Tazewell as the respective boards requires. (1969 Code, § 7-304)

7-305. Tenure and compensation of members. All members of the fire department shall serve only so long as their conduct and efficiency are satisfactory to the fire department committee. They shall receive such compensation for their services as the committee may from time to time prescribe. (1969 Code, § 7-305)

7-306. Chief responsible for training. The chief of the fire department, shall be fully responsible for the training of the firemen and minimum training shall be as prescribed by the fire department committee. (1969 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1969 Code, § 7-308)

CHAPTER 4

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

7-401. Equipment to be used only within corporate limits except when answering a mutual aid agreement call from another agency.

7-401. Equipment to be used only within corporate limits except when answering a mutual aid agreement call from another agency . No equipment of the Tazewell - New Tazewell Fire Department shall be used for fighting any fire outside the corporate limits of either town unless it is to honor an existing mutual aid agreement between the agencies involved. The fire chief is authorized to enter into mutual aid agreement with the immediate surrounding fire departments that does not require more assistance than the Tazewell - New Tazewell Fire Department will receive from the other department. (1969 Code, § 7-307, as replaced by Ord. #193, Aug. 1999)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Purpose.
- 7-502. Definition of terms.
- 7-503. Permits required for sale.
- 7-504. Business licenses required.
- 7-505. Permissible items of fireworks.
- 7-506. Conditions for sale and use of permissible articles.
- 7-507. Public displays - permits - regulations.
- 7-508. Retail sales of permissible articles.
- 7-509. Private use of permissible articles - time limitations - exceptions.
- 7-510. Regulations governing storing, locating, or display of fireworks.
- 7-511. Unlawful acts in the sale and handling of fireworks.
- 7-512. Exceptions to application.
- 7-513. Penalty for violation.
- 7-514. Seizure and destruction of fireworks.
- 7-515. Requirement or compliance with state regulations not effected.

7-501. Purpose. The purpose of this chapter is to provide for the display, sale and use of certain fireworks for both private and public display within the corporate limits of the Town of Tazewell, Tennessee within certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (Ord. #160, Sept. 1991)

7-502. Definition of terms. As used in this chapter the following terms shall have the meaning ascribed to them in this section unless clearly indicated otherwise.

(1) "Manufacturer", any person engaged in making, manufacture, or construction of fireworks of any type within the Town of Tazewell or the State of Tennessee.

(2) "Distributor", any person engaged in the business of making sales of fireworks to any other person engaged in the business of reselling fireworks either as a jobber, wholesaler or retailer.

(3) "Wholesaler", any person engaged in the business of making sales of fireworks to any other person engaged in the business of making sales at retail.

(4) "Jobber", any person engaged in the business of making sales of fireworks to bona fide tourist for use outside the State of Tennessee.

(5) "Retailer", any person engaged in the business of making sales of fireworks to consumers.

(6) Singular and plural words used in the singular include the plural and the plural the singular.

(7) "Sale", an exchange of articles of fireworks for money and also includes barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal, proprietor, salesman, agent, association, copartnership, or one (1) or more individuals.

(8) "Person", includes any corporation, association, copartnership or one (1) or more individuals.

(9) "Permit", a permit is the written authority of the state fire marshal issued under the authority of Tennessee Code Annotated, §§ 68-104-101--68-104-116.

(10) "I.C.C. class c common fireworks", shall mean all articles of fireworks as are now or hereafter classified as "ICC Class C Common fireworks" in the regulation of the Interstate Commerce Commission for the transportation of explosive and other dangerous articles.

(11) The term "special fireworks" shall mean all articles of fireworks that are classified as Class B explosives in the regulation of the Interstate Commerce Commission and shall include all articles other than those classified as Class C. (Ord. #160, Sept. 1991)

7-503. Permits required for sale. It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into or within the Town of Tazewell, except as herein provided, any item of fireworks, without first having secured the required applicable permit from the town fire chief and also from the state fire marshal, possession of said permit being thereby a condition prerequisite to manufacturing, selling, or offering for sale, shipping or causing to be shipped any fireworks into or within the Town of Tazewell, except as herein provided. This provision applies to non-residents as well as residents of the Town of Tazewell.

(1) Prior to engaging in the sale within the Town of Tazewell, Tennessee, or shipment into the Town of Tazewell, of any fireworks each person must make application on forms secured from the town fire chief and the state fire marshal for a permit or permits required under this chapter.

(2) The manufacture or bulk storage (storage other than limited amounts incidental to permitted retail sales or public displays) of fireworks within the corporate limits of the Town of Tazewell is prohibited, and a violation of this section is unlawful and punishable under the provision of this chapter or the applicable state code.

(3) The decision of the town fire chief as to what type of permit or permits shall be required of each person shall be final. No permit shall be issued to a person under the age of eighteen (18) years. All permits shall be for the calendar year and any fraction thereof and shall expire on December 31st of each year, two (2) days of grace shall be allowed holder of permits, after the expiration thereof. Permits issued to retailers must be displayed near the point

of sale and visible for public inspection. No permit provided for herein shall be transferable nor shall a person be permitted to operate under a permit issued to any person.

(4) In addition to the charges for permits authorized to the state fire marshal, the town fire chief is authorized and directed to charge for permits as follows: Wholesaler \$500.00; Retailer \$250.00 for one (1) year permits and deposit these funds in the general funds revenue of the fire department.

(5) A record of all sales, other than retail sales directly to private consumers, must be kept showing the names and address of purchasers. All fees collected for said permits shall be payable directly to the fire department fund of the town and shall constitute general revenue. (Ord. #160, Sept. 1991, as amended by Ord. #211, Sept. 2003)

7-504. Business license required. The issuance of permits herein required does not replace or relieve any person of state, county or municipal licenses as now or hereafter provided by law. Before the issuance of any town, business or privilege license, the fire chief shall require each applicant to submit adequate proof of possession of valid firework permits as issued by the state fire marshal. (Ord. #160, Sept. 1991)

7-505. Permissible items of fireworks. It shall be unlawful for an individual, firm, partnership, or corporation to possess, sell, or use within the Town of Tazewell, or ship into the Town of Tazewell except as provided in § 7-506, any pyrotechnics, commonly known as "fireworks", other than the permissible items herein enumerated, except as herein provided. The permissible fireworks consist of ICC class C common fire only, and shall include those items enumerated in Tennessee Code Annotated, § 68-104-108, or which may be enumerated in said section. (Ord. #160, Sept. 1991)

7-506. Conditions for sale and use of permissible articles. No permissible articles of common fireworks defined in Tennessee Code Annotated, § 68-104-108, shall be sold, offered for sale, or possessed within the town, or used in the Town of Tazewell except as here provided for public display, unless it shall be properly named to conform to the nomenclature of Tennessee Code Annotated, § 68-104-108, and unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container, "ICC class C common fireworks," such imprinting to be of sufficient size and so positioned as to be readily recognized by law-enforcement authorities, and the general public. (Ord. #160, Sept. 1991)

7-507. Public displays - permits - regulation. The public display of fireworks within the corporate limits of the Town of Tazewell shall be governed by the provisions of Tennessee Code Annotated, § 68-104-107. Required permits for the controlled, public display of fireworks shall be obtained from the state

fire marshal and also from the town fire chief and the town chief of police. (Ord. #160, Sept. 1991)

7-508. Retail sale of permissible articles. Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be stored and used within the Town of Tazewell, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredth (25/100th) or less grains of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the caps when in place for exploding, and toy pistol caps which contain less than twenty-five hundredth (25/100th) grains of explosive compounds, cone, bottles, tube and other type serpentine pop-off novelties, non-poisonous toy snakes, smoke sticks with report and sparklers, the sale and use of is permitted. (Ord. #160, Sept. 1991, as amended by Ord. #211, Sept. 2003)

7-509. Private use of permissible articles - time limitations--exceptions. Permissible items of fireworks, defined in Tennessee Code Annotated, § 68-104-108, may be stored, used and expended within the Town of Tazewell by private citizens for their personal use and enjoyment during the periods June 20th through July 5th, and from December 10th through January 2nd of each year under the following restrictions.

(1) Permitted fireworks shall not be ignited, exploded, or otherwise used in an area or location of the town whereby persons or property may be endangered.

(2) Permitted fireworks shall not be ignited, exploded, or otherwise used within six hundred (600) feet of any business or storage area whereat or wherein flammable materials are sold, used or stored.

(3) Permitted fireworks may be ignited, exploded, or otherwise used during the hours of 8:00 A.M. through 10:00 P.M., daily during the permitted periods.

(4) Small children, those under the age of ten (10) years, shall be supervised by adults when using permitted fireworks.

(5) If the use of permitted fireworks in a specific area of the town becomes a public nuisance or endangerment to private or public property in the opinion of the town fire chief or the town chief of police, these officials or their authorized representatives are authorized and directed to prohibit said use therein or thereat. (Ord. #160, Sept. 1991)

7-510. Regulations governing storing, locating or display of fireworks. Pricing, storing, locating or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes within twenty-five (25) feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be

posted signs with the words "FIREWORKS-NO SMOKING WITHIN 25 FEET" in letters not less than four (4) inches high.

(1) No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers.

(2) No fireworks shall be stored, placed, located, sold or traded within fifty (50) feet of any other building, nor within one hundred (100) feet of a retail gasoline sales outlet (service station, market, or other such facility) or bulk petroleum storage or distribution facility. All measurement shall be from building-to-building, and not from property line-to-property line.

(3) The physical site proposed for the location of storage, placement or sale of permissible fireworks shall require the prior approval of the town fire chief and the town chief of police previous to the issuance of any required permits and licenses.

(4) Fireworks may only be sold from a permanent structure or building with the business possessing a Tennessee sales tax permit that is listed as doing business within the corporate limits of the Town of Tazewell. No fireworks will be sold or displayed outdoors or under a tent or any type of temporary structure and a sign will be required to be displayed to read "FIREWORKS MAY ONLY BE IGNITED OR DISCHARGED DURING THE HOURS OF 8:00 A.M. TO 10 P.M. IN THE TOWN OF TAZEWELL." (Ord. #160, Sept. 1991, as amended by Ord. #211, Sept. 2003)

7-511. Unlawful acts in the sale and handling of fireworks. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years, or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum, public school, or place where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within, or throw the same from a motor vehicle while within; nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of persons. (Ord. #160, Sept. 1991)

7-512. Exceptions to application. Nothing in this chapter shall be constructed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, or of the State of Tennessee or to the peace officers of the town or of the state, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser shall first secure a written permit to purchase and use fireworks for agricultural purposes only from the town fire

chief, and the state fire marshal, after approval of the county agricultural agent of Claiborne County, Tennessee, and said fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the town and the state. (Ord. #160, Sept. 1991)

7-513. Penalty for violation. Notwithstanding any penalty for conviction of any applicable state law or regulation of the State of Tennessee, any individual, firm, partnership, or corporation that violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty dollars (\$20.00), nor more than fifty dollars (\$50.00). Each day that any violation of the provision of this chapter continues shall be a separate triable offense. (Ord. #160, Sept. 1991)

7-514. Seizure and destruction of fireworks. The town fire chief shall seize as contraband, any fireworks other than "Class C Common Fireworks" as defined in § 7-505 hereof, and Tennessee Code Annotated, § 68-104-108, or "Special Fireworks" for public displays as provided in § 7-507 of this chapter, which are sold, displayed, used or possessed in violation of this chapter. The town fire chief is authorized to destroy any fireworks so seized. (Ord. #160, Sept. 1991)

7-515. Requirements or compliance with state regulations not effected. This chapter shall in no wise effect the validity of any law or regulation promulgated by the State of Tennessee or by the fire marshal thereof, as relates to the control and regulation of the manufacture, sale or use of fireworks within the State of Tennessee. It is the intent of this chapter to authorize the public display, sale and use of such fireworks within the corporate limits of the Town of Tazewell in accordance with the applicable state regulations, as augmented by the rules and regulations of the Town of Tazewell. (Ord. #160, Sept. 1991)

CHAPTER 6

FIRE HYDRANTS

SECTION

7-601. Obstruction of fire hydrants.

7-601. Obstruction of fire hydrants. There shall be no parking or standing of motor vehicles, motorcycles, bicycles, refuse containers, or other obstructions within fifteen feet (15') of a fire hydrant. Fire hydrants shall be free from obstructions behind the curb line on all remaining sides by a minimum clearance of three feet (3'). In the event of an obstruction, other than vehicles, the owner, manager, or other person in charge shall be notified immediately to remove the obstruction, except in the case of an emergency situation. If the obstruction is not removed as required by the fire chief, or his designee, he is authorized to cause the obstruction to be removed to the extent necessary to ensure that the hydrant will be adequately discernible and accessible. The cost thereof shall be charged against the property owner or manager using the procedure provided for abatement of nuisances. In the event of an emergency situation, the fire chief, or his designee, shall take all necessary action to provide access to the fire hydrant. Each violation of this ordinance may result in citation to municipal court and a fine in the amount of fifty dollars (\$50.00). Each day a person violates this prohibition shall constitute a separate offense, for which another fifty dollars (\$50.00). Each day a person violates this prohibition shall constitute a separate offense, for which another fifty dollar (\$50.00) fine may be imposed.

NOTE: These code provisions and any ordinance further regulating parking or obstructing fire hydrants, cannot be enforced on private property. The owners of private property are responsible for enforcing their own parking restrictions. The municipality can paint stripes on the ground to identify no parking zones and to deter parking, but the owner will have to enforce the no parking zone. (as added by Ord. #316, Oct. 2017)

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.
3. DELETED.

CHAPTER 1**INTOXICATING LIQUORS**²**SECTION**

- 8-101. Definitions.
- 8-102. Alcoholic beverages subject to regulation.
- 8-103. Application for certificate.
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- 8-105. Applicant to appear before board of mayor and aldermen; duty to give information.
- 8-106. Action on application.
- 8-107. Applicants for certificate who have criminal record.
- 8-108. Number of retail licenses to be held by retailer
- 8-109. Where establishments may be located.
- 8-110. Retail stores to be on ground floor; entrances.
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- 8-112. Sales for consumption on premises.
- 8-113. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-114. Inspection fee.
- 8-115. Consumption of alcoholic beverages on premises.
- 8-116. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.

¹Municipal code reference

Minors in beer places, etc.: title 11, chapter 1.

State law reference

Tennessee Code Annotated, title 57.

²State law reference

Employee and server permits: Tennessee Code Annotated, § 57-3-701, et seq.

- 8-117. Annual privilege tax to be paid to the city recorder.
- 8-118. Concurrent sales of liquor by the drink and beer.
- 8-119. Advertisement of alcoholic beverages.
- 8-120. Violations.
- 8-121. Licensee responsible for officers and agents.
- 8-122. Limitations on building containing liquor store
- 8-123. Inspections generally.
- 8-124. Enforcement-violations-penalties.
- 8-125.--8-126. Deleted.

8-101. Definitions. Whenever used in this title, the following terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Alcoholic beverage." Alcoholic beverage means and includes alcohol, spirits, liquor, wine, high alcohol content beer, and every liquid containing alcohol, spirits, wine, and high alcohol content beer and capable of being consumed by a human being, other than patent medicine or beer, as defined in § 57-5-101. Notwithstanding any provision to the contrary in this title, except for beer as defined in § 57-5-101(b), "alcoholic beverage" or "beverage" also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol, regardless of alcohol content. Liquid products intended for beverage purposes containing alcohol that do not meet the definition of beer under § 57-5-101(b) shall also be alcoholic beverages. Notwithstanding this subdivision, products or beverages containing less than one-half of one percent (0.5%) alcohol by volume, other than wine as defined in this section, shall not be considered to be alcoholic beverages, and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided.

(2) "Applicant." A person applying for a local liquor store privilege license or a certificate of compliance, as the context provides.

(3) "Applicant group." More than one (1) person joining together to apply for a local liquor store privilege license or certificate of compliance, as the context provides, to operate a single liquor store pursuant to the same application.

(4) "Application." The form or forms or other information an applicant or applicant group is required to file with the city in order to attempt to obtain a local liquor store privilege license or certificate of compliance, as the context provides.

(5) "Certificate of compliance." The certificate required in Tennessee Code Annotated, § 57-3-208, as the same may be amended, supplemented or replaced, and subject to the provisions set forth in this chapter for issuance of such a certificate.

(6) "Co-licensees." Persons who together hold a single local liquor store privilege license for a single liquor store.

(7) "Federal statutes." The statutes of the United States now in effect or as they may hereafter be changed.

(8) "Inspection fee." The monthly fee a licensee is required by this chapter to pay, the amount of which is eight percent (8%) of the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source. In the event of co-licensees holding a local liquor store privilege license for a single liquor store such inspection fee shall be the same as if the local liquor store privilege license were held by a single licensee.

(9) "License fee." The annual fee a licensee is required by this chapter to pay prior to the time of the issuance or renewal of a local liquor store privilege license. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, only one (1) license fee is required.

(10) "Licensee." The holder or holders of a local liquor store privilege license. In the event of co-licensees, each person who receives a certificate of compliance and local liquor store privilege license shall be a licensee subject to the rules and regulations herein.

(11) "Liquor store." The building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor license held by such licensee.

(12) "Local liquor store privilege license." A local liquor store privilege license issued under the provisions of this chapter for the purpose of authorizing the holder or holders thereof to engage in the business of selling alcoholic beverages at retail in the city at a liquor store. Such a local liquor store privilege license will only be granted to a person or persons who has or have a valid state liquor retailer's license. One (1) local liquor store privilege license is necessary for each liquor store to be operated in the city.

(13) "Manufactured." A structure, transportable in one (1) or more sections, and which is built on a permanent chassis and designed to be used as a dwelling with or without permitting foundation.

(14) "Person." Person means any natural person as well as any corporation, limited liability company, partnership firm or association or any other legal entity recognized by the laws of the State of Tennessee.

(15) "Retail sale or sale at retail." The sale to a consumer or to any person for any purpose other than for resale.

(16) "State law, rules and regulations." All applicable laws, rules and regulations of the State of Tennessee applicable to alcoholic beverages as now in effect or as they may hereafter be changed including, without limitation, the local option liquor rules and regulations of the Tennessee Alcoholic Beverage Commission.

(17) "State liquor retailer's license." A license issued by the alcoholic beverage commission of the State of Tennessee pursuant to Tennessee Code Annotated, § 57-3-201 et seq. permitting its holder to sell alcoholic beverages at retail in Tennessee.

(18) "Town." The town is the Town of Tazewell, Tennessee.

(19) "Wholesaler." Wholesaler means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of this chapter.

(20) "Wine." Wine means the produce of normal alcoholic fermentation of juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climactic, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. (1969 Code, § 2-101, as replaced by Ord. #292, April 2015, Ord. #309, Jan. 2017, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-102. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #292, April 2015, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-103. Application for certificate.¹ Before any certificate, as required by Tennessee Code Annotated, § 57-3-208 or a renewal as required by § 57-3-213 shall be signed by the mayor, or by any aldermen², an application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

- (1) Name, age and address of the applicant.
- (2) Occupation or business and length of time engaged in such occupation or business.
- (3) Whether or not the applicant has been convicted of a felony in the past ten (10) years
- (4) If employed, the name and address of employer.
- (5) If in business, the kind of business and location thereof
- (6) The location of the proposed store for the sale of alcoholic beverages.
- (7) The name and address of the owner of the store.
- (8) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a

¹State law reference

Tennessee Code Annotated, § 57-3-208.

²State law reference

Tennessee Code Annotated, § 57-3-208 requires the certificate to be signed by the mayor or a majority of the governing body.

corporation, LLC, etc., the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

(9) No retailer's license shall be issued to a person who is an elected official of the Town of Tazewell or a person who has held an elected office with the Town of Tazewell within two (2) years of the date of application.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership, corporation, or LLC, etc., the application shall be verified by the oath of each partner, or by the president of the corporation or LLC.

Each application shall be accompanied by a non-refundable two thousand five hundred-dollar (\$2,500.00) application and investigation fee. Each application shall further be accompanied by a non-refundable background check fee of the actual cost for each person/owner designated in said application. Original application shall be accompanied by eight (8) copies of said original application. (as added by Ord. #292, April 2015, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-104. Applicant to agree to comply with laws. The applicant for a certificate of compliance must renew every two (2) years with an annual privilege tax payable to the city recorder in the amount of one thousand five hundred dollars (\$1,500.00) and agrees in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages. (as added by Ord. #292, April 2015, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-105. Applicant to appear before board of mayor and aldermen; duty to give information. An applicant for a certificate of compliance may be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. (as added by Ord. #292, April 2015, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-106. Action on application. Every application for a certificate of compliance shall be referred to the chief of police for investigation and to the city attorney for review, each of whom shall submit his findings to the board of mayor and aldermen within thirty (30) days of the date each application was filed. The board of mayor and aldermen may issue a certificate of compliance to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and aldermen. (as added by Ord. #292, April 2015, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-107. Applicants for certificate who have criminal record. No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (as added by Ord. #292, April 2015, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-108. Number of retail licenses to be held by retailer. No retail licensee shall, directly or indirectly, hold more than two (2) retail licenses. In no event shall a retail licensee, directly or indirectly, hold more than fifty percent (50%) of the licenses authorized for issuance in such municipality or county. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-109. Where establishments may be located., (1) It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the town except at locations within a C1, C2, or C3 zones. There will only be a maximum of two (2) retail liquor stores allowed within the Town of Tazewell city limits and cannot be owned by the same person.

(2) Such liquor store shall not be located within three hundred feet (300') of any church or school or one hundred feet (100') of any residential structure as measured along a straight line from the nearest property line of any such establishment to the front door of the liquor store. No liquor store shall be located where the operation of a liquor store at the premises contemplated by an application would unreasonably interfere with public health and safety. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-110. Retail stores to be on ground floor; entrances. No retail store shall be located anywhere on premises in the town except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-111. Limitation on number of retailers.¹ No more than two (2) retail licenses for the sale of alcoholic beverages shall be issued under this chapter. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-112. Sales for consumption on premises. No alcoholic beverages shall be sold for consumption on the premises of the retail seller. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-113. Radios, amusement de vices and seating facilities prohibited in retail establishments. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-114. Inspection fee. (1) The Town of Tazewell hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 of eight (8%) on all licensed retailers of alcoholic beverages located within the corporate limits of the city.

(2) Collection. Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sale is made to the licensee. Payment of all such records shall be preserved for a period of at least fifteen (15) months unless the city recorder gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding a single license, one (1) set of records per liquor store satisfies the requirements of this part.

(3) Failure to pay fees. The failure to pay the inspection fees and to make the required reports accurately and within the time required by this chapter shall, at the sole direction of the city manager, because for suspension of the offending licensee's local liquor store privilege license for as much as thirty (30) days and, at the sole discretion of the city council, because for revocation of such local liquor store privilege license. Each such action may be taken by giving written notice thereof the licensee, no hearing with respect to such an offense being required. If a licensee has his or her license revoked, suspended or otherwise removed and owes the city inspection fees at the time of such suspension, revocation, or removal the city attorney may timely file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees. Further, each licensee who fails to pay or have paid on his or her behalf the inspection fees imposed hereunder shall be liable to the city for a

¹State law reference

Tennessee Code Annotated, § 57-3-208(c).

penalty on the delinquent amount due in an amount of ten percent (10%) of the inspection fee. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-115. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Tazewell, Tennessee. It is the intent of the board of mayor and alderman that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in the Town of Tazewell, the same as if said code sections were copied herein verbatim. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-116. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301,) for the Town of Tazewell to be paid annually as provided in the chapter, upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the Town of Tazewell of alcoholic beverages for consumption on the premises where sold. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-117. Annual privilege tax to be paid to the city recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the Town of Tazewell shall remit annually to the city recorder the appropriate tax described in § 8-116. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-118. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate, or association which has received a license to sell alcoholic beverages in the Town of Tazewell, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, notwithstanding the provisions of § 8-211(2) of the ordinances of the Town of Tazewell qualify to receive a beer permit from the city upon compliance of all Town of Tazewell beer permit requirements. An application must be completed

and application fees paid for each liquor and beer permit being requested. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-119. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-120. Violations. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the town judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-121. Licensee responsible for officers and agents. Each licensee shall be responsible for all acts of such licensee as well as the acts of a co-licensee, and acts of the licensee's officers, employees, agents and representatives so that any violation of this chapter by any co-licensee, officer, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-122. Limitations on building containing liquor store. All liquor stores shall be a permanent type of construction in a material and design approved by city council. No liquor store shall be located in a manufactured or other movable or prefabricated type of building. All liquor stores shall have night light surrounding the outside of the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises. The minimum square footage of the liquor store display area shall be one thousand five hundred (1,500) square feet. Full, free and unobstructed vision shall be afforded to and from the street and public highway to the interior of the liquor store by way of large windows in the front and to the extent practical to the sides of the building containing the liquor store. All liquor stores shall be subject to applicable zoning, land use, building, life safety and fire code regulations, as adopted within the Town of Tazewell Code, unless specifically stated otherwise herein. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-123. Inspections generally. The city manager, the city recorder, the chief of police or the authorized representatives or agents of any of them are

authorized to examine the premises, books, papers and record of any liquor store at any of them at time the liquor store is open for business for the purpose of determining whether the provisions of this chapter are being observed. Refusal to permit such examination shall be a violation of this chapter and shall constitute sufficient reason for revocation of the local liquor store privilege license of the offending licensee or for the refusal to renew the local liquor store privilege license of the offending licensee. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-124. Enforcement - violations - penalties. Any violation of the provisions of this chapter shall constitute a misdemeanor and shall, upon conviction, be punishable by a fine of two thousand five hundred dollars (\$2,500.00). Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify said conviction, whether on appeal or not, directly to the Tennessee Alcoholic Beverage Commission, together with petition that all licenses be revoked, pursuant to the provisions of chapter 3 of title 57 of the Tennessee Code Annotated, and the rules and regulations of said commission. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-125.--8-126. Deleted. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and deleted by Ord. #328, Feb. 2020 *Ch9_08-11-20*)

CHAPTER 2

BEER¹

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. Privilege tax.
- 8-209. Beer permits shall be restrictive.
- 8-210. Interference with public health, safety, and morals prohibited.
- 8-211. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.
- 8-212. Revocation or suspension of beer permits.
- 8-213. Civil penalty in lieu of revocation or suspension.
- 8-214. Loss of clerk's certification for sale to minor.
- 8-215. Violations.
- 8-216.--8-217. Deleted.
- 8-218.--8-222. Deleted.

8-201. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen. The mayor shall be the chairman of the beer board. (1969 Code, § 2-201, as replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the 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. (1969 Code, § 2-202, as replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

¹State law reference

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

8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: the date of each meeting; names of the board members present and absent; names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. #165, Oct. 1993, as replaced by Ord. #201, May 2001, Ord. #222, Aug. 2006, and Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

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. (1969 Code, § 2-204, as replaced by Ord. #201, May 2001, amended by Ord. #261, Nov. 2010, Ord. #263, June 2011, replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (1969 Code, § 2-205, as replaced by Ord. #201, May 2001, amended by Ord. #281, Aug. 2013, and replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-206. "Beer" defined. "Alcoholic beverage." Alcoholic beverage means and includes alcohol, spirits, liquor, wine, high alcohol content beer, and every liquid containing alcohol, spirits, wine, and high alcohol content beer and capable of being consumed by a human being, other than patent medicine or beer, as defined in § 57-5-101. Notwithstanding any provision to the contrary in this title, except for beer as defined in § 57-5-101(b), "alcoholic beverage" or "beverage" also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol, regardless of alcohol content. Liquid products intended for beverage purposes containing alcohol that do not meet the definition of beer under § 57-5-101(b) shall also be alcoholic beverages. Notwithstanding this subdivision, products or beverages containing less than one-half of one percent (0.5%) alcohol by volume, other than wine as defined in this section, shall not be considered to be alcoholic beverages, and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided. (Ord. #165, Oct 1993, as

replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

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 pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a non refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the Town of Tazewell. (1969 Code, § 2-207, as amended by Ord. #235, Oct. 2007, and replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the Town of Tazewell, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (1969 Code, § 2-208, as replaced by Ord. #292, April 2015, and amended by Ord. #309, Jan. 2017, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-209. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted so as to authorize sales only for off-premise consumption. A single permit may be issued for on-premise and off-premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions in his permit. (1969 Code, § 2-209, as replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-210. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, residences, or churches, 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 within three hundred feet

(300') of any school or church and one hundred feet (100') of any residential structure. The distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the beer will be manufactured, stored or sold to the nearest point on the property line of the school, residence, or church. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, residence, church, or other place of public gathering if a valid permit had been issued to any business on that same location unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period. Any establishment that obtains an on-premise license for the sale/consumption of wine and alcoholic beverages pursuant to Tennessee Code Annotated, title 57, shall be exempt from the distance requirements set forth above. (Ord. #165, Oct. 1993, as amended by Ord. #235, Oct. 2007, replaced by Ord. #292, April 2015, amended by Ord. #309, Jan. 2017, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-211. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer. It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

(1) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.

(2) As the Town of Tazewell, Tennessee has passed a referendum approving the sale of liquor by the drink within the corporate limits of the Town of Tazewell, the hours and operation for the sale of beer shall be set and governed pursuant to the rules and regulations set forth by the Tennessee Alcoholic Beverage Commission.

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

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

(5) Allow drunk persons to loiter about his premises.

(6) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1969 Code, § 2-211, as replaced by Ord. #292, April 2015, amended by Ord. #302, Aug. 2015, and Ord. #309, Jan. 2017, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-212. Revocation or suspension of beer permits. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board. Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or

suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve-month period. The revocation shall be for three (3) years. (1969 Code, § 2-212, as replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-213. Civil penalty in lieu of revocation or suspension.

(1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (1969 Code, § 2-213, as replaced by Ord. #201, May 2001, and Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-214. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid, and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (1969 Code, § 2-214, as replaced by Ord. #201, May 2001, and Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-215. Violations. Except as provided in § 8-215, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (1969 Code, § 2-215, as deleted by Ord. #201, May 2001, and replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-216.--8-217. Deleted. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (1969 Code, §§ 2-216--2-217, as replaced by Ord. #292, April 2015, and deleted by Ord. #325, June 2019 *Ch9_08-11-20*)

8-218.--8-222. Deleted. (as deleted by Ord. #292, April 2015)

CHAPTER 3

(as added by Ord. #309, Jan. 2017,
and deleted by Ord. #325, June 2019 *Ch9_08-11-20*)

TITLE 9**BUSINESS, PEDDLERS, SOLICITORS, ETC.¹****CHAPTER**

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. DELETED.
6. CABLE TELEVISION.
7. MEMBERSHIP SOLICITORS.
8. COMMERCIAL BILLBOARDS AND SIGNS.
9. DISTRIBUTION OR POSTING OF HANDBILLS.
10. ADULT-ORIENTED ESTABLISHMENTS.

CHAPTER 1**MISCELLANEOUS****SECTION**

9-101. "Going out of business" sales.

9-101. "Going out of business" sales. All sales represented as "going out of business" sales shall be subject to the provisions of Tennessee Code Annotated, § 6-55-401, et seq. Where such provisions refer to the "commissioner" it shall be deemed to be a reference to the city recorder. (1969 Code, § 5-1201)

¹Municipal code references

Building, plumbing, wiring and housing regulations: title 12.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2**PEDDLERS, ETC.¹****SECTION**

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Policemen to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.

9-201. Permit required. It shall be unlawful for any peddler, canvasser or solicitor or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1969 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1969 Code, § 5-202)

9-203. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.

¹Municipal code references
Privilege taxes: title 5.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

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

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate properly the applicant's moral reputation and business responsibility.

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

(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(10) At the time of filing the application, a fee of fifty dollars (\$50.00) shall be paid to the town to cover the cost of investigating the facts stated therein. (1969 Code, § 5-203, as amended by Ord. #236, Nov. 2007)

9-204. Issuance or refusal of permit. (1) Each application shall be investigated by the city recorder or referred to the chief of police for investigation. The city recorder shall complete his investigation or the chief shall report his findings to the city recorder within seventy-two (72) hours.

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

(3) If, on the other hand, the investigation indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1969 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be

delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1969 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the town in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the Town of Tazewell and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the town that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the town doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1969 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks, or other public places of the town or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1969 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1969 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1969 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1969 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen after notice and hearing, for any of the following causes:

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1969 Code, § 5-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1969 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provision of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed at the cost of twenty-five dollars (\$25.00), if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application of a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1969 Code, § 5-213, as amended by Ord. #236, Nov. 2007)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1969 Code, § 5-301)

9-302. Prerequisites for a permit. The recorder shall issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer, or agent of the applicant has a good character or reputation for honesty and integrity.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant.
- (6) No solicitations are to be made on any highways, streets or alleys of the town from motorists. (1969 Code, § 5-302, as amended by Ord. #176, Nov. 1995, and Ord. #211, Sept. 2003)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1969 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1969 Code, § 5-304)

CHAPTER 4

TAXICABS¹

SECTION

- 9-401. Taxicab franchise and privilege license required.
- 9-402. Requirements as to application and hearing.
- 9-403. Liability insurance required.
- 9-404. Revocation or suspension of franchise.
- 9-405. Mechanical condition of vehicles.
- 9-406. Cleanliness of vehicles.
- 9-407. Inspection of vehicles.
- 9-408. License and permit required for drivers.
- 9-409. Qualifications for driver's permit.
- 9-410. Revocation or suspension of driver's permit.
- 9-411. Drivers not to solicit business.
- 9-412. Parking restricted.
- 9-413. Drivers to use direct routes.
- 9-414. Taxicabs not to be used for illegal purposes.
- 9-415. Miscellaneous prohibited conduct by drivers.
- 9-416. Transportation of more than one passenger at the same time.

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the town and has a currently effective privilege license. (1969 Code, § 5-401)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the board of mayor and aldermen. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the board may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the city recorder or chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the board of mayor and

¹Municipal code reference
Privilege taxes: title 5.

aldermen; and make a recommendation to either grant or refuse a franchise to the applicant. The board shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the board shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1969 Code, § 5-402)

9-403. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of five hundred thousand dollars (\$500,000.00) for bodily injury or death to any one person, twenty thousand dollars (\$20,000.00) for bodily injury or death to any one person, one million dollars (\$1,000,000.00) for bodily injuries to more than one person which are sustained in the same accident, and five hundred thousand dollars (\$500,000.00) for property damage resulting from one accident. The insurance policy required in this section shall contain a provision that it shall not be canceled except at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the town. (1969 Code, § 5-403, as amended by Ord. #211, Sept. 2003)

9-404. Revocation or suspension of franchise. The board of mayor or aldermen, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1969 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate a taxicab in the town unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1969 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the town shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be

thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1969 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the city recorder or chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1969 Code, § 5-407)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the city recorder. (1969 Code, § 5-408)

9-409. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he pays an annual permit fee of 50¢ and complies with the following to the satisfaction of the recorder or the chief of police:

- (1) Makes written application to the city recorder.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the town who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1969 Code, § 5-409)

9-410. Revocation or suspension of driver's permit. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1969 Code, § 5-410)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the town for the purpose of obtaining patronage for their cabs. (1969 Code, § 5-411)

9-412. Parking restricted. Each taxicab franchise holder is required to provide private, off-street parking facilities where all his taxicabs shall be parked while waiting to be engaged. It shall be unlawful for the driver of any taxicab to park on the public streets while waiting to be engaged. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to interfere unreasonably with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1969 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1969 Code, § 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1969 Code, § 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise unreasonably disturb the peace, quiet and tranquility of the town in any way. (1969 Code, § 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1969 Code, § 5-416)

CHAPTER 5

This chapter was deleted by Ord. #211, Sept. 2003.

CHAPTER 6

CABLE TELEVISION

SECTION

9-601. To be furnished under franchise.

9-601. To be furnished under franchise. Cable television service shall be furnished to the Town of Tazewell and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Tazewell and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #156, August 1990, and Ord. #180, Sept. 1996, in the office of the city recorder.

CHAPTER 7

MEMBERSHIP SOLICITORS

SECTION

9-701. Registration required.

9-702. Certificate of registration.

9-703. Invitation or consent required.

9-701. Registration required. It shall be unlawful for any person employed to solicit members for any organization other than religious, county, or state educational programs, to fail or refuse to register with the city recorder. Such registration shall reflect the name and address of the organization, the name and address of the solicitor, the name of his home office and his affiliation therewith, and the amount of local and national fees and dues, if any, required for membership. (1969 Code, § 5-101)

9-702. Certificate of registration. The city recorder shall issue to each registrant a certificate, for which he shall charge a fee of one dollar (\$1.00). The solicitor shall have this certificate on his person at all times when soliciting members. (1969 Code, § 5-102)

9-703. Invitation or consent required. (1) It shall be unlawful for any person to go to the home, residence, or place of abode of any person for the purpose of soliciting his membership for any organization without having a written or personal invitation from such person to make such visit.

(2) It shall be unlawful for any person to go upon the premises of any person, company, or corporation for the purpose of soliciting membership for any organization without first having obtained the written or verbal consent of said person, company, or corporation so to do. (1969 Code, § 5-103)

CHAPTER 8

COMMERCIAL BILLBOARDS AND SIGNS

SECTION

- 9-801. This chapter shall apply to all signs or billboards owned, constructed, erected, displayed or maintained within the limits of the town.
- 9-802. Permit required for certain signs.
- 9-803. General restrictions upon issuance of permits.
- 9-804. Prerequisites to construction or maintenance.
- 9-805. Size and location restrictions.
- 9-806. Compliance with building code required.
- 9-807. Signs on construction barricades, shacks, etc.
- 9-808. Signs in residential districts.
- 9-809. Inspection fees.

9-801. This chapter shall apply to all signs or billboards owned, constructed, erected, displayed or maintained within the limits of the town. No sign shall be owned, constructed, erected, displayed or maintained within the town limits of the Town of Tazewell that is not located on the property of the business, goods, wares or merchandise that the sign or billboard is advertising. All business signs or billboards shall meet all the terms and conditions as set forth in the town's building codes and existing ordinances. All signs and billboards that advertise for off premises of their location, existing before December 31, 2001 shall be deemed to be grandfathered until they are removed or destroyed for any reason, but may not be replaced. (1969 Code, § 5-601, as replaced by Ord. #204, Dec. 2001)

9-802. Permit required for certain signs. Before any ground sign or roof sign is allowed or permitted to be placed, located, constructed, erected, operated, or maintained upon any lot or upon any building within the town for commercial billboard purposes, a permit shall be required from the building inspector, with prior approval by the board of mayor and aldermen. (1969 Code, § 5-602)

9-803. General restrictions upon issuance of permits. No permit shall be issued for the erection of any sign regulated, hereunder at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of its position, shape, or color, such sign may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER, or "SCHOOL ZONE," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic or interfere with any traffic sign erected by the town; or at any location

or in such manner as tends to mar the beauty of the neighborhood where the same is to be erected; or at a location or in a manner so as to endanger or interfere with the protection, safety, or general welfare of the inhabitants of the town. It shall be incumbent upon any person who desires to erect any such sign to furnish the building inspector satisfactory evidence that the erection of the proposed sign will not violate the foregoing provisions of this section. (1969 Code, § 5-603)

9-804. Prerequisites to construction or maintenance. No person, firm, or corporation shall hereafter construct, place, or maintain any ground sign and/or roof sign, signboard, or billboard, movable or immovable, temporary or permanent, designed and intended for use and/or being used for commercial advertising, sign, or billboard purposes, until the building inspector, with the approval of the board of mayor and aldermen, shall have issued a written permit therefor, unless same is otherwise permitted under the zoning ordinance in effect. (1969 Code, § 5-604)

9-805. Size and location restrictions. No commercial ground sign and/or roof sign, signboard, or billboard shall have an area of over 450 square feet and no ground sign or billboard for commercial advertising purposes shall be placed, erected, constructed, and maintained closer than twenty (20) feet of the nearest street or street intersection, unless the same can be constructed in such manner as not to be in conflict with the provisions of § 9-803. (1969 Code, § 5-605)

9-806. Compliance with building code required. Any sign permitted under the terms of this chapter shall be erected and constructed in strict compliance with the terms and conditions of the building code. (1969 Code, § 5-606)

9-807. Signs on construction barricades, shacks, etc. It shall be unlawful for any person, firm, or corporation to place any sign or advertisement upon any street construction barricade, construction shack, tool house, or temporary construction office, other than to advertise the name of the builder, architect, contractor, or the business or use for which the building or structure is being built or constructed. (1969 Code, § 5-607)

9-808. Signs in residential districts. Upon the expiration of five (5) years from the effective date of these provisions, the owners or lessees of all ground signs, roof signs, signboards, and billboards heretofore erected, designed, and being used for commercial advertising purposes in any residential district of the town shall be torn down and removed. Any such sign heretofore erected in an undeveloped area zoned for residential purposes which may be developed by the erection and construction of residence buildings near or in close proximity

to such signs, rendering such signs dangerous or causing the same to obstruct the view of, or from said property, or which in any way interferes with the enjoyment of such property, shall upon written request of the town, within 90 days, be torn down and removed, after the passage of a resolution ordering its removal by the board of mayor and aldermen. A written notice of said request served upon either the owner of such sign or the lessee or the owner of the property upon which such sign is located shall be sufficient notice to the owner to make him liable for the removal thereof under this section. (1969 Code, § 5-608)

9-809. Inspection fees. In order to defray the cost and expense incurred by the town in making inspections of the signs described hereinabove, there is hereby imposed and levied an inspection fee of five dollars (\$5.00) per year or fraction thereof on unlighted signs and eight dollars (\$8.00) per year on illuminated signs for each and every such ground sign, roof sign, signboard, or billboard erected, operated, and maintained for commercial advertising purposes within the corporate limits of the town, and the owner thereof shall pay unto the office of the city recorder yearly said inspection fee. Said fee shall be due and payable on all such signs now in existence upon the effective date of these provisions and said fee shall again be due and payable on the 1st day of January each year thereafter. On all such signs hereafter erected, operated, or maintained, said inspection fees shall be paid by the owner into the office of the city recorder at the time of the issuance of a permit therefor and said fee or fees shall again be due and payable on the 1st day of January each year thereafter. (1969 Code, § 5-609)

CHAPTER 9

DISTRIBUTION OR POSTING OF HANDBILLS¹

SECTION

9-901. Permit required.

9-902. Distribution prohibited on grounds of public buildings.

9-903. Posting prohibited upon utility poles, etc.

9-904. Distribution prohibited unless accepted by property owners.

9-901. Permit required. Any person, firm, or corporation desiring to distribute, post, or give away, upon the streets, alleys, sidewalks, or public ways within the Town of Tazewell, handbills, written advertisements, or any other form of solicitation or inducement in the form of written or printed matter upon paper, cardboard, or any other material, by whatever name called, shall first apply to the city recorder for a permit. A fee of fifty dollars (\$50.00) shall be charged for each day of distribution specified in the permit. (1969 Code, § 5-701)

9-902. Distribution prohibited on grounds of public buildings. It shall be unlawful for any person, firm, or corporation to distribute advertising or other inducing matter which is printed or otherwise impressed upon paper, cardboard, or other material, by whatever name called, upon the grounds or parking areas of any publicly owned buildings such as schools, hospital, etc. (1969 Code, § 5-702)

9-903. Posting prohibited upon utility poles, etc. It shall be unlawful for any person, firm, or corporation to post any matter whether paper, cardboard, or other material, by whatever name called, upon any utility pole, building or like structure within the corporate boundaries of Tazewell. (1969 Code, § 5-703)

9-904. Distribution prohibited unless accepted by property owners. It shall be unlawful for any person, firm or corporation to place advertising or inducing matter printed or otherwise placed upon paper, cardboard, or other material, by whatever name called, upon or in, any privately owned property whether buildings, vehicles, etc., unless and until the owner of such property or vehicle be present and willing to accept such material. (1969 Code, § 5-704)

¹Municipal code reference
Posting notices, etc.: § 11-803.

CHAPTER 10

ADULT-ORIENTED ESTABLISHMENTS

SECTION

- 9-1001. Purpose.
- 9-1002. Definitions.
- 9-1003. License required.
- 9-1004. Application for license.
- 9-1005. Standards for issuance of license.
- 9-1006. Permit required.
- 9-1007. Application for permit.
- 9-1008. Standards for issuance of permits.
- 9-1009. Fees.
- 9-1010. Display of license or permit.
- 9-1011. Renewal of license or permit.
- 9-1012. Revocation of license or permit.
- 9-1013. Hours of operation.
- 9-1014. Location of business.
- 9-1015. Responsibilities of the operator.
- 9-1016. Prohibitions and unlawful sexual acts.
- 9-1017. Penalties and prosecution.
- 9-1018. Severability.

9-1001. Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the town. It is neither the intent nor effect of this ordinance to restrict or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. (as added by Ord. #299, July 2015)

9-1002. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meaning, unless otherwise clearly indicated by the context:

(1) "Adult bookstore" means an establishment having as a substantial portion of its stock in trade ("substantial portion" meaning over twenty percent (20%) of floor area, or over twenty percent (20%) of inventory by units or value, or over twenty percent (20%) of revenues, or an inventory of two hundred (200) or more units) in books, films, video cassettes, compact discs, computer software, computer generated images or text, or magazines and other periodicals or publications or reproductions of any kind which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and

in conjunction therewith have facilities for the presentation of adult entertainment, as defined herein, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein.

(2) "Adult cabaret" is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders and/or any other employee or independent contractor, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering. Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancers, table dancers, private dancers, strippers, male or female impersonators, or similar entertainers.

(3) "Adult-entertainment" means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD Rom generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(4) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by any means by patrons therein.

(5) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting materials having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein, for observation by any means by patrons therein.

(6) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes,

without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(7) "Board of mayor and aldermen" means the Board of Mayor and Aldermen of the Town of Tazewell, Tennessee.

(8) "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

(9) "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

(10) "Operator" means any person, partnership, corporation, or entity of any type or character operating, conducting or maintaining an adult-oriented establishment.

(11) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(i) Human genitals, pubic region;

(ii) Buttocks;

(iii) Female breasts below a point immediately above the top of the areola; and

(b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered.

(12) "Specified sexual activities" means:

(a) Human genitals in a state of actual or simulated sexual stimulation or arousal;

(b) Acts or simulated acts of human masturbation, sexual intercourse or sodomy;

(c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts. (as added by Ord. #299, July 2015)

9-1003. License required. (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the Town of Tazewell without first obtaining a license to operate issued by the Town of Tazewell.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for them.

(3) No license or interest in a license may be transferred to any person, partnership, or corporation.

(4) It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

(5) All existing adult-oriented establishments at the time of the passage of this chapter must submit an application for a license within thirty (30) days of the passage of this chapter on second and final reading. If a license is not issued within said thirty (30) day period, then such existing adult-oriented establishment shall cease operations.

(6) No license may be issued for any location unless the premise is lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with. (as added by Ord. #299, July 2015)

9-1004. Application for license. (1) Any person, partnership, or corporation desiring to secure a license shall make application to the Police Chief of the Town of Tazewell. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

(2) The application for a license shall be upon a form provided by the police chief. An applicant for a license including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five percent (5%) of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business (including but not limited to all holders of any interest in land of members of any limited liability company) shall furnish the following information under oath:

(a) Name and addresses, including all aliases.

(b) Written proof that the individual(s) is at least twenty one (21) years of age.

(c) All residential addresses of the applicant(s) for the past five (5) years.

(d) The applicants' height, weight, color of eyes and hair.

(e) The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application.

(f) Whether the applicant(s) previously operated in this or any other county, city or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

(g) All criminal statutes, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2" x 2") of each applicant.

(i) The address of the adult-oriented establishment to be operated by the applicant(s).

(j) The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.

(k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.

(l) The length of time each applicant has been a resident of the Town of Tazewell or its environs, immediately preceding the date of the application.

(m) If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and address of the registered agent and the name and address of each member of the limited liability entity.

(n) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(o) All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address, phone number, and representative's name.

(p) Evidence in form deemed sufficient to the city manager that the location for the proposed adult-oriented establishment complies with all requirements of the zoning ordinances as now existing or hereafter amended.

(3) Within fifteen (15) days of receiving the results of the investigation conducted by the Tazewell Police Department, the police chief shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation, the police chief shall advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending consideration of the required special use zoning permit by the board of mayor and aldermen.

(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within fifteen (15) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of mayor and aldermen at which time the applicant may present evidence as to why his/her license should not be denied. The board shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the regular monthly stated meeting of the board of mayor and aldermen. If any

application for an adult-oriented establishment license is denied by the board of mayor and aldermen and no agreement is reached with the applicant concerning the basis for denial, the city attorney shall institute suit for declaratory judgment in the Chancery Court of Claiborne County, Tennessee, within five (5) days of the date of any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the police chief. (as added by Ord. #299, July 2015)

9-1005. Standards for issuance of license. (1) To receive a license to operate an adult oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:

(i) The applicant shall be at least twenty-one (21) years of age.

(ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) The applicant shall not have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(b) If the applicant is a corporation:

(i) All officers, directors and stockholders required to be named under § 9-1003 shall be at least twenty-one (21) years of age.

(ii) No officer, director or stockholder required to be named under § 9-1003 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.

(c) If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:

(i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least twenty-one (21) years of age.

(ii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(2) No license shall be issued unless the Tazewell Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the police chief no later than thirty (30) days after the date of the application. (as added by Ord. #299, July 2015)

9-1006. Permit required. In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the police chief. (as added by Ord. #299, July 2015)

9-1007. Application for permit. (1) Any person desiring to secure a permit as an employee or entertainer shall make application to the police chief. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

(2) The application for a permit shall be upon a form provided by the police chief. An applicant for a permit shall furnish the following information under oath:

- (a) Name and address, including all aliases.
- (b) Written proof that the individual is at least twenty-one (21) years of age.
- (c) All residential addresses of the applicant for the past five (5) years.
- (d) The applicant's height, weight, color of eyes, and hair.
- (e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
- (f) Whether the applicant, while previously operating in this or any other city or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.

(g) All criminal statutes, whether federal, state or city ordinance violation, convictions, forfeiture of bond and pleadings of no lo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2" x 2") of the applicant.

(i) The length of time the applicant has been a resident of the Town of Tazewell, or its environs, immediately preceding the date of the application.

(j) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(3) Within fifteen (15) days of receiving the results of the investigation conducted by the Tazewell Police Department, the police chief shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the police chief shall advise the applicant in writing whether the application is granted or denied.

(4) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within fifteen (15) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of mayor and aldermen at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the police chief. (as added by Ord. #299, July 2015)

9-1008. Standards for issuance of permits. (1) To receive a permit as an employee or entertainer, an applicant must meet the following standards:

(a) The applicant shall be at least twenty-one (21) years of age.

(b) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature (including violation of similar adult-oriented establishment laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application.

(c) The applicant shall not have been found to violate any provision of this chapter within five (5) years immediately preceding the date of the application.

(2) No permit shall be issued until the Tazewell Police Department has investigated the applicant's qualifications to receive a permit. The results of that

investigation shall be filed in writing with the police chief not later than thirty (30) days after the date of the application. (as added by Ord. #299, July 2015)

9-1009. Fees. (1) A nonrefundable license fee of five hundred dollars (\$500.00) shall be submitted with the application for a license.

(2) A nonrefundable permit fee of one hundred dollars (\$100.00) shall be submitted with the application for a permit. (as added by Ord. #299, July 2015)

9-1010. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the Tazewell Police Department, or any person designated by the board of mayor and aldermen. (as added by Ord. #299, July 2015)

9-1011. Renewal of license or permit. (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

(2) A license renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than thirty (30) days before the license expires.

(3) If the Tazewell Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the police chief.

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder

and to the employee. The application for renewal shall be upon a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

(5) A permit renewal fee of one hundred dollars (\$100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars (\$50.00) shall be assessed against the applicant who files for renewal less than thirty (30) days before the license expires.

(6) If the Tazewell Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the police chief. (as added by Ord. #299, July 2015)

9-1012. Revocation of license or permit. (1) The police chief shall revoke a license or permit for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(b) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the city council pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the city council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(c) The operator or employee becomes ineligible to obtain a license or permit.

(d) Any cost or fee required to be paid by this chapter is not paid.

(e) An operator employs an employee who does not have a permit or provide space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.

(f) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

(g) Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.

(h) Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold.

(i) Any operator allows continuing violations of the rules and regulations of the Claiborne County Health Department.

(j) Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.

(k) Any minor is found to be loitering about or frequenting the premises.

(2) The police chief, before revoking or suspending any license or permit, shall give the operator or employee at least fifteen (15) days' written notice of the charges against him or her and the opportunity for a public hearing before the board of mayor and aldermen, at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest in a non-individual operator's license shall automatically and immediately revoke the license held by the operator. Such license shall thereby become null and void.

(4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for three (3) years from the date of revocation of the license. (as added by Ord. #299, July 2015)

9-1013. Hours of operation. The business shall only be permitted to be open for business Monday through Saturday from 10:00 AM. to 10:00 P.M. (as added by Ord. #299, July 2015)

9-1014. Location of business. The business will be located in the M-1, industrial district as outlined in section 11-406(2)B. of the Tazewell Zoning Code as uses and structures permitted on review. All stipulations regarding setbacks and buffer zones must be complied with before approval. (as added by Ord. #299, July 2015)

9-1015. Responsibilities of the operator. (1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the board of mayor and aldermen. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of the employees available immediately for inspection by police upon demand of a member of the Tazewell Police Department at all reasonable times.

(3) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if

such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(4) An operator shall be responsible for the conduct of all employees and/or entertainers while on the licensed premises and any act or omission of any employees and/or entertainer constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(5) There shall be posted and conspicuously displayed in the common area of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the Tazewell Police Department at all reasonable times.

(6) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(7) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures or other types of adult entertainment.

(8) The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.

(9) No operator, entertainer, or employee of an adult-oriented establishment shall demand or collect all or any portion of a fee for entertainment before its completion.

(10) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

This Adult-Oriented Establishment is regulated by the Town of Tazewell Municipal Code.

Entertainers are:

1. Not permitted to engage in any type of sexual conduct;

2. Not permitted to expose their sex organs;
3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.

(as added by Ord. #299, July 2015)

9-1016. Prohibitions and unlawful sexual acts. (1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.

(3) No operator, entertainer, or employee shall encourage or permit any other person upon the premises to touch, caress, or fondle his or her breasts, buttocks, anus or genitals.

(4) No operator, entertainer, employee, or customer shall be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, breasts or buttocks of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee or customer.

(5) No entertainer, employee or customer shall be permitted to have any physical contact with any other person on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer. (as added by Ord. #299, July 2015)

9-1017. Penalties and prosecution. (1) Any person, partnership, corporation, or other business entity that is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (as added by Ord. #299, July 2015)

9-1018. Severability. If a part of this chapter is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this chapter is invalid in one (1) or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications. (as added by Ord. #299, July 2015)

TITLE 10**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. Seizure and disposition of animals.
- 10-107. Inspections of premises.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or 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. (1969 Code, § 3-101)

10-102. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1969 Code, § 3-102)

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, safe condition, and wholesomeness for food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1969 Code, § 3-103)

10-104. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1969 Code, § 3-104)

10-105. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1969 Code, § 3-105)

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

The pound keeper shall collect from each person claiming an impounded animal or fowl a reasonable fee to cover the costs of impoundment and maintenance. (1969 Code, § 3-106)

10-107. Inspections of premises. 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. (1969 Code, § 3-107)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear collars, etc.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of female dogs in season.
- 10-207. Seizure and disposition of dogs.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1969 Code, § 3-201)

10-202. Dogs to wear collars, etc. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a collar and identification of its owner. (1969 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1969 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as reasonably to provide for the protection of other animals and persons. (1969 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1969 Code, § 3-205)

10-206. Confinement of female dogs in season. All female dogs within the city shall upon coming in season be kept in a securely closed building or under the complete control of the owner by the use of a leash for a minimum period of twenty-eight (28) days, beginning the first day that evidence of

¹State law reference

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

attraction is noticeable. Any dog not so kept shall constitute a nuisance which shall be abated according to Tennessee Code Annotated, §§ 44-8-410 and 44-8-411. (1969 Code, § 3-207)

10-207. Seizure and disposition of dogs. Any dog found running at large or otherwise being kept in violation of this chapter may be seized by an authorized person or by any peace officer. If the owner is not known, the dog shall be sold, humanely destroyed,¹ or otherwise disposed of as authorized by the mayor and aldermen. (1969 Code, § 3-206)

¹State law reference

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

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PERSON.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
8. MISCELLANEOUS.
9. EMERGENCY ALARM DEVICES.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Possession of open beer or intoxicating liquor on streets, etc.
 11-102. Minors in beer places.

11-101. Possession of open beer or intoxicating liquor on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has a permit and license for on premises consumption of such beverage. (1969 Code, § 10-228)

¹Municipal code references

- Animals and fowls: title 10.
- Housing and utilities: title 12.
- Fireworks and explosives: title 7.
- Traffic offenses: title 15.
- Streets and sidewalks (non-traffic): title 16.

²Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

State law reference

- See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

11-102. Minors in beer places. No person under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1969 Code, § 10-221, modified)

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

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1969 Code, § 10-234, modified)

CHAPTER 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1969 Code, § 10-201)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-403. Engine compression braking devices regulated.

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1969 Code, § 10-202)

11-402. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

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

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

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

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

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

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

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

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

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

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

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

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

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

(a) Municipal vehicles. Any vehicle of the 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 recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1969 Code, § 10-233)

11-403. Engine compression braking devices regulated. (1) All truck tractor and semi-trailers operating within the Town of Tazewell shall conform to the visual exhaust system inspection requirements, 40 CFR 202.22, of the Interstate Motor Carriers Noise Emission Standards.

(2) A motor vehicle does not conform to the visual exhaust system inspection requirements referenced in subsection (1) of this section if inspection of the exhaust system of the motor carrier vehicle discloses that the system:

(a) Has a defect that adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements. (Small traces of soot on flexible exhaust pipe sections shall not constitute a violation.);

(b) Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust by gases); or

(c) Is equipped with a cut out, bypass, or similar device, unless such device is designed as an exhaust gas driven cargo unloading system.

(3) Violations of this section shall subject the offender to a fine of fifty dollars (\$50.00) per offense. (as added by Ord. #259, Aug. 2010)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-501. Escape from custody or confinement.

11-502. Impersonating a government officer or employee.

11-503. False emergency alarms.

11-504. Resisting or interfering with an officer.

11-505. Coercing people not to work.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the Town of Tazewell 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. (1969 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the Town of Tazewell 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. (1969 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1969 Code, § 10-217)

11-504. Resisting or interfering with an officer. It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the Town of Tazewell while such officer or employee is performing or attempting to perform his municipal duties. (1969 Code, § 10-210)

11-505. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1969 Code, § 10-230)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Weapons and firearms generally.

11-601. 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 metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or methods, across any highway, street or alley of the town. It is also unlawful to discharge this type of weapon at another person or private property of another person in a manner that may cause damage to property. (1969 Code, § 10-213, as amended by Ord. #211, Sept. 2003)

11-602. Throwing missiles. It shall be unlawful for any person to maliciously throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1969 Code, § 10-214)

11-603. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver or any other dangerous weapon or instrument off of their property, unless that person has a valid handgun carry permit issued by the state, is a member of the United States Armed Forces on active duty, a police officer on or off duty. The discharge of any firearm within the corporate limits of the town is prohibited except for hunting, target practice, pest or animal control or self defense provided that the person discharging a firearm is responsible to see that the bullet or projectile will not endanger other persons or property other than the target. (1969 Code, § 10-212, as amended by Ord. #211, Sept. 2003)

CHAPTER 7

**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC****SECTION**

11-701. Trespassing.

11-702. Malicious mischief.

11-703. Interference with traffic.

11-701. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1969 Code, § 10-225)

11-702. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1969 Code, § 10-224)

11-703. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to unreasonably prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1969 Code, § 10-232)

CHAPTER 8

MISCELLANEOUS

SECTION

11-801. Abandoned refrigerators, etc.

11-802. Caves, wells, cisterns, etc.

11-803. Posting notices, etc.

11-804. Curfew for minors.

11-805. Wearing masks.

11-801. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1969 Code, § 10-222)

11-802. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1969 Code, § 10-231)

11-803. Posting notices, etc.¹ No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1969 Code, § 10-226)

11-804. Curfew for minors. It is unlawful for any person under eighteen (18) years of age, to be or remain on any streets or other public places within the corporate limits of the Town of Tazewell at night after the hour of 11:00 p.m. unless such person is accompanied by, or is in the performance of an errand or duty directed by, a parent, guardian, or other person having the care and custody of such minor person.

It is also unlawful for any parent, guardian, or other person having the legal care or custody of any person under eighteen (18) years of age to allow or permit any such child, ward, or other person under such age, while in his legal custody, to go or be upon any of the streets or other public places in the Town of Tazewell after 11:00 p.m. unless there exists a reasonable necessity therefor.

No child or minor person arrested under the provisions of this section shall be placed in confinement until such child first shall have been taken home to ascertain the parents' wishes, or the wishes of the person having the legal

¹Municipal code reference

Posting of handbills: title 9, chapter 9.

custody and control of such minor, and until such person having the legal custody and control shall have refused to be held responsible for the observance of the provisions of this section by said minor.

It shall be the duty of the judge, upon the arrest of any child for a violation of this section, where the parents or guardians have refused to become responsible for said minor, to cause the proper proceedings to be taken as authorized and provided by law in such cases. (1969 Code, § 10-223)

11-805. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1969 Code, § 10-235)

CHAPTER 9

EMERGENCY ALARM DEVICES

SECTION

11-901. Definitions.

11-902. Automatic telephone dialing alarm systems.

11-903. False alarms.

11-904. Fee assessment for false alarms.

11-905. Penalty for offenses.

11-901. Definitions. Unless it is apparent from the context that another meaning is intended, the following words used in this chapter shall have the meanings indicated herein:

(1) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the fire department and/or police department that an emergency exists or that the services of that department are needed. "Alarm system" shall also mean any alarm device which automatically emits an audible, visual, or other response upon the occurrence of any hazard or emergency and is intended to alert persons outside the building to the existence of said hazard or emergency.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure, or facility or portion thereof wherein an alarm system is maintained.

(3) "Alarm business" means the business of any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or in causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility.

(4) "Automatic telephone dialing alarm system" means any alarm system which is a device which automatically or electronically transmits by telephone or telephone line connected to the central dispatch facility a recorded message or code signal indicating a need for emergency response; or a system which, upon activation, connects to an answering service whose function it is to transmit to the fire department and/or police department a need for emergency response.

(5) "False alarm" means an alarm signal eliciting a response by the fire department and/or police department when a situation requiring a response by the fire department and/or police department does not in fact exist; but, this definition does not include an alarm signal caused by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

(6) "Central dispatch facility" means the central communications facility of the Claiborne County Emergency Communications District which receives, routes, or otherwise handles emergency service communications traffic.

(7) "Answering service" refers to a telephone answering service providing among its services the receiving on a continuous bases emergency signals from alarm systems and thereafter relaying the message to the central dispatch facility. (as added by Ord. #212, Dec. 2003)

11-902. Automatic telephone dialing alarm systems. It shall be unlawful for any person, natural or corporate, to sell, offer for sale, install, maintain, lease, operate, or assist in the operation of an automatic telephone dialing alarm system over any telephone lines exclusively used by the public to directly request emergency service from the fire department and/or police department. (as added by Ord. #212, Dec. 2003)

11-903. False alarms. (1) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by fire and/or police personnel, a fire officer or police officer on the scene of the activated alarm shall determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) If the fire officer or police officer at the scene of the activated alarm system determines the alarm to be false and no emergency response was necessary, then said officer shall submit a report of the false alarm to the city recorder, or his designee, and the fire chief or police chief. A written notification of emergency response and/or determination of the response shall be mailed or delivered to the alarm user at the address or location where the alarm was activated.

(3) It shall be a violation of this chapter to intentionally cause a false alarm, and any person who intentionally causes a false alarm shall be subject to the penalty provisions contained herein.

(4) Any alarm business testing or servicing any alarm system shall notify the fire department and/or police department and central dispatch and instruct such department of the location and time of said testing or servicing. The fees provided for in § 11-904 will not apply to the alarm user if prior notice of testing or servicing has been made to the department as outlined in this section. (as added by Ord. #212, Dec. 2003)

11-904. Fee assessment for false alarms. It is hereby found and determined that more than one (1) false alarm, within any three (3) month period, is excessive and constitutes a public nuisance. The activation of two (2) or more false alarms within any three (3) month period will result in the assessment of the following fees:

(1) A service charge of one hundred dollars (\$100.00) shall be automatically levied against the alarm user upon the occurrence of the second (2nd) false alarm.

(2) A service charge of one hundred-fifty dollars (\$150.00) shall be automatically levied against the alarm user upon the occurrence of the third (3rd) false alarm.

(3) A service charge of two hundred dollars (\$200.00) shall be automatically levied against the alarm user for each false alarm in excess of four (4). All service charges levied shall be paid to the fire department or police department by the alarm user within thirty (30) days of the date of the written notice of said charges. Failure to make payment within thirty (30) days from the date of the notice shall result citation to city court.

(4) The penalties set forth in this section shall apply to both automatic telephone dialing systems and non-telephone audible alarms. (as added by Ord. #212, Dec. 2003)

11-905. Penalty for offences. Any person failing to comply with any of the provisions of this chapter shall be guilty of a violation, and upon conviction in city court, shall be subject to a civil penalty of up to fifty dollars (\$50.00) per offense. Each occurrence shall constitute a separate offense. (as added by Ord. #212, Dec. 2003)

TITLE 12**BUILDING, UTILITY, ETC. CODES****CHAPTER**

1. BUILDING CODE.
2. RESIDENTIAL CODE.
3. PLUMBING CODE.
4. MECHANICAL CODE.
5. FUEL GAS CODE.
6. ENERGY CONSERVATION CODE.
7. ELECTRICAL CODE.
8. EROSION CONTROL ORDINANCE.
9. FIRE HYDRANT ORDINANCE.

CHAPTER 1**BUILDING CODE**¹**SECTION**

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations and penalty.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Building Code,² 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

²Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

code. (Ord. #140, Sept. 1987, as replaced by Ord. #199, Feb. 2001, Ord. #233, June 2007, Ord. #271, April 2012, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-102. Modifications. (1) Definitions. Whenever in the building code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the building code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis. (Ord. #140, Sept. 1987, as replaced by Ord. #199, Feb. 2001, Ord. #233, June 2007, Ord. #271, April 2012, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 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. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-104. Violations and penalty. 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. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

CHAPTER 2

RESIDENTIAL CODE

SECTION

- 12-201. Residential code adopted.
- 12-202. Modifications.
- 12-203. Available in recorder's office.
- 12-204. Violations and penalty.

12-201. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Residential Code,¹ 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the residential code. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-202. Modifications. (1) Definitions. Whenever in the building code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the residential code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis.

(3) Amendments to code adopted:

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

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

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

1. Section R313 Automatic Fire Sprinkler Systems is not mandatory, pursuant to T.C.A. § 68-120-101(a)(8).
2. Chapters 34-43 relating to Electrical Installations are deleted and electrical standards adopted in 0780-02-01 Electrical Installations shall apply.
3. Figure R301.2(2) Seismic Design Categories is deleted and replaced with Figure R301.2(2) Seismic Design Categories Site Class D from 2015 IRC.
4. Section R314.6 Power Source relating to Smoke Alarms is amended to create Exception 3 that shall read:
5. Exception 3. Interconnection and hardwiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior walls or ceiling finishes exposing the structure.
6. Section N1 102.4.1.2 (R402.4.1.2) Testing is replaced with Section N1 102.4.2.1 Testing Option and Section N1 102.4.2.2 Visual Inspection from 2009 IRC.
7. Section N1 103.3.3 (R403.3.3) Duct Testing (Mandatory) and Section N1 103.3.4 (R403.3.4) Duct Leakage (Prescriptive) are optional.
8. Table N1 102.1.2 (R402.1.2) Insulation and Fenestration Requirement by Component and Table N1 102.1.4 (R402.1.4) Equivalent U-Factors from 2018 IRC are replaced with Table N1 102.1 Insulation and Fenestration Requirements by Component and Table N1 102.1.2 Equivalent U-Factor from 2009 IRC.
9. Section N1 102.4.4 (R402.4.4) Rooms Containing Fuel-Burning Appliances is deleted in its entirety.
10. Table N1 102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "I": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 3 when a Fenestration U-Factor of .50 or lower is used, a Skylight U-Factor of .65 or lower is used, a Glazed Fenestration SHGC of .30 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."
11. Table N1 102.1 Insulation and Fenestration Requirements by Component in the 2009 edition is adopted and amended by adding the following as footnote "m": "Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 4 when a Fenestration U-Factor of .35 or lower is used, a Skylight

U-Factor of .60 or lower is used, a 90 AFUE Furnace is used, an 85 AFUE Boiler is used, and a 9.0 HSPF Heat Pump (heating) and 15 SEER (cooling) are used."

- (2) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:
 - (a) Any provision superseded by law;
 - (b) An optional or recommended, rather than mandatory, standard or practice; or
 - (c) Any agency, procedure, fees, or penalties for administration or enforcement purposes inconsistent with these rules.
- (3) The provisions of the cited publications adopted by reference in paragraph (1) shall govern the manner in which:
 - (a) The codes and standards are applied to construction of one (1) and two (2) family dwellings, townhouses, and additions thereto of thirty (30) or more square feet of interior space as defined in this chapter;
 - (b) Occupancies and types of construction are classified for the purpose of determining minimum requirements of the codes and standards; and
 - (c) The specific requirements of the codes and standards may be modified to permit the use of alternate materials or methods of construction. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-204. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

CHAPTER 3

PLUMBING CODE¹

SECTION

- 12-301. Plumbing code adopted.
- 12-302. Modifications.
- 12-303. Available in recorder's office.
- 12-304. Violations and penalty.
- 13-305.--12-306. Deleted.

12-301. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Plumbing Code,² 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the plumbing code. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-302. Modifications. (1) Definitions. Whenever in the plumbing code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the plumbing code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

²Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-303. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 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. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-304. Violations and penalty. 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. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-305.--12-306. Deleted. (Ord. #140, Sept. 1987, as deleted by Ord. #271, April 2013)

CHAPTER 4

MECHANICAL CODE

SECTION

- 12-401. Mechanical code adopted.
- 12-402. Modifications.
- 12-403. Available in recorder's office.
- 12-404. Violations and penalty.
- 12-405.--12-412. Deleted.

12-401. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Mechanical Code,¹ 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the mechanical code. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-402. Modifications. (1) Definitions. Whenever in the mechanical code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the mechanical code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-403. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the mechanical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-404. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-405.--12-412. Deleted. (Ord. #140, Sept. 1987, as deleted by Ord. #3271, April 2013)

CHAPTER 5

FUEL GAS CODE

SECTION

12-501. Fuel gas code adopted.

12-502. Modifications.

12-503. Available in recorder's office.

12-504. Violations and penalty.

12-501. Fuel gas code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Fuel Gas Code,¹ 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the fuel gas code. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-502. Modifications. (1) Definitions. Whenever in the fuel gas code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the fuel gas code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis. (Ord. #140, Sept. 1987, as replaced by (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the fuel gas code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-504. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the fuel gas code as herein adopted

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

CHAPTER 6

ENERGY CONSERVATION CODE

SECTION

- 12-601. Energy conservation code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations and penalty.

12-601. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Energy Conservation Code,¹ 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy conservation code. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-602. Modifications. (1) Definitions. Whenever in the energy conservation code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the energy conservation code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis.

(3) Amendments to code adopted. International Energy Conservation Code (IECC), 2018 edition, published by the ICC, except that:

- (1) Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from 2009 IECC.
- (2) Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are optional.

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

- (3) Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent U-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2009 IECC. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-603. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the energy conservation code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

12-604. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the energy conservation code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #140, Sept. 1987, as replaced by Ord. #271, April 2013, Ord. #298, July 2015, and Ord. #332, July 2020 *Ch9_08-11-20*)

CHAPTER 7

ELECTRICAL CODE

SECTION

12-701. Electrical code adopted.

12-702. Modifications.

12-703. Available in recorder's office.

12-704. Violations and penalty.

12-701. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the National Electrical Code, 2008 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. (as replaced by Ord. #271, April 2013)

12-702. Modifications. (1) Definitions. Whenever in the electrical code reference is made to the duties of a certain official named therein, that designated official of the Town of Tazewell who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the electrical code are concerned.

(2) Permit fees. All permit fees will be determined by the board of mayor and aldermen on an annual basis. (as replaced by Ord. #271, April 2013)

12-703. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 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. (as replaced by Ord. #271, April 2013)

12-704. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the electrical code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (as replaced by Ord. #271, April 2013)

CHAPTER 8

EROSION CONTROL ORDINANCE

SECTION

- 12-801. Statutory authorization.
- 12-802. Short title.
- 12-803. Need.
- 12-804. Purpose.
- 12-805. Rules applying to text.
- 12-806. Definitions.
- 12-807. Requirements.
- 12-808. Permits.
- 12-809. Exclusions.
- 12-810. Inspection and enforcement.
- 12-811. Off-site damage.
- 12-812. Penalties.

12-801. Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-2-201, delegated the authority to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (as added by Ord. #202, July 2001)

12-802. Short title. This chapter shall be known as the Tazewell Erosion Control Ordinance. (as added by Ord. #202, July 2001)

12-803. Need. Significant problems may result from development which results in the displacement of large quantities of earth, specifically erosion and sedimentation. Erosion is a dangerous activity in that it is the cause of contamination of water supplies and water resources. A buildup of sedimentation impedes stormwater runoff in watercourses, storm sewers, road ditches, and sinkholes or natural drainageways, resulting in reduced drainage capacities and causing flooding which produces substantial damage to public and private lands. In addition, sediment is unsightly, expensive to remove, limits the use or disposition of water for most beneficial purposes and may slightly decrease land values. The result is a serious threat to the health, safety, and general welfare of the community. (as added by Ord. #202, July 2001)

12-804. Purpose. The general purpose of this chapter is to substantially reduce existing and future erosion and sedimentation damage in the town. This chapter is designed to safeguard the health, safety, and welfare of the citizens; to establish reasonable and flexible criteria for development to minimize

potential erosion and sedimentation damage; to minimize the pollution of streams, ponds, and other watercourses by sediments; to minimize the danger or flood damage; and to preserve the natural beauty and esthetics of the community. (as added by Ord. #202, July 2001)

12-805. Rules applying to text. For the purpose of this chapter, certain rules of construction apply herein as follows:

(1) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.

(2) The term "shall" is always mandatory and not discretionary, the word "may" and "will" are permissive.

(3) Except as specifically defined herein, all words used in this chapter have their common dictionary definitions. (as added by Ord. #202, July 2001)

12-806. Definitions. The following definitions shall apply in the interpretation and enforcement of these regulations, unless specifically stated:

(1) "Administrator." The town administrator or his/her designated representative.

(2) "Building." Any structure built for the support, shelter or enclosure of persons, animals, chattels, or moveable property of any kind.

(3) "Cut." Portion of land surface or area from which earth or rock has been removed or will be removed by excavation. The depth of cut is the vertical distance from the original ground surface to the proposed or subsequently excavated surface.

(4) "Developer." Any individual, firm, corporation, association, partnership, or other entity involved in commencing proceedings under this chapter to effect development of land for him/herself or another.

(5) "Embankment." A man-made structure of soil, rock, or other erodible materials.

(6) "Erosion." The wearing or washing away of land surface by the action of wind, water, ice or gravity.

(7) "Excavation." See cut.

(8) "Fill." See embankment.

(9) "Grading." Any operation or occurrence by which the existing site elevations are changed by cutting, filling, borrowing, stockpiling, or where any ground cover, natural or man-made, is removed, or any building or other structures are removed, or any watercourse or body of water, either natural or man-made, is relocated on any site, thereby creating unprotected area. "Grading" shall be interchangeable with "land-disturbing activity."

(10) "Grading permit." A permit issued to authorize excavation and/or fill to be performed under this chapter.

(11) "Mulching." The application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

(12) "Natural ground surface." The surface in its original state before grading, excavating or filling.

(13) "Off-site area." As used in this chapter, off-site shall refer to that area outside the site area that is or may be adversely affected by sedimentation and siltation because of construction or work activity which is being or has been conducted on the site. The off-site area may be adjacent property or property some distance away.

(14) "Permittee." Any person, firm, or entity to whom a permit is issued in accordance with these regulations.

(15) "Sediment." Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

(16) "Sediment barrier." Any artificial, temporary, low dike built to prevent sediment from entering a watercourse and consisting of straw bales, silt fence (fabric), gravel, rock, or earth.

(17) "Site." Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which is or are in one ownership or are contiguous and in diverse ownership where grading, construction or development is to be or is being performed as part of a unit, subdivision or project.

(18) "Soil." All unconsolidated mineral and organic material of whatever origin that overlies bedrock and which can be readily excavated.

(19) "Stormwater runoff." Water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation, and which flows over the ground surface.

(20) "Structure." Any object constructed above or below ground.

(21) "Watercourse." Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed or banks, and shall include any area adjacent thereto subject to inundation by reason of overflow of surface water. (as added by Ord. #202, July 2001)

12-807. Requirements. Any developer shall provide soil erosion and sedimentation control prior to any exposure or disturbance on the earth, such as grading or filling for all residential, commercial, and industrial properties. Erosion and sediment barriers may consist of rock, earthen material, straw bales, stakes, and silt fence. (as added by Ord. #202, July 2001)

12-808. Permits. Any developer or builder who exposes or disturbs the earth upon any site as defined herein, shall have a valid grading permit for that site issued by the town administrator or his/her designee. Said permit shall be processed in a manner consistent with the policies and procedures recommended by the town administrator or his/her designee and before commencement of any

site preparation work or grading. The land owner, developer or builder on any permitted site which is causing erosion or siltation problems off-site shall suspend all grading activities upon presentation of a written stop work order by the town administrator or his/her designee. The permit holder must take immediate action to stabilize the site, repaired any damage and cleaned any off-site siltation or debris, and upon the written permission from the town administrator or his/her designee, the permittee may gain proceed with grading. Any grading within the floodplain, regardless of the site size or location, shall be unlawful without a permit. (as added by Ord. #202, July 2001)

12-809. Exclusions. No grading permit shall be required for:

(1) Nursery operations, such as the removal and/or transplanting of cultivated sod, shrubs and trees.

(2) Garden plots, lawn preparation or landscaping activities on existing lots or parcels unless the possibility for erosion and sedimentation or alteration of drainage is such as to necessitate a grading permit as determines by the administrator.

(3) Agricultural land management practices such as plowing or cultivation.

(4) Strip and surface mining regulated by state statutes.

(5) Sanitary landfills operated and conducted in accordance with the requirements, rules, and ordinances adopted by the State of Tennessee. (as added by Ord. #202, July 2001)

12-810. Inspection and enforcement. The requirements of this chapter shall be enforced by the town administrator or his/her designee. If the town administrator finds any person engaged in land-disturbing activities in violation of this chapter, the town administrator may require compliance and/or issue a stop work order. (as added by Ord. #202, July 2001)

12-811. Off-site damage. If the town administrator determines that any substantial and injurious erosion, sedimentation or flooding and consequential harm are occurring or have occurred as a result of any land-disturbing activity by any person, including activity concluded prior to the effective date of this chapter, the town administrator shall require such person to take prompt corrective actions to abate such condition(s) and to provide a ground cover or other protective measures, structures or devices sufficient to restrain accelerated erosion and to control off-site sedimentation. (as added by Ord. #202, July 2001)

12-812. Penalties. Any person who violates any provision of this chapter, or rule or adopted or issued pursuant to this chapter, or who knowingly or willfully initiates or continues a land-disturbing activity, shall, upon conviction thereof in the appropriate court pursuant to action initiated by the

town, be subject to the penalties as prescribed in the adopting ordinance for this municipal code. Compliance therewith may also be enforced by injunctive process at the suit of the town or the owner or owners of property affected by failure to comply with the provisions of this chapter. (as added by Ord. #202, July 2001)

CHAPTER 9**FIRE HYDRANT ORDINANCE****SECTION**

12-901. Fire hydrants requirements adopted.

12-901. Fire hydrants requirements adopted. All property developers or sub-division developers are required to install the required water mains sized to maintain the necessary water flow to support fire hydrants within any new developments within the town. Developers are further required to install all the needed hydrants to maintain the proper fire protection for the development or sub-division to be determined by the Tazewell Municipal Planning Commission. (as added by Ord. #228, March 2007)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. JUNKED AND ABANDONED VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Dumping on posted premises.
- 13-108. Unsafe buildings, etc.
- 13-109. Location and use of portable buildings and trailers restricted.
- 13-110. Food service sanitation ordinance adopted by reference.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the town. (1969 Code, § 8-601)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1969 Code, § 8-605)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-212.

property without treating it so as to effectively prevent the breeding of mosquitoes. (1969 Code, § 8-606)

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1969 Code, § 8-607)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1969 Code, § 8-608)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1969 Code, § 8-609)

13-107. Dumping on posted premises. It shall be unlawful for any person, firm, or corporation to dump refuse, dirt, stone or other such matter on any public or private property posted with a "No Dumping" sign. (1969 Code, § 8-612)

13-108. Unsafe buildings, etc. Every property owner is required to remove, destroy, or repair any building or part of a building remaining on his property when such building has been damaged by fire, water, wind or by any other cause or causes and is creating a danger or hazard or an unsightly appearance to the public.

All repairs of such buildings must conform with the building code.

All property owners are hereby required to repair and maintain in a safe and slightly condition all buildings existing on their property.

All property owners are hereby required to remove from their property any rubbish, abandoned cars, inoperable refrigerators, appliances, or any other form of junk which could become hazardous and/or would mar the appearance of the town.

All property owners are required to keep their property in an orderly manner and state of maintenance so that its appearance will not mar the appearance of the town.

All property owners shall be given thirty (30) days from the enactment of this section to comply with its provisions, after which they will be given notification by registered mail and have thirty (30) days to show cause why the provisions of this section should not be complied with.

Any property owner or owners not complying with the above provisions shall be deemed to be guilty of a misdemeanor. Also, the mayor may cause to be corrected any condition existing violation of this section and charge the costs thereof against the property owner. (1969 Code, § 8-610)

13-109. Location and use of portable buildings and trailers restricted. (1) The board of mayor and aldermen of the Town of Tazewell does hereby legislatively find that the unregulated use and occupancy of portable buildings and trailers constitutes a public nuisance in that the same creates hazardous conditions with respect to fire prevention and to the health of the community.

The board further finds that the unregulated use and occupancy of portable buildings and trailers as herein defined is detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the Town of Tazewell and it is necessary to exercise the general police powers of the town in the adoption of this section.

(2) The following definitions shall apply in the interpretation and the enforcement of this section:

(a) "Portable building." The term "portable building" shall mean any small, compact structure, similar to a trailer, intended for or capable of human habitation, mounted on skids or otherwise so constructed that it is capable of being readily moved from one location to another without change in structure or design except for foundation or method of support.

(b) "Trailer." The term "trailer" shall mean any structure intended for or capable of human habitation, mounted or designed for mounting, upon wheels or capable of being mounted on wheels and of being driven, propelled, or towed from place to place without change in structure or design, regardless of whether such structure is actually mounted on wheels or whether the same is placed on a temporary or permanent foundation; provided, that this definition shall not include transport trucks or vans equipped with sleeping space for the driver, and shall not include a structure or car used exclusively upon fixed tracks or rails.

(3) The board of mayor and aldermen may approve permits for large mobile homes that will conform to the Standard Building Code and the Standard Housing Code and which will have connections to the sewer system, permanent water installations from the water system, and permanent foundations if occupied by the owner of property.

(4) It shall be unlawful and a misdemeanor for any person to park,

locate, or occupy any trailer or portable building for the purpose of residing therein, on any street, lot, or parcel of land within the town outside a duly permitted trailer park.

(5) Any person violating any provisions of this section shall be guilty of a misdemeanor, and upon conviction may be fined under the general penalty clause for this code. In addition to the penalties herein above provided, the mayor is expressly authorized to institute suit in any court or competent jurisdiction in the name of the town to enforce compliance herewith by injunctive process. (1969 Code, § 8-604)

13-110. Food service sanitation ordinance adopted by reference.

(1) The definitions; the inspection of food service establishments; the issuance, suspension, and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink; and the enforcement of food service sanitation regulations shall be regulated in accordance with the unabridged form of the 1962 edition of the United States Public Health Service Food Service Sanitation Ordinance and Code,¹ three copies of which are on file in the office of the city recorder; provided, that the words "municipality of _____" in said unabridged form shall be understood to refer to the Town of Tazewell, Tennessee; provided further, that in said ordinance all parenthetical phrases referring to grading and subsection H. 2. e. shall be understood to be deleted; and provided further, that subsections H. 7. and H. 8. shall be replaced respectively by subsections (2) and (3) below.

(2) Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than fifty dollars (\$50.00). In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs constitutes a separate violation.

(3) This ordinance shall be in full force and effect from and after its adoption as provided by law and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. (1969 Code, § 8-614)

¹This ordinance and the code are contained in Public Health Service Publication No. 934 which is for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402. Price 55 cents.

CHAPTER 2**JUNKYARDS****SECTION**

13-201. Junkyards.

13-201. Junkyards.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. (1969 Code, § 8-611)

¹State law reference

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

CHAPTER 3

JUNKED AND ABANDONED VEHICLES

SECTION

- 13-301. Definitions.
- 13-302. Violations a civil offense.
- 13-303. Exceptions.
- 13-304. Enforcement.
- 13-305. Penalty for violations.
- 13-306. Severability.

13-301. Definitions. For the purpose of interpretation and application of this chapter, the following words and phrases have the indicated meanings:

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

(2) "Private property" shall include all property that is not public property, regardless of how the property is used, unless it is zoned for use as a junkyard.

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

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

(b) "Junked vehicle" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonable manner upon the public street and highway under its own power if self-propelled, or while being towed or pushed, if not self-propelled.

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

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

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

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

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

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

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

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

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and accumulation of other garbage or debris around the vehicle.

(c) "Abandoned vehicle" shall mean a vehicle of any age that has remained illegally on any untraveled road or public property for a period of more than forty-eight (48) hours. (as added by Ord. #234, Aug. 2007)

13-302. Violations a civil offense. It shall be unlawful and a civil offense for any person:

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

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

(3) To park, store, keep, maintain on private property a junk vehicle for more than sixty (60) continuous days.

(4) To park and or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk or abandoned vehicle that is untagged or has no current registration sticker for more than forty-eight (48) continuous hours, even if the

owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle. (as added by Ord. #234, Aug. 2007)

13-303. Exceptions. (1) It shall be permissible for a person to park, store, keep, and maintain a junked vehicle on private property under the following conditions:

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

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

(c) The junk vehicle is parked, stored, kept, or maintained on property that is not zoned for business use has a valid state recognized tag with a current year sticker placed on it.

(d) After an investigation by the police or notice to the police department is given by the owner or operator of any vehicle considered under this chapter, the vehicle is being stored, kept, maintained, or parked on private property for someone of active duty to the United States military or recognized service by the town.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health, safety, and welfare of the citizens of the Town of Tazewell. (as added by Ord. #234, Aug. 2007)

13-304. Enforcement. The board of mayor and alderman shall appoint the duties of enforcing this chapter to the police department. The police shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the police find a junked vehicle on private property, they shall issue a ticket to cite the owner or operator to city court. The citation shall be served to the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him/her or them. If the offender refuses to sign the agreement to appear, the police department may

(1) Request the city judge to issue a summons; or

(2) Issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101, et seq., or if the offender refuses to sign

the citation, may arrest the offender for failure to sign the citation in lieu arrest. (as added by Ord. #234, Aug. 2007)

13-305. Penalty for violations. Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court cost for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. (as added by Ord. #234, Aug. 2007)

13-306. Severability. Each section, subsection, paragraph, sentence, and clause of this chapter is declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause shall not affect the validity of any other provision of the chapter. (as added by Ord. #234, Aug. 2007)

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. TRAILER COACH PARKS.
4. FLOODWAY DISTRICT.
5. FLOODPLAIN MANAGEMENT REGULATIONS.
6. MOBILE HOME PARKS.

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

- 14-101. Creation.
- 14-102. Membership.
- 14-103. Organization.
- 14-104. Authority and duties.
- 14-105. Board of zoning appeals established.
- 14-106. Membership.
- 14-107. Authority and duties.

14-101. Creation. Under the authority of Tennessee Code Annotated, § 13-3-101, the Board of Mayor and Alderman of the Town of Tazewell, Tennessee does hereby establish the Tazewell Municipal Planning Commission to promote, enforce and regulate the state and the municipal zoning laws and ordinances within the boundaries of the Town of Tazewell, Tennessee. (1969 Code, § 11-101, as replaced by Ord. #196, Oct. 2000)

14-102. Membership. The Tazewell Municipal Planning Commission shall consist of (5) five members, the mayor will serve as a member for the term of office, an alderman from the board to be appointed every (2) two years, to be elected in January of even numbered years. The remaining members are to be appointed by the mayor for three year terms except the first terms of office will be (1) one year, (2) years and (3) years respectively. Any vacancy of an appointed term may be appointed by the mayor for the remainder of the term of office. The mayor will have the authority to remove any appointive member at his or her pleasure and any compensation is to be determined by the Board of Mayor and Aldermen of the Town. (as added by Ord. #196, Oct. 2000)

14-103. Organization. The municipal planning commission shall elect the chairman from the members of the commission and will serve as such for a

(1) one year term with eligibility for re-election, if the chairman is absent at a called or regular meeting a quorum of members may elect a temporary chairman for that meeting. The commission shall adopt rules for the transactions, findings and determinations of facts brought before the commission and will keep minutes of all meetings for public record. All meetings will be conducted as open meetings and closed meetings are forbidden by state law. The commission may ask the board of mayor and aldermen for the assistance of state or town staff, planners or consultants for services they might require to carry out their duties of office. The expenditures for any services provided must be approved by the board of mayor and aldermen of the town as part of the town budget. (as added by Ord. #196, Oct. 2000, as replaced by Ord. #224, Oct. 2006 then rescinded by Ord. #226, Dec. 2006)

14-104. Authority and duties. After the municipal planning commission has completed the organization of the commission and has adopted the required rules of procedure, then the said commission shall have all the powers, duties and responsibilities set forth in Tennessee Code Annotated, §§ 13-4-103 through 13-4-308 to enforce within the corporate limits of the Town of Tazewell Tennessee and will retain all basic rules and regulations that have been adopted and put in place by the former Tazewell-New Tazewell Regional Planning Commission. (as added by Ord. #196, Oct. 2000)

14-105. Board of zoning appeals established. Under the authority of Tennessee Code Annotated, § 13-7-205, the board of mayor and aldermen does hereby establish a Board of Zoning Appeals for the Town of Tazewell, Tennessee to promote, enforce and regulate the state and municipal zoning laws and ordinances with the limits of the Town of Tazewell. (as added by Ord. #197, Dec. 2000)

14-106. Membership. The board of zoning appeals shall consist of three (3) members appointed by the mayor and shall serve staggered terms with one (1) member to be appointed each year. (as added by Ord. #197, Dec. 2000)

14-107. Authority and duties. The board of zoning appeals shall meet as needed to hear:

(1) Appeals from actions taken by the Tazewell Municipal Planning Commission,

(2) Any requested variances of the Zoning Code of the Town of Tazewell. All decisions shall comply with state laws and municipal ordinances concerning zoning. (as added by Ord. #197, Dec. 2000)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Tazewell shall be governed by Ordinance Number 78, titled "Zoning Ordinance, Tazewell, Tennessee," and any amendments thereto.¹

¹Ordinance No. 78, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

TRAILER COACH PARKS

SECTION

- 14-301. Definitions.
- 14-302. License.
- 14-303. License fees.
- 14-304. Application for license.
- 14-305. Trailer coach park plan.
- 14-306. Location.
- 14-307. Water supply.
- 14-308. Sewage and refuse disposal.
- 14-309. Garbage receptacles.
- 14-310. Fire prevention.
- 14-311. Animals and pets.
- 14-312. Register of occupants.
- 14-313. Revocation of license.
- 14-314. Posting of license.

14-301. Definitions. As used in this chapter:

- (1) "Park" means trailer coach park.
- (2) "Person" means any natural individual, firm, trust, partnership association, or corporation.
- (3) "Trailer coach" means any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.
- (4) "Trailer coach park" means any plot of ground upon which one or more trailer coaches, occupied or unoccupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
- (5) "Trailer coach space" means a plot of ground within a trailer coach park designated for the accommodation of one trailer coach.
- (6) "Dependent trailer coach" means a trailer coach which does not have a toilet and a bath or shower.
- (7) "Independent trailer coach" means a trailer coach that has a toilet and a bath or shower. (1969 Code, § 5-801)

14-302. License. It shall be unlawful for any person to maintain or operate within the corporate limits of the town any trailer coach park unless such person shall first obtain a license therefor. All trailer coach parks in existence upon the effective date of these provisions shall within ninety (90) days thereafter obtain such license and in all other respects comply fully with the requirements of this chapter. (1969 Code, § 5-802)

14-303. License fees. The annual license fee for each trailer coach park shall be \$25.00. The fee for the transfer of a license as provided in this chapter shall be \$5.00 (1969 Code, § 5-803)

14-304. Application for license. The application for a trailer coach park license shall be filed with, and the license issued by, the city recorder. Applications shall be in writing, signed by the applicant, and shall contain the following:

- (1) The name and address of the applicant.
- (2) The location and legal description of the trailer coach park.
- (3) A complete plan of the park showing compliance with § 14-305.
- (4) Plans and specifications of all buildings and other improvements constructed or to be constructed within the trailer coach park.
- (5) Such further information as may be requested by the Town of Tazewell to enable it to determine if the proposed park will comply with legal requirements.

Each application and all accompanying plans and specifications shall be filed in triplicate. The building inspector shall investigate the applicant and inspect the proposed plans and specifications. If the applicant is found to be of good moral character, and the proposed trailer coach park will be in compliance with all provisions of this chapter and all other applicable ordinances or statutes, the city recorder shall approve the application and upon completion of the park according to the plans shall issue the license. (1969 Code, § 5-804)

14-305. Trailer coach park plan. The trailer coach park shall conform to the following requirements:

- (1) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (2) No parcel of land containing less than two (2) acres or less than ten (10) trailer coach spaces, available at time of first occupancy, may be used for the purposes permitted in the trailer coach park.
- (3) Trailer coach spaces, not including access roads, shall be provided consisting of a minimum of two thousand one hundred (2100) square feet for each space which shall be at least thirty (30) feet wide and clearly defined. Trailer coaches shall be so harbored on each space that there shall be at least eighteen (18) feet clearance between trailer coaches. No trailer coach shall be located closer than fifteen (15) feet from any property line bounding the park.
- (4) All trailer coach spaces shall abut upon a driveway of not less than twenty (20) feet in width which shall have unobstructed access to a public street or highway. The sole vehicular access shall not be by alley, and all dead-end driveways shall include an adequate vehicular turning space or cul-de-sac. All driveways shall be stone surfaced, well marked in the daytime, and lighted at night with twenty-five (25) watt lamps at intervals of one hundred (100) feet located approximately fifteen (15) feet from the ground.

(5) An electrical outlet supplying at least one hundred and ten (110) volts shall be provided for each trailer coach space. (1969 Code, § 5-805)

14-306. Location. Trailer coach parks may be located in any district in which residential dwellings are permitted. Each boundary of the park must be at least five hundred (500) feet from any permanent residential building located outside the park unless a majority of the property owners within said five hundred (500) feet area consent in writing to the establishment of the park. (1969 Code, § 5-806)

14-307. Water supply. An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the park. The water supply shall be obtained from faucets only. No common drinking cups shall be permitted. Cold water supply faucets shall be located on each trailer coach space. (1969 Code, § 5-807)

14-308. Sewage and refuse disposal. A dependent trailer coach shall not be permitted in a trailer coach park.

Waste from showers, bath tubs, toilets, and laundries shall be discharged into a public sewer system if the park is within three hundred (300) feet of the town's sanitary sewer. Otherwise, such wastes shall be discharged into a private sewer and disposal plant or septic tank system of such construction and in such a manner as will present no health hazard. (1969 Code, § 5-808)

14-309. Garbage receptacles. Tightly covered metal garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than two hundred (200) feet from any trailer coach space. The cans shall be kept in a sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. (1969 Code, § 5-809)

14-310. Fire prevention. Every park shall be equipped at all times with one fire extinguisher in good working order for every ten (10) trailer coach spaces. An extinguisher shall be located not farther than two hundred (200) feet from each trailer coach space. No open fires shall be permitted at any place which could endanger life or property. No fire shall be left unattended at any time. (1969 Code, § 5-810)

14-311. Animals and pets. No owner or person in charge of any dog, cat, or other pet animal shall permit it to run at large or commit any nuisance within the limits of any trailer coach park. (1969 Code, § 5-811)

14-312. Register of occupants. It shall be the duty of the licensee to keep a register containing a record of all trailer coach owners and occupants located within the park. The register shall contain the following information:

- (1) Name and address of each occupant.
- (2) The make, model, and year of all automobiles and trailer coaches.
- (3) License number and owner of each trailer coach and the automobile by which it is towed.
- (4) The state issuing such license.
- (5) The dates of arrival and departure of each trailer coach.

The park shall keep the register available for inspection, at all times, by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three years following the date of registration. (1969 Code, § 5-812)

14-313. Revocation of license. The city recorder may revoke any license to maintain and operate a park when the licensee fails to comply with any provision of this chapter and is found guilty by a court of competent jurisdiction. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the park may be maintained and operated in full compliance with the law. Appeals may be taken to the board of mayor and aldermen. (1969 Code, § 5-813)

14-314. Posting of license. The license certificate shall be conspicuously posted in the office of or on the premises of the trailer coach park at all times. (1969 Code, § 5-814)

CHAPTER 4**FLOODWAY DISTRICT****SECTION**

14-401. Floodplain regulations.

14-402. Deleted.

14-403. Deleted.

14-404. Deleted.

14-405. Deleted.

14-401. Floodplain regulations. Regulations for floodplain areas of Tazewell, Tennessee have been incorporated into chapter 8 of the "Zoning Code of Tazewell, Tennessee." (Ord. #145, Aug. 1988, as replaced by Ord. #174, Aug. 1995)

14-402. Deleted. (Ord. #145, Aug. 1988, as deleted by Ord. #174, Aug. 1995)

14-403. Deleted. (Ord. #145, Aug. 1988, as deleted by Ord. #174, Aug. 1995)

14-404. Deleted. (Ord. #145, Aug. 1988, as deleted by Ord. #174, Aug. 1995)

14-405. Deleted. (Ord. #145, Aug. 1988, as deleted by Ord. #174, Aug. 1995)

CHAPTER 5

FLOODPLAIN MANAGEMENT REGULATIONS

SECTION

- 14-501. Statutory authorization, findings of fact, purpose and objectives.
- 14-502. Definitions.
- 14-503. General provisions.
- 14-504. Administration.
- 14-505. Provisions for flood hazard reduction.
- 14-506. Variance procedures.
- 14-507. Legal status provisions.

14-501. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-2-201 delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Tazewell, Tennessee, Mayor and its Board of Aldermen do ordain as follows:

(2) Findings of fact. (a) The Town of Tazewell, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

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

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

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

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

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

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

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

(4) Objectives. The objectives of this chapter are:

(a) To protect human life, health and property;

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

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

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

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential home buyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (as added by Ord. #248, May 2009, and replaced by Ord. #265, Oct. 2011, and Ord. #288, Oct. 2014)

14-502. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

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

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

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this chapter or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' - 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard" see "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

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

(9) "Building" see "structure."

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

(12) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(13) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

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

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

(16) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(18) "Existing structures." See "existing construction."

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

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

(a) The overflow of inland or tidal waters;

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

(21) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

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

(23) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(24) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(25) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

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

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

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

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

(30) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(31) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

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

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

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

(35) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are

necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

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

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

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

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the Town of Tazewell, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

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

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

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

(41) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(42) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(43) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(44) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

(46) "New construction" means any structure for which the "start of construction" commenced after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance comprising this chapter or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(48) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(49) "100-year flood." See "base flood."

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

(51) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

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

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(53) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to

discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

(55) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

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

(57) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(58) "State coordinating agency." The Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(59) "Structure" for purposes of this chapter, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

(61) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement to a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term

includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

- (a) The appraised value of the structure prior to the start of the initial improvement, or
- (b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or;

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

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

(63) "Variance" is a grant of relief from the requirements of this chapter.

(64) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (as added by Ord. #248, May 2009, and replaced by Ord. #265, Oct. 2011, and Ord. #288, Oct. 2014)

14-503. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of the Town of Tazewell, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Town of Tazewell, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47025C0230D, 47025C0235D, and 47025C0240E, dated September 25, 2009, September 25, 2009, and November 2, 2011 respectively along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Tazewell, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this chapter or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Tazewell, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #248, May 2009, and replaced by Ord. #265, Oct. 2011, and Ord. #288, Oct. 2014)

14-504. Administration. (1) Designation of chapter administrator. The mayor or their designee is hereby appointed as the administrator to implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any

development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage.

(i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(iii) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-505(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further

work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review of all development permits to assure that the permit requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development Local Planning Assistance Office prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor including basement of all new and substantially improved buildings, in accordance with § 14-504(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-504(2).

(h) When floodproofing is utilized for a structure, the administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with § 14-504(2).

(h) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(i) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements,

or other development in Zone A on the Town of Tazewell, Tennessee FIRM meet the requirements of this chapter.

(j) Maintain all records pertaining to the provisions of this chapter in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (as added by Ord. #248, May 2009, and replaced by Ord. #265, Oct. 2011, and Ord. #288, Oct. 2014)

14-505. Provisions for flood hazard reduction. (1) General standards. In all flood-prone areas the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this chapter shall

be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-505(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-505(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in 14-502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-504(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-505(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-502).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-505(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (See § 14-505(5)).

(3) Standards for areas of special flood hazard with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-503(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the Town of Tazewell, Tennessee and certification, thereof.

(b) New construction or substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-505(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-503(2), where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-505(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-503(2), where streams exist, but no base flood data has been provided and or where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-505(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-502). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-504(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-505(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated

development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Town of Tazewell, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-505(1) and (2). Within approximate A Zones, require that those subsections of § 14-505(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones).

Located within the special flood hazard areas established in § 14-503(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-505(1) and (2), apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-505(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-504(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A99 Zones). Located within the areas of special flood hazard established in § 14-503(2) are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A99 Zones) all provisions of §§ 14-504 and 14-505 shall apply.

(8) Standards for unmapped streams. Located within the Town of Tazewell, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-504 and 14-505. (as added by Ord. #248, May 2009, and replaced by Ord. #265, Oct. 2011, and Ord. #288, Oct. 2014)

14-506. Variance procedures. (1) Board of floodplain review.

(a) Creation and appointment. A board of floodplain review is hereby established which shall consist of three (3) members appointed by the chief executive officer. The term of membership shall be four (4) years except that the initial individual appointments to the board of floodplain review shall be terms of one (1), two (2), and three (3) years, respectively. Vacancies shall be filled for any unexpired term by the chief executive officer.

(b) Procedure. Meetings of the board of floodplain review shall be held at such times, as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the board of floodplain review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases

where an appeal is made by a property owner or other interested party, a fee for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The board of floodplain review shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The Town of Tazewell, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this chapter to preserve the historic character and design of the structure.

(C) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this chapter, the board of floodplain review may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this chapter.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-506(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #248, May 2009, and replaced by Ord. #265, Oct. 2011, and Ord. #288, Oct. 2014)

14-507. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between the ordinance comprising this chapter or any part thereof, and the whole or part of any existing or future ordinance of the Town of Tazewell, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter which is not of itself invalid or unconstitutional. (as added by Ord. #248, May 2009, and replaced by Ord. #265, Oct. 2011, and Ord. #288, Oct. 2014)

CHAPTER 6

MOBILE HOME PARKS

SECTION

- 14-601. Definitions.
- 14-602. Location of mobile homes.
- 14-603. Compliance with construction standards required.
- 14-604. Installation requirements.
- 14-605. Permit for single mobile home installation.
- 14-606. Location and planning.
- 14-607. Minimum size of mobile home park.
- 14-608. Minimum number of spaces.
- 14-609. Minimum mobile homes space and spacing of mobile homes.
- 14-610. Water supply.
- 14-611. Sewage disposal.
- 14-612. Refuse.
- 14-613. Electricity.
- 14-614. Streets.
- 14-615. Parking spaces.
- 14-616. Buffer strip.
- 14-617. A complete list of owners of mobile homes.
- 14-618. Enforcement.
- 14-619. Board of appeals.
- 14-620. Appeals from board of appeals.
- 14-621. Violation and penalty.

14-601. Definitions. For the purpose of interpretation and application of this chapter, the following words and phrases have the indicated meanings:

(1) "Health officer." The director of the city, county or district health department having jurisdiction over the community health in a specific area, or his duly authorized representative. The Town of Tazewell's Health Inspector is the Claiborne County Health Department Inspector.

(2) "Mobile home." A detached single-family dwelling unit with any or all of the following characteristics:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels.

(c) Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for

occupancy except for minor and incidental unpacking and assembly operations, connection to utilities and the like.

(d) "Mobile home" does not include travel trailers, recreational vehicles (RVs), campers, or tents which are prohibited in mobile home parks.

(3) "Mobile home park (trailer court)." The term mobile home park shall mean any plot of ground on which two (2) or more mobile homes occupied for dwelling or sleeping purposes are located.

(4) "Mobile home space." The term shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(5) "Permit." The permit required for single mobile home installations. Fees charged under the permit requirement are for inspection and the administration of this chapter. (as added by Ord. #296, June 2015)

14-602. Location of mobile homes. It shall be unlawful for any mobile home to be used, stored, or placed on any lot or serviced by the utilities of the town where the mobile home is outside of any designated mobile home park after June 9, 2015. The use of a single wide mobile home other than as a residential dwelling in an approved mobile home park is prohibited. (as added by Ord. #296, June 2015)

14-603. Compliance with construction standards required. No mobile home shall be used, placed, stored or serviced by utilities within any mobile home park in the town unless it displays the appropriate decal(s) evidencing compliance with the applicable construction standards pursuant to the "Uniform Standards Code for Manufactured Homes," Tennessee Code Annotated, title 68, chapter 126, is built to the Manufactured Home Construction and Safety Standards (HUD code) and displays a red certification label on the exterior of each transportable section. (as added by Ord. #296, June 2015)

14-604. Installation requirements. Mobile home installations shall comply with the "Tennessee Manufactured Home Installation Act," Tennessee Code Annotated, § 68-126-401, et seq. (as added by Ord. #296, June 2015)

14-605. Permit for single mobile home installation. A permit is required for the installation of a mobile home in a mobile home park. (as added by Ord. #296, June 2015)

14-606. Location and planning. A mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the town planning commission and town building inspector. The town planning commission and building inspector may promulgate regulations for mobile home park location and plan approval, which shall provide for adequate space,

lighting, drainage, sanitary facilities, safety features, and service buildings as may be necessary to protect the public health, prevent nuisances, and provide for the convenience and welfare of the mobile home park occupants. (as added by Ord. #296, June 2015)

14-607. Minimum size of mobile home park. The tract of land for the mobile home park shall comprise an area of not less than two (2) acres. The tract of land shall consist of a single plat so dimensioned and related as to facilitate efficient design and management. (as added by Ord. #296, June 2015)

14-608. Minimum number of spaces. Minimum number of spaces completed and ready for occupancy before first occupancy is ten (10). (as added by Ord. #296, June 2015)

14-609. Minimum mobile homes space and spacing of mobile homes. Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least thirty feet (30') of open space between mobile homes or any attachment such as a garage or porch, and at least ten feet (10') end to end spacing between trailers and any building or structure, thirty feet (30') between any trailer and property line and thirty feet (30') from the right-of-way of any public street or highway.

The individual plot sizes for mobile home spaces shall be determined as follows:

- (1) Minimum lot area of two thousand four hundred (2,400) square feet;
- (2) Minimum depth with end parking of an automobile shall be equal to the length of the mobile home plus thirty feet (30');
- (3) Minimum depth with side or street parking shall be equal to the length of mobile home plus fifteen feet (15'); and
- (4) In no case shall the minimum width be less than forty feet (40') and the minimum depth less than sixty feet (60'). (as added by Ord. #296, June 2015)

14-610. Water supply. Where a public water supply is available, it shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the county health officer. In those instances where an independent system is approved, the water shall be from a supply properly located, protected, and operated, and shall be adequate in quantity and approved in quality. Samples of water for bacteriological examination shall be taken before the initial approval of the physical structure and thereafter at least every four (4) months and when any repair or alteration of the water supply system has been made. If a positive sample is obtained, it will be the responsibility of the trailer court operator to provide such treatment as is deemed necessary to maintain a safe,

potable water supply. Water shall be furnished at the minimum rate of one hundred twenty-five (125) gallons per day per mobile home space. An additional water service connection shall be provided for each mobile home space, with meter for each individual trailer. (as added by Ord. #296, June 2015)

14-611. Sewage disposal.¹ An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Every effort shall be made to dispose of the sewage through a public sewage system. In lieu of this, a septic tank and sub-surface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available. The minimum size of any septic tank to be installed under any condition shall not be less than seven hundred fifty (750) gallons working capacity. This size tank can accommodate a maximum of two (2) mobile homes. For each additional mobile home a single tank, a minimum additional liquid capacity of one hundred seventy-five (175) gallons shall be provided. The sewage from no more than twelve (12) mobile homes shall be disposed of in any one (1) single tank installation. The size of such tank shall be a minimum of two thousand five hundred (2,500) gallons liquid capacity.

The amount of effective soil absorption area or total bottom area of overflow trenches will depend on local soil conditions and shall be determined only on the basis of the percolation rate of the soil. The percolation rate must be determined according to the "percolation test procedures" in the Official Compilation of the Rules and Regulations of the State of Tennessee, which may be found online at http://state.tn.us/sos/rules/1200/1200_01_06.pdf. No mobile home shall be placed over a soil absorption field.

In lieu of a public sewerage or septic tank system, an officially approved package treatment plant may be used.

All sewer lines shall be laid in trenches separated at least ten feet (10') horizontally from any drinking water supply line. (as added by Ord. #296, June 2015)

14-612. Refuse.² The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards. All refuse shall be stored in fly-proof, water tight and rodent-proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once per week. (as added by Ord. #296, June 2015)

¹Municipal code reference
Sewage disposal: title 18, chapter 1.

²Municipal code reference
Refuse: title 17, chapter 1.

14-613. Electricity. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be in compliance with the current electrical code adopted by the State of Tennessee, and shall satisfy all requirements of the local electric service organization. (as added by Ord. #296, June 2015)

14-614. Streets. Widths of various streets within mobile home parks shall be:

One-way, with no on-street parking	11 ft.
One-way, with parallel parking on one (1) side only	18 ft.
One-way, with parallel parking on both sides	26 ft.
Two-way, with no on-street parking	20 ft.
Two-way, with parallel parking on one (1) side only	28 ft.
Two-way, with parallel parking on both sides	36 ft.

Streets shall have a compacted gravel base and a prime seal treatment to meet requirements of the Tennessee State Highway Department. (as added by Ord. #296, June 2015)

14-615. Parking spaces. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one (1) car space for each mobile home lot plus an additional car space for each four (4) lots to provide for guest parking, for two (2) car tenants and for delivery and service vehicles. Car parking spaces shall be located for convenient access to the mobile home space. Where practical, one (1) car space shall be located on each lot and the remainder located in adjacent parking bays. The size of the individual parking space shall have a minimum width of not less than ten feet (10') and a length of not less than twenty feet (20'). The parking spaces shall be located so access can be gained only from internal streets of the mobile home park. (as added by Ord. #296, June 2015)

14-616. Buffer strip. An evergreen buffer strip shall be planted along those boundaries of the mobile home court that are adjacent to development.(as added by Ord. #296, June 2015)

14-617. A complete list of owners of mobile homes. Mobile home parks shall keep a complete list of who owns the mobile home on each lot and a list of who reside(s) in each mobile home. (as added by Ord. #296, June 2015)

14-618. Enforcement. It shall be the duty of the county health officer and town building inspector to enforce provisions of this chapter. (as added by Ord. #296, June 2015)

14-619. Board of appeals. The planning commission shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building inspector in the enforcement of this chapter may appeal for and receive a hearing by the planning commission for an interpretation of pertinent chapter provisions. In exercising this power of interpretation of this chapter, the planning commission may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or determination made by the building inspector. (as added by Ord. #296, June 2015)

14-620. Appeals from board of appeals. Any person or persons or any board, taxpayer, department, or bureau of the town aggrieved by any decision of the planning commission may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee. (as added by Ord. #296, June 2015)

14-621. Violation and penalty. Any person or corporation who violates the provisions of the chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements specified by the town building inspector or county health officer after receipt of thirty (30) days' written notice of such requirements, shall be subject to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #296, June 2015)

TITLE 15

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. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.
Engine compression braking systems: § 11-403.

²State law references

Under Tennessee Code Annotated, § 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 Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Bicycle riders, etc.
- 15-122. [Repealed].
- 15-123. Adoption of state traffic statutes.
- 15-124. Compliance with financial responsibility law required.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, state approved operators license, title, registration, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1969 Code, § 9-101, modified)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1969 Code, § 9 106)

15-103. 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. (1969 Code, § 9-109)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width a vehicle shall be driven upon the right half of the street except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
- (b) When the right half of a roadway is closed to traffic while under construction or repair.
- (c) Upon a roadway designated and signposted by the 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. (1969 Code, § 9-110)

15-105. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle

within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1969 Code, § 9-111)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1969 Code, § 9-112)

15-107. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1969 Code, § 9-113)

15-108. 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. (1969 Code, § 9-114)

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or

¹Municipal code references

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

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

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. (1969 Code, § 9-115)

15-110. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. (1969 Code, § 9-116)

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under proper authority 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. (1969 Code, § 9-117)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1969 Code, § 9-118)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1969 Code, § 9-120)

15-114. 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. (1969 Code, § 9-121)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1969 Code, § 9-122)

15-116. 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 (½) hour after sunset and one-half (½) 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. (1969 Code, § 9-123)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1969 Code, § 9-124)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1969 Code, § 9-125)

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1969 Code, § 9-126)

15-120. Damaging pavements. No person shall operate or cause to be operated upon any street of the town any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1969 Code, § 9-119)

15-121. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the 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, or motor driven cycles.

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

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

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

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

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

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

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

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian to knowingly permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1969 Code, § 9-127)

15-122. [Repealed]. (1969 Code, § 9-107, as repealed by Ord. #239, March 2008)

15-123. Adoption of state traffic statutes. By reference granted under Tennessee Code Annotated, § 16-18-302, the Town of Tazewell adopts by reference as if fully set forth in this section, the "Rules of the Road:"

(1) Applicability and administration. (a) "Definitions," as set forth in Tennessee Code Annotated, § 55-8-101.

(b) "Applicability of Law," as set forth in Tennessee Code Annotated, § 55-8-102.

(c) "Crimes and Offenses," as set forth in Tennessee Code Annotated, § 55-8-103.

(d) "Riding Animals or Driving Animal Drawn Vehicles," as set forth in Tennessee Code Annotated, § 55-8-105.

(e) "Officers and Employees," as set forth in Tennessee Code Annotated, § 55-8-106

(f) "Working upon Highway Surface," as set forth in Tennessee Code Annotated, § 55-8-107.

(g) "Emergency Vehicles," as set forth in Tennessee Code Annotated, § 55-8-108.

(h) "Pedestrian Control Signals," as set forth in Tennessee Code Annotated, § 55-8-111.

(i) "Crosswalks; Moving upon Right Half," as set forth in Tennessee Code Annotated, § 55-8-137.

(j) "Complaint and Summons or Notice to Appear," as set forth in Tennessee Code Annotated, § 55-8-157.

(k) "Stopping or Parking upon Roadway; Removal," as set forth in Tennessee Code Annotated, § 55-8-159.

(l) "Motorcycles and Autocycles; Rights and Duties," as set forth in Tennessee Code Annotated, § 55-8-181.

(m) "Illegal Parking; Rented or Leased Vehicles," as set forth in Tennessee Code Annotated, § 55-8-186.

(n) "Street Sweeper," as set forth in Tennessee Code Annotated, § 55-8-190.

(o) "Definitions," as set forth in Tennessee Code Annotated, § 55-8-301.

(p) "Electric bicycle, requirements," as set forth in Tennessee Code Annotated, § 55-8-302.

(2) Municipal traffic offenses - the following are adopted by reference as municipal traffic offenses. (a) "Compliance with Lawful Orders or Directions of Police Officers," as set forth in Tennessee Code Annotated, § 55-8-104.

(b) "Traffic Control Devices; Obedience," as set forth in Tennessee Code Annotated, § 55-8-109.

(c) "Traffic Control Signals; Traffic Citations," as set forth in Tennessee Code Annotated, § 55-8-110.

(d) "Flashing Red or Yellow Signals," as set forth in Tennessee Code Annotated, § 55-8-112.

(e) "Unauthorized Signs, Signals, Markings or Devices," as set forth in Tennessee Code Annotated, § 55-8-113.

(f) "Altering, Defacing or Removing Devices or Signs," as set forth in Tennessee Code Annotated, § 55-8-114.

- (g) "Driving upon Right Half of Roadway," as set forth in Tennessee Code Annotated, § 55-8-115.
- (h) "Vehicles Proceeding in Opposite Directions," as set forth in Tennessee Code Annotated, § 55-8-116.
- (i) "Overtaking and Passing," as set forth in Tennessee Code Annotated, § 55-8-117.
- (j) "Overtaking and Passing on Right," as set forth in Tennessee Code Annotated, § 55-8-118.
- (k) "Driving on Left Side of Roadway in Overtaking and Passing," as set forth in Tennessee Code Annotated, § 55-8-119.
- (l) "Driving on Left Side of Roadway; Prohibitions," as set forth in Tennessee Code Annotated, § 55-8-120.
- (m) "No Passing Zones," as set forth in Tennessee Code Annotated, § 55-8-121.
- (n) "One-Way Traffic; Rotary Traffic Islands," as set forth in Tennessee Code Annotated, § 55-8-122.
- (o) "Traffic Lanes," as set forth in Tennessee Code Annotated, § 55-8-123.
- (p) "Following Another Vehicle," as set forth in Tennessee Code Annotated, § 55-8-124.
- (q) "Divided Highways," as set forth in Tennessee Code Annotated, § 55-8-125.
- (r) "Controlled Access Roadways; Entrances and Exits," as set forth in Tennessee Code Annotated, § 55-8-126.
- (s) "Controlled Access Roadway; Prohibited Uses," as set forth in Tennessee Code Annotated, § 55-8-127.
- (t) "Right of Way; Intersections," as set forth in Tennessee Code Annotated, § 55-8-128.
- (u) "Left Turns; Right of Way," as set forth in Tennessee Code Annotated, § 55-8-129.
- (v) "Through Highways; Right of Way," as set forth in Tennessee Code Annotated, § 55-8-130.
- (w) "Drive, Private Road, or Private Driveway; Right of Way," as set forth in Tennessee Code Annotated, § 55-8-131.
- (x) "Pedestrians; Traffic Control Signals," as set forth in Tennessee Code Annotated, § 55-8-133.
- (y) "Crosswalks; Right of Way," as set forth in Tennessee Code Annotated, § 55-8-134.
- (z) "Crossing at Any Point Other than Crosswalk; Right of Way," as set forth in Tennessee Code Annotated, § 55-8-135.
- (aa) "Due Care," as set forth in Tennessee Code Annotated, § 55-8-136.
- (bb) "Walking or Using a Wheelchair Along and upon Roadways," as set forth in Tennessee Code Annotated, § 55-8-138.

(cc) "Soliciting Rides or Employment, Loitering, or Conducting Commercial Activity in or near a State Highway Median; Exceptions," as set forth in Tennessee Code Annotated, § 55-8-139.

(dd) "Turning," as set forth in Tennessee Code Annotated, § 55-8-140.

(ee) "Turning; Curves; Crest of Grades," as set forth in Tennessee Code Annotated, § 55-8-141.

(ff) "Turning; Procedure," as set forth in Tennessee Code Annotated, § 55-8-142.

(gg) "Turn Signals," as set forth in Tennessee Code Annotated, § 55-8-143.

(hh) "Hand and Arm Signals; Signal Lamps or Mechanical Signal Devices," as set forth in Tennessee Code Annotated, § 55-8-144.

(ii) "Railroad Grade Crossings," as set forth in Tennessee Code Annotated, § 55-8-145.

(jj) "Railroad Grade Crossings; Stop Signs," as set forth in Tennessee Code Annotated, § 55-8-146.

(kk) "Railroad Grade Crossings; Machinery and Equipment" as set forth in Tennessee Code Annotated, § 55-8-148.

(ll) "Stop Signs; Requirements," as set forth in Tennessee Code Annotated, § 55-8-149.

(mm) "Alleys, Driveways or Buildings; Right of Way," as set forth in Tennessee Code Annotated, § 55-8-150.

(nn) "School Buses," as set forth in Tennessee Code Annotated, § 55-8-151.

(oo) "Speed Limits," as set forth in Tennessee Code Annotated, § 55-8-152.

(pp) "Speed Limits, Lower Speed Areas or Zones," as set forth in Tennessee Code Annotated, § 55-8-153.

(qq) "Minimum Speed Limits," as set forth in Tennessee Code Annotated, § 55-8-154.

(rr) "Motor Driven Cycles; Speed Limits," as set forth in Tennessee Code Annotated, § 55-8-155.

(ss) "Speed Limits," as set forth in Tennessee Code Annotated, § 55-8-156.

(tt) "Stopping or Parking on Roadways," as set forth in Tennessee Code Annotated, § 55-8-158.

(uu) "Parking," as set forth in Tennessee Code Annotated, § 55-8-161.

(vv) "Backing," as set forth in Tennessee Code Annotated, § 55-8-163.

(ww) "Motorcycles," as set forth in Tennessee Code Annotated, § 55-8-164.

- (xx) "Drivers View and Control," as set forth in Tennessee Code Annotated, § 55-8-165.
- (yy) "Mountain Highways," as set forth in Tennessee Code Annotated, § 55-8-166.
- (zz) "Coasting," as set forth in Tennessee Code Annotated, § 55-8-167.
- (aaa) "Following Fire Apparatus," as set forth in Tennessee Code Annotated, § 55-8-168.
- (bbb) "Fire Hoses," as set forth in Tennessee Code Annotated, § 55-8-169.
- (ccc) "Destructive or Injurious Materials," as set forth in Tennessee Code Annotated, § 55-8-170.
- (ddd) "Bicycles," as set forth in Tennessee Code Annotated, § 55-8-171.
- (eee) "Bicycles and Electric Bicycles; Rights and Duties; Offense," as set forth in Tennessee Code Annotated, § 55-8-172.
- (fff) "Bicycles; Playing on Highways," as set forth in Tennessee Code Annotated, § 55-8-173.
- (ggg) "Attachment to Vehicles," as set forth in Tennessee Code Annotated, § 55-8-174.
- (hhh) "Operations upon Roadways," as set forth in Tennessee Code Annotated, § 55-8-175.
- (iii) "Carrying Packages or Articles," as set forth in Tennessee Code Annotated, § 55-8-176.
- (jjj) "Lamps; Reflectors; Brakes," as set forth in Tennessee Code Annotated, § 55-8-177.
- (kkk) "Nonmotor Vehicles; Animals," as set forth in Tennessee Code Annotated, § 55-8-178.
- (lll) "Blind Persons; Deaf Persons," as set forth in Tennessee Code Annotated, § 55-8-179.
- (mmm) "Blind Persons," as set forth in Tennessee Code Annotated, § 55-8-180.
- (nnn) "Motorcycles; Lanes," as set forth in Tennessee Code Annotated, § 55-8-182.
- (ooo) "Funerals," as set forth in Tennessee Code Annotated, § 55-8-183.
- (ppp) "Traffic Control Signs, Signals, Markers or Devices; Indication of Ownership," as set forth in Tennessee Code Annotated, § 55-8-184.
- (qqq) "Off-Highway Motor Vehicles," as set forth in Tennessee Code Annotated, § 55-8-185.
- (rrr) "Obscene or Offensive Bumper Stickers, Window Signs or Other Markings," as set forth in Tennessee Code Annotated, § 55-8-187.

(sss) "High Occupancy Vehicle Lanes," as set forth in Tennessee Code Annotated, § 55-8-188.

(ttt) "Transportation of Children in Truck Beds; Application," as set forth in Tennessee Code Annotated, § 55-8-189.

(uuu) "Low-Speed Vehicles; Prohibitions," as set forth in Tennessee Code Annotated, § 55-8-191.

(vvv) "Excessive Noise from Motor Vehicles," as set forth in Tennessee Code Annotated, § 55-8-193.

(www) "Designated Lanes for Truck Tractors and Semi Trailers" as set forth in Tennessee Code Annotated, § 55-8-195.

(xxx) "Unlawful Use of Wireless Telecommunication Devices," as set forth in Tennessee Code Annotated, § 55-8-199.

(yyy) "Off-highway vehicles; operation on county roads; requirements; violations; exemptions," as set forth in Tennessee Code Annotated, § 55-8-203".

(zzz) "Passing Lane; Restriction," as set forth in Tennessee Code Annotated, § 55-8-204.

(aaaa) "Bicycle Lane; Offenses," as set forth in Tennessee Code Annotated, § 55-8-205.

(bbbb) "Camping Along Interstate Highways," as set forth in Tennessee Code Annotated, § 55-8-212.

(cccc) "Modifying Electric Bicycle and Label; Offense," as set forth in Tennessee Code Annotated, § 55-8-304.

(dddd) "Electric bicycles; requirements; equipment; offense," as set forth in Tennessee Code Annotated, § 55-8-305.

(eeee) "Classes of electric bicycles; restrictions; offense," as set forth in Tennessee Code Annotated, § 55-8-306.

(ffff) "Electric bicycle; helmet; delinquent acts; offense," as set forth in Tennessee Code Annotated, § 55-8-307.

(gggg) "Applications; Temporary Permits; Transfers; Leases; Surrender," as set forth in Tennessee Code Annotated, § 55-4-101.

(hhhh) "Design; Contents; Replacement," as set forth in Tennessee Code Annotated, § 55-4-103.

(iiii) "Expiration; Exceptions; Revalidation of License Plates," as set forth in Tennessee Code Annotated, § 55-4-104.

(jjjj) "Renewal; Applications; Mail Order Service; Replacement Registration," as set forth in Tennessee Code Annotated, § 55-4-105.

(kkkk) "Lost, Mutilated or Illegible Certificates," as set forth in Tennessee Code Annotated, § 55-4-107.

(llll) "Certificate of Registration; Carrying; Display," as set forth in Tennessee Code Annotated, § 55-4-108.

(mmmm) "Attachment of Plates," as set forth in Tennessee Code Annotated, § 55-4-110.

(nnnn) "Fees, Antiques; Trailer Rentals; Mobile Homes," as set forth in Tennessee Code Annotated, § 55-4-111.

(oooo) "Carriers; Taxation; Fees," as set forth in Tennessee Code Annotated, § 55-4-113.

(pppp) "Maximum Gross Weight; Names and Address; Display," as set forth in Tennessee Code Annotated, § 55-4-114.

(qqqq) "Temporary Operation Permits; Trip Permits; Fees; Temporary Trailer Permit," as set forth in Tennessee Code Annotated, § 55-4-115.

(rrrr) "Nonresidents," as set forth in Tennessee Code Annotated, § 55-4-120.

(ssss) "Reciprocity; Interstate or Combined Interstate or Intrastate Commercial Vehicles, Staggered Registration Renewals," as set forth in Tennessee Code Annotated, § 55-4-121.

(tttt) "Address Change; Notice; Violation," as set forth in Tennessee Code Annotated, § 55-4-131.

(uuuu) "Vehicles Other than Motor Vehicles; Cotton Wagons; Horse-Drawn Vehicles," as set forth in Tennessee Code Annotated, § 55-9-401.

(vvvv) "Motor Vehicles," as set forth in Tennessee Code Annotated, § 55-9-402.

(wwww) "Motorcycles," as set forth in Tennessee Code Annotated, § 55-9-403.

(xxxx) "Train of Vehicles," as set forth in Tennessee Code Annotated, § 55-9-404.

(yyyy) "Vehicles Wider than 80 Inches; Truck Tractors; Semitrailers or Full Trailers," as set forth in Tennessee Code Annotated, § 55-9-405.

(zzzz) "Headlights; Construction, Arrangement and Adjustment; Precipitation," as set forth in Tennessee Code Annotated, § 55-9-406.

(aaaa) "High and Low Beams," as set forth in Tennessee Code Annotated, § 55-9-407.

(bbbb) "Anti-Glare Devices," as set forth in Tennessee Code Annotated, § 55-9-408.

(cccc) "Blue flashing emergency lights," as set forth in Tennessee Code Annotated, § 55-9-414.

(dddd) "Requirements; Specifications," as set forth in Tennessee Code Annotated, § 55-9-601.

(eeee) "Child Passenger Restraint Systems; Use of Safety Belts," as set forth in Tennessee Code Annotated, § 55-9-602.

(ffff) "Use; Definitions; Crimes and Offenses; License Suspension or Revocation; Exceptions," as set forth in Tennessee Code Annotated, § 55-9-603.

(ggggg) "Evidence of Compliance with Financial Responsibility Law; Penalty," as set forth in Tennessee Code Annotated, § 55-12-139.

(hhhhh) "Change of Address or Name," as set forth in Tennessee Code Annotated, § 55-50-333.

(iiii) "Possession; Display upon Demand; Fines and Penalties," as set forth in Tennessee Code Annotated, § 55-50-351. (as added by Ord. #222, Aug. 2006, replaced by Ord. #239, March 2008, and Ord. #348, Sept. 2023 *Ch10_09-12-23*)

15-124. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106 the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued.

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee, or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or the town's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #238, March 2008)

CHAPTER 2

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. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the board of mayor and aldermen. (1969 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1969 Code, § 9-103)

¹Municipal code reference

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

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1969 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1969 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones and near playgrounds.

15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits in which cases the posted speed limit shall apply. (1969 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1969 Code, § 9-202)

15-303. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle at a rate of speed in excess of fifteen (15) miles per hour when passing a school during recess or while children are going to or leaving school during its opening or closing hours. (1969 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by proper authority. (1969 Code, § 9-204)

CHAPTER 4

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 (1969 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1969 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1969 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1969 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1969 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

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. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1969 Code, § 9-401)

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. (1969 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without 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. (1969 Code, § 9-403)

¹Municipal code reference

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

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

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1969 Code, § 9-404)

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. (1969 Code, § 9-405)

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. (1969 Code, § 9-406)

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) Green alone, or "Go":

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

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

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

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

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

- (3) Steady red alone, or "Stop":
 (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.
 (b) Pedestrians facing such signal shall not enter the roadway.
- (4) Steady red with green arrow:
 (a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.
 (b) Pedestrians facing such signal shall not enter the roadway.
- (5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1969 Code, § 9-407)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected by the town it shall require obedience by vehicular traffic as follows:

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

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1969 Code, § 9-408)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1969 Code, § 9-409)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

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. 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 the Town of Tazewell 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 central business district or the highway business district¹ 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 mayor.

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. (1969 Code, § 9-501)

15-602. Angle parking. 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. (1969 Code, § 9-502)

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

¹The zoning ordinance and map are of record in the office of the recorder.

street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1969 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the town, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire hall, and on the side of the street opposite the entrance to any fire hall within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the town. (1969 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1969 Code, § 9-505)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1969 Code, § 9-506)

CHAPTER 7

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. Deleted.
- 15-707. Deleted.
- 15-708. Handicapped drivers and passengers' parking.
- 15-709. Severability.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1969 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1969 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1969 Code, § 9-603)

¹State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

15-704. Impoundment of vehicles. Any police officer is hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership, or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and a storage costs of one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1969 Code, § 9-604)

15-705. Disposal of "abandoned motor vehicles". The board of mayor and aldermen shall appoint the duties of enforcing this section to the police department. The police shall upon the complaint of any citizen, investigate complaints of junked vehicles on private property. If after investigation the police find a junked vehicle on private property, he shall issue a ticket to cite the owner or operator to city court. The citation shall be served to person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the police department may:

- (1) Request the city judge to issue a summons; or
- (2) Issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 et seq., or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. (1969 Code, § 9-605, as amended by Ord. #236, Nov. 2007)

15-706. Deleted. (1969 Code, § 9-606, as deleted by Ord. #211, Sept. 2003)

15-707. Deleted. (as deleted by Ord. #211, Sept. 2003)

15-708. Handicapped drivers' and passengers' parking. It shall be unlawful for any person not having a distinguishing registration, license plate, placard, or other authorization issued pursuant to Tennessee Code Annotated §§ 55-21-101 through 55-21-108 to park in any parking space reserved for handicapped drivers and passengers under said state statutes. The penalty for violating this section shall be a fine of not more than twenty-five dollars (\$25.00) for the first offense and not less than fifty dollars (\$50.00) for each subsequent offense. (1969 Code, § 9-505.1)

15-709. Severability. The invalidity of any section, subsection, paragraph, sentence, or clause shall not affect the validity of any other provision of the chapter. (as added by Ord. # 236, Nov. 2007)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Construction and maintenance of sidewalks.
- 16-110. Parades regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Street names.
- 16-114. Requirements for streets to be dedicated to town.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1969 Code, § 12-201)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1969 Code, § 12-202)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1969 Code, § 12-203)

16-104. Projecting signs and awnings, etc., restricted.

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1969 Code, § 12-204)

16-105. Banners and signs across streets and alleys restricted.

It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and aldermen. (1969 Code, § 12-205)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1969 Code, § 12-206)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, sidewalk, or right of way any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1969 Code, § 12-207)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1969 Code, § 12-208)

16-109. Construction and maintenance of sidewalks. A permit must be obtained from the board of mayor and aldermen before any sidewalk is constructed or reconstructed. Owners of property abutting on a sidewalk are required to maintain that part of the sidewalk along their property in a manner safe for public use.

When an abutting property owner fails to construct or repair a sidewalk after being so ordered by the board of mayor or aldermen such improvement may be made or caused to be made by the town and the costs thereof assessed

¹Municipal code reference

Building code: title 12, chapter 1.

against such abutting property owner pursuant to the provisions of Tennessee Code Annotated, §§ 7-32-101 et seq. (1969 Code, § 12-209)

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1969 Code, § 12-210)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1969 Code, § 12-211)

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1969 Code, § 12-212)

16-113. Street names. All streets in the Town of Tazewell shall be officially known by the names as shown on the Claiborne County 911 road map and any new roads or streets names shall be approved by the Claiborne County 911 office. (1969 Code, § 12-213, as amended by Ord. #211, Sept. 2003)

16-114. Requirements for streets to be dedicated to town. Before any street can be accepted for maintenance by the town, it must meet the following requirements:

- (1) Minimum right of way widths shall not be less than:

(a) Arterial streets and highways	80-100 feet
(b) Collector streets	40 feet
(c) Residential streets	30 feet
(d) Marginal access streets	30 feet
(e) Dead-end streets	30 feet
- (2) Street grades shall not exceed ten percent (10%) except where extreme topographical conditions exist.
- (3) Minimum pavement widths shall be as follows:

(a) Residential streets	20 feet
(b) Marginal access streets	20 feet
(c) Dead-end streets	20 feet

(d) Collector streets

30 feet

(4) The road bed shall be surfaced with crushed rock, stone or gravel (3/4 inches down to fines). The thickness of the stone roadways shall be no less than six (6) inches.

(5) All streets shall be properly drained by curbs and gutters or drainage swales as may be required by the board of mayor and aldermen. Drainage swales must be six (6) to one (1) slope. They shall be constructed with sod, gravel, concrete, or asphalt and shall be designed in such a manner as to permit vehicular access to driveways without the use of culverts. When curbs and gutters are required, permanent six (6) inch concrete or asphalt curbs and 24 inch concrete or asphalt gutters or other construction approved by the board of mayor and aldermen shall be required. (1969 Code, § 12-214)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fees.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business and said permit shall be retroactive to the date when the work was begun. (1969 Code, § 12-101)

16-202. Applications. Applications for such permits shall be made to the recorder or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of Town of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1969 Code, § 12-102)

16-203. Fees. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1969 Code, § 12-103)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or one hundred dollars (\$100.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (1969 Code, § 12-104)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1969 Code, § 12-105)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the town, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley,

or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1969 Code, § 12-106)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1969 Code, § 12-107)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1969 Code, § 12-108)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1969 Code, § 12-109)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian

and/or vehicular traffic. Driveway aprons shall not extend out into the street.
(1969 Code, § 12-110)

CHAPTER 3**UNIFORM PROPERTY NUMBERING SYSTEM****SECTION**

- 16-301. Adopted.
- 16-302. Deleted.
- 16-303. Deleted.
- 16-304. Deleted.

16-301. Adopted. The property numbering system for the Town of Tazewell will be the system used by the Claiborne County 911 office. (Ord. #150, July 1989, as replaced by Ord. #211, Sept. 2003)

16-302. Deleted. (Ord. #150, July 1989, as deleted by Ord. #211, Sept. 2003)

16-303. Deleted. (Ord. #150, July 1989, as deleted by Ord. #211, Sept. 2003)

16-304. Deleted. (Ord. #150, July 1989, as deleted by Ord. #211, Sept. 2003)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Premises to be kept clean and sanitary.
- 17-102. Definitions.
- 17-103. Storage of refuse.
- 17-104. Confiscation of unsatisfactory containers.
- 17-105. Leaves, lawn clippings, brush, etc.
- 17-106. Collection of garbage and refuse.
- 17-107. Disposal of garbage and refuse.
- 17-108. Dumping in streams, sewers, and drains prohibited.
- 17-109. Burning regulated.
- 17-110. Service of orders.
- 17-111. Violations.

17-101. Premises to be kept clean and sanitary. All persons, firm, and corporations within the corporate limits of the Town of Tazewell are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash. Such persons, firms, and corporations are hereby required to store such refuse in sanitary containers of the type described in this chapter between intervals of collection or to dispose of such material in a manner prescribed by the health officer so as not to cause a nuisance or become injurious to the public health and welfare. (1969 Code, § 8-101)

17-102. Definitions. (1) Refuse. The term "refuse" as hereinafter referred to in this chapter shall include garbage, rubbish, ashes, and all other putrescible and non-putrescible, combustible and non-combustible materials originating from the preparation, cooking, and consumption of food, market refuse, waste from the handling and sale of produce and other similar unwanted materials, but shall not include sewage, body wastes, or recognizable industrial by-products from all residences and establishments public and private.

¹Municipal code reference

Property maintenance regulations: title 13.

(2) Garbage. The term "garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products from all public and private residences and establishments.

(3) Rubbish. The term "rubbish" shall include all putrescible wastes materials except ashes from all public and private residences and establishments.

(4) Ashes. The term "ashes" shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(5) Collector. The term "collector" shall mean any person, firm, corporation, or political subdivision, that collects, transports, or disposes of any refuse within the corporate limits of Tazewell.

(6) Health officer. The term "health officer" shall mean the health authority of the Town of Tazewell or the county health officer or his authorized representative. (1969 Code, § 8-102)

17-103. Storage of refuse. Each owner, occupant, tenant, sub-tenant, lessee or others, using or occupying any building, house, structure, or grounds within the corporate limits of the Town of Tazewell where refuse materials or substances as defined in this chapter accumulate or are likely to accumulate, shall provide an adequate number of suitable containers of a type approved by the health officer, for the storage of such refuse. Such containers shall be constructed of metal and shall be strong and durable, not readily corrodible, rodent and insect-proof, of a capacity not exceeding thirty-two (32) gallons and not less than ten (10) gallons, except that the maximum capacity shall not apply in cases where the town is equipped to handle containers of similar construction mechanically. Such containers shall be equipped with handles to facilitate emptying and shall be equipped with tight fitting lids or covers constructed of the same material and of such design as to preclude the free access of flies and other insects and to prevent the container from collecting water during rains. The lid or cover shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by an official collector. Such storage containers should be placed in such convenient, accessible location for trucking as may be designated by the official refuse collecting agency.

Wet garbage or refuse must be drained of all liquids and wrapped in paper or other equivalent material prior to placing it into the storage receptacle. The containers shall be maintained in a clean and sanitary manner and shall be thoroughly cleaned by washing or other methods as often as necessary to prevent the breeding of flies and the occurrence of offensive odors. (1969 Code, § 8-103)

17-104. Confiscation of unsatisfactory containers. The official refuse collecting agency of the town is hereby authorized to confiscate or to

remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when at the discretion of the health officer such containers are not suitable for the healthful and sanitary storage of refuse substances. Such unsatisfactory containers shall be removed and disposed of at a place and in a manner designated by the official collecting agency only after the owner or owners of such containers have been duly notified of such impending action. (1969 Code, § 8-104)

17-105. Leaves, lawn clippings, brush, etc. In no case will it be the responsibility of the refuse collecting agency of the town to shovel or pick up from the ground any accumulations of refuse including leaves, lawn clippings, brush, packing material. All such materials are to be placed in containers of the described in § 17-103 or cut and baled, tied, bundled, stacked, or packaged so as not to exceed thirty-six (36) inches in length and seventy-five (75) pounds in weight. (1969 Code, § 8-105)

17-106. Collection of garbage and refuse. (1) Collection interval. All refuse (including garbage and rubbish) as heretofore defined shall be collected sufficiently frequent to prevent the occurrence of nuisances and public health problems at intervals of at least once in thirty (30) days. The collection of refuse within the Town of Tazewell shall be under the jurisdiction of the county health department.

(2) Permits. No person, firm, or corporation shall engage in the business of collecting refuse or removing the contents of any refuse container (other than the owner of such containers) for any purpose whatsoever, who does not possess a permit to do so from appropriate authority of the Town of Tazewell. Such permits may be issued only after the applicant's capability of complying with the requirements of this code has been fully determined. Such permits may be suspended or revoked upon the violation of any of the terms of this chapter.

(3) Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and public thoroughfares. Provisions shall be made to prevent the scattering of refuse over the streets and thoroughfares by effective coverings or closed truck beds. (1969 Code, § 8-106)

17-107. Disposal of garbage and refuse. The disposal of refuse in any quantity by any individual, householder, establishment, firm, or corporation in any place, public or private, other than at the site or sites designated by the constituted authority of the Town of Tazewell is expressly prohibited. All disposal of refuse and garbage shall be by methods approved by the department of health, and provided that such methods shall include the maximum practical, rodent, insect, and nuisance control at the place of disposal, and provided that

no garbage shall be fed to swine unless said garbage has first been heated to at least 212 degrees F., and held there at least thirty (30) minutes in apparatus and by methods approved by the Tennessee Department of Agriculture as set forth in Public Acts 1953, Chapter 94. Provided further that animal offal and carcasses of dead animals shall be buried or cremated under circumstances approved by the health officer, or shall be rendered at forty (40) psi. steam pressure or higher, or similarly heated by equivalent cooking. (1969 Code, § 8-107)

17-108. Dumping in streams, sewers, and drains prohibited. It shall be unlawful for any person, firm, or corporation to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the Town of Tazewell. (1969 Code, § 8-108)

17-109. Burning regulated. It shall be unlawful for any person, firm, or corporation to burn or attempt to burn refuse on private or public property within the corporate limits of the Town of Tazewell without first securing the approval of the appropriate town departments having jurisdiction. (1969 Code, § 8-109)

17-110. Service of orders. It shall be the duty of the health officer or his authorized representative to issue orders requiring the proper handling of garbage and refuse on private and public premises to owners, occupants, tenants, or lessees of such properties where violations of this chapter are known to exist and providing that such violations be corrected within the time specified by the health officer. (1969 Code, § 8-110)

17-111. Violations. Any person who shall violate any of the provisions of this chapter, or who shall fail or refuse to obey any notice issued by the department of health or the superintendent of the refuse collection department, with reference to the storage, accumulation, or disposal of refuse shall be guilty of a misdemeanor. (1969 Code, § 8-111)

TITLE 18

WATER AND SEWERS¹

CHAPTER

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

CHAPTER 1

SEWAGE AND HUMAN EXCRETA DISPOSAL²

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. Deleted.
- 18-107. Approval and permit required for septic tanks, 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. Definitions. The following definitions shall apply in the interpretation of this chapter:

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

¹Municipal code references

Building, utility and housing codes: title 12.
Refuse disposal: title 17.

²Municipal code reference

Plumbing code: title 12, chapter 2.

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

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

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

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1969 Code, § 8-201)

18-102. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1969 Code, § 8-202)

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. (1969 Code, § 8-203)

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. (1969 Code, § 8-204)

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. (1969 Code, § 8-205)

18-106. Deleted. (1969 Code, § 8-206, as deleted by Ord. #211, Sept. 2003)

18-107. Approval and permit required for septic tanks, etc. Any person, firm, or corporation proposing to construct a septic tank system, 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. (1969 Code, § 8-207, as amended by Ord. #211, Sept. 2003)

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 § 18-102, or the agent of the owner to provide such facilities. (1969 Code, § 8-208)

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. (1969 Code, § 8-209)

18-110. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1969 Code, § 8-210)

18-111. Discharge into watercourses restricted. 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. (1969 Code, § 8-211)

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. (1969 Code, § 8-212)

18-113. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within ten (10) 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. (1969 Code, § 8-213)

18-114. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human 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 ten (10) days provided for in the preceding section. (1969 Code, § 8-214)

18-115. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1969 Code, § 8-215)

CHAPTER 2

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-201. Definitions.
- 18-202. Regulated.
- 18-203. Statement required.
- 18-204. Violations.

18-201. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the town for general use and which supply is recognized as the public water supply by the Tennessee Department of 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 imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (1969 Code, § 8-301)

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

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

same have been approved by the Tennessee Department of 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 waterworks supplying this municipality. (1969 Code, § 8-302)

18-403. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the waterworks, a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or interconnection will be permitted upon the premises until the construction and operation of same have received the approval of the Tennessee Department of Health, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the waterworks. (1969 Code, § 8-303)

18-404. Violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the waterworks. 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 waterworks shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or interconnection has been discontinued. (1969 Code, § 8-304)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY¹

SECTION

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be furnished for the municipality and its inhabitants under such franchise as the board of mayor and aldermen shall grant.² The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

¹Municipal code reference
Electrical code: title 12.

²The agreements are of record in the office of the city recorder.

CHAPTER 2**GAS**¹**SECTION**

19-201. To be furnished under franchise.

19-201. To be furnished under franchise. Gas service shall be furnished for the municipality and its inhabitants under such franchise as the board of mayor and aldermen shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.²

¹Municipal code reference
Gas code: title 12.

²The agreements are of record in the office of the city recorder.

TITLE 20

MISCELLANEOUS

CHAPTER

1. MISCELLANEOUS.

CHAPTER 1

MISCELLANEOUS

SECTION

20-101. Utility services not to be supplied to any new structure without a building permit.

20-102. Suppliers of electrical power to obtain permit prior to making any new installation.

20-101. Utility services not to be supplied to any new structure without a building permit. It shall be unlawful for any person, firm, or corporation furnishing utility services within the corporate limits to make connection and furnish service to any new structure, whether temporary or permanent, unless the applicant for such service presents a valid building permit from the Town of Tazewell.¹ (1969 Code, § 13-101)

20-102. Suppliers of electrical power to obtain permit prior to making any new installation. No company or system supplying electrical power within the Town of Tazewell, Tennessee, shall construct any new lines, poles, or electrical facilities upon the streets and alleys of the Town of Tazewell nor shall any supplier of power use any other supplier's facilities without obtaining a written temporary permit from the recorder of the Town of Tazewell.

No such permit shall be issued by the recorder without approval of the board of mayor and aldermen.

The board of mayor and aldermen shall not approve the issuance of such permit to any supplier of electrical power for the construction of new lines, poles, and electrical facilities unless a written plan of site location, facilities to be constructed, and type of construction has been presented to the board and approved.

Any such permit that is granted shall be deemed to be a temporary permit revokable at any time by ordinance and it is not the intent of this section to

¹Franchise ordinances are of record in the office of the recorder.

create any easement in the past or the present or in the future.¹ (1969 Code, § 13-102)

¹Franchise ordinances are of record in the office of the recorder.

APPENDIX

**PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND
HEALTH PROGRAM PLAN FOR THE EMPLOYEES OF
(City/County/etc.)**

(as added by Ord. #278, March 2013, and replaced by Ord. #333, Aug. 2020
Ch9_08-11-20)

APPENDIX AOCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR
EMPLOYEES OF THE TOWN OF TAZEWELL

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I. PURPOSE AND COVERAGE.

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of the TOWN OF TAZEWELL.

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

The TOWN OF TAZEWELL in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine Program Plan effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the Occupational Safety and Health Program Plan.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees safety and health.

II. DEFINITIONS.

For the purposes of this Program Plan, the following definitions apply:

- a. COMMISSIONER OF LABOR and Workforce Development means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed,

- designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. EMPLOYER means the TOWN OF TAZEWELL and includes each administrative department, board, commission, division, or other agency of the TOWN OF TAZEWELL.
 - c. SAFETY DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH or SAFETY DIRECTOR means the person designated by the establishing ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program Plan for the employees of TOWN OF TAZEWELL.
 - d. INSPECTOR(S) means the individual(s) appointed or designated by the Safety Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Safety Director of Occupational Safety and Health.
 - e. APPOINTING AUTHORITY means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department, board, commission, division, or other agency of this employer.
 - f. EMPLOYEE means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
 - g. PERSON means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
 - h. STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
 - I. IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

- j. ESTABLISHMENT or WORKSITE means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

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

- l. ACT or TOSH Act shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. GOVERNING BODY means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. CHIEF EXECUTIVE OFFICER means the chief administrative official, County Judge, County Chairman, County Mayor, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYER'S RIGHTS AND DUTIES.

Rights and duties of the employer shall Include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to

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

- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to ensure the provisions of this Program Plan are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- I. Employer shall notify all employees of their rights and duties under this Program Plan.

IV. EMPLOYEES' RIGHTS AND DUTIES.

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this Program Plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this Program Plan may file a petition with the Commissioner of Labor and Workforce

Development or whoever is responsible for the promulgation of the standard or the granting of the variance.

- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Safety Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Safety Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this Program Plan.
- I. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Safety Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this Program Plan shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety or others or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Safety Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION.

- a. The Safety Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program Plan.

1. The Safety Director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this Program Plan.
 2. The Safety Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Safety Director.
 3. The Safety Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this Program Plan.
 4. The Safety Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this Program Plan.
 5. The Safety Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 6. The Safety Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
 7. The Safety Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 8. The Safety Director shall maintain or cause to be maintained records required under Section VIII of this plan.
 9. **The Safety Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees, ensure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours. All work-related inpatient hospitalizations, amputations, and loss of an eye must be reported to TOSHA within 24 hours.**
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this Occupational Safety and Health Program Plan within their respective areas.

1. The administrative or operational head shall follow the directions of the Safety Director on all issues involving occupational safety and health of employees as set forth in this plan.
2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Safety Director within the abatement period.
3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Safety Director along with his findings and/or recommendations in accordance with APPENDIX IV of this plan.

VI. STANDARDS AUTHORIZED.

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. Note: 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, CHAPTER 0800-01-1 through CHAPTER 0800-01-11 are the standards and rules invoked.

VII. VARIANCES PROCEDURE.

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

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

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.
 2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 3. A statement of the steps the employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
 1. The employer:
 - I. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.

- iii. Has as effective Program Plan for coming into compliance with the standard as quickly as possible.
- 2. The employee is engaged in an experimental Program Plan as described in subsection (b), section 13 of the Act.
 - d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
 - e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
 - f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING.

Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Recordkeeping from the internet. Go to www.osha.gov and click on Recordkeeping Forms located on the home page.

The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix IV to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, CHAPTER 0800-01-03, as authorized by T.C.A., Title 50.

IX. EMPLOYEE COMPLAINT PROCEDURE.

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Safety Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Safety Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Safety Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Safety Director and the Chief Executive Officer or the representative of the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Safety Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING.

- a. Safety Director and/or Compliance Inspector(s):
 1. Arrangements will be made for the Safety Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of Seminars can be obtained.
 2. Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

- b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

 1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
 2. Instruct employees who are required to handle or use poisons, acids, caustics, toxicants, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, person hygiene, etc., which may be required.
 3. Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
 4. Instruct all employees of the common deadly hazards and how to avoid them, such as Falls; Equipment Turnover; Electrocuting; Struck by/Caught In; Trench Cave In; Heat Stress and Drowning.

5. Instruct employees on hazards and dangers of confined or enclosed spaces.
 - I. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4) in depth such as pits, tubs, vaults, and vessels.
 - ii. Employees will be given general instruction on hazards Involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
 - iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES.

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

- a. In order to carry out the purposes of this Ordinance, the Safety Director and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee

when such establishment, facility, or worksite is under the jurisdiction of the employer and;

2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
 - c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Safety Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
 - d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
 - e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
 - f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
 - g. Advance Notice of Inspections.
 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
 - h. The Safety Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:

1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Safety Director.
 2. Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the Safety Director.
- I. The Safety Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Those inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES.

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 1. The Safety Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
 2. If the alleged imminent danger situation is determined to have merit by the Safety Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
 3. As soon as It is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Safety Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Safety Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
 5. The imminent danger shall be deemed abated if:

- I. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
6. A written report shall be made by or to the Safety Director describing in detail the imminent danger and its abatement. This report will be maintained by the Safety Director in accordance with subsection (i) of Section XI of this plan.
- b. Refusal to Abate.
1. Any refusal to abate an imminent danger situation shall be reported to the Safety Director and Chief Executive Officer immediately.
 2. The Safety Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS.

- a. Whenever, as a result of an inspection or investigation, the Safety Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Safety Director shall:
1. Issue an abatement order to the head of the worksite.
 2. Post or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
1. The standard, rule, or regulation which was found to violated.
 2. A description of the nature and location of the violation.
 3. A description of what is required to abate or correct the violation.
 4. A reasonable period of time during which the violation must be abated or corrected.

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

XIV. PENALTIES.

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this Program Plan.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
 1. Oral reprimand.
 2. Written reprimand.
 3. Suspension for three (3) or more working days.
 4. Termination of employment.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION.

All information obtained by or reported to the Safety Director pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this Occupational Safety and Health Program Plan which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this Program Plan or when relevant in any proceeding under this Program Plan. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS.

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency/safety Safety Director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED.

- a. Compliance with any other law, statute, ordinance, or executive order, which regulates safety and health in employment and places of employment, shall not excuse the employer, the employee, or any other person from compliance with the provisions of this Program Plan.
- b. Compliance with any provisions of this Program Plan or any standard, rule, regulation, or order issued pursuant to this Program Plan shall not excuse the employer, the employee, or any other person from compliance with the law, statute, ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed.

 
Signature: Safety Director, Occupational Safety and Health and Date

APPENDIX I - WORK LOCATIONS

(ORGANIZATIONAL CHART)

{For this section make a list of each work location wherein (City/County/etc.) your employees work, such as Street Department, Fire Hall, City Hall, Courthouse, Jail, Sheriff Department, Each School, etc. covered under this Program Plan. Include, the address for the workplace, phone number at that workplace, and number of employees who work there.}

An Example:

Tazewell Police Department - 7 employees
1830 Main Street
Tazewell, TN 37879
(423) 626-5104

Tazewell City Hall - 3 employees
1830 Main Street
Tazewell, TN 37879
(423) 626-5104

Tazewell City Garage - 4 employees
1831 Main Street
Tazewell, TN 37879
(423) 626-5104

TOTAL NUMBER OF EMPLOYEES: 14

{Once each work location has been listed, record the total number of employees that the county employees.}

Organizational Chart / Work Locations

Work Location - Name	Address	Contact Person	Phone #	# Employees
Tazewell City Hall	1830 Main Street Tazewell, TN 37879	Robin (Ruiz) Sorke	(423) 626-5104	3
Tazewell Police Dept.	1830 Main Street Tazewell, TN 37879	Chief Jeremy Myers	(423) 626-5104	7
Tazewell City Garage	1833 Main Street Tazewell, TN 37879	Supervisor Joe Wolfenbarger	(423) 626-5104	4
TOTAL				14

APPENDIX II - NOTICE TO ALL EMPLOYEES

NOTICE TO ALL EMPLOYEES OF THE TOWN OF TAZEWELL

The Tennessee Occupational Safety and Health Act of 1972 provide job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Program Plan which are applicable to his or her own actions and conduct.

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

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

Any employee who may be adversely affected by a standard or variance issued pursuant to this Program Plan may file a petition with the Safety Director or City Recorder.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this Program Plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the BOARD OF MAYOR AND ALDERMAN for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of the TOWN OF TAZEWELL is available for inspection by any employee at TAZEWLL CITY HALL during regular office hours.



Signature: (City/County) MAYOR AND DATE

APPENDIX III - PROGRAM PLAN BUDGET

(Either answer question 1-11 or fill in the statement below)

1. Prorated portion of wages, salaries, etc., for program administration and support.
2. Office space and office supplies.
3. Safety and health educational materials and support for education and training.
4. Safety devices for personnel safety and health.
5. Equipment modifications.
6. Equipment additions (facilities).
7. Protective clothing and equipment (personnel).
8. Safety and health instruments.
9. Funding for projects to correct hazardous conditions.
10. Reserve fund for the Program Plan.
11. Contingencies and miscellaneous.

TOTAL ESTIMATED PROGRAM FUNDING,
ESTIMATE OF TOTAL BUDGET FOR:

OR Use This Statement:

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that (Name of local government) the **TOWN OF TAZEWELL** has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards.

APPENDIX IV - ACCIDENT REPORTING PROCEDURES

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Safety Director as soon as possible, but not later than twenty-four (24) hours after the occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Safety Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after the occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Safety Director and/or record keeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.
- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after the occurrence. The supervisor will provide the Safety Director and/or record keeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and

forward it to the Safety Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

(251-Plus)

Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Safety Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the record keeper.

Since Workers Compensation Form 6A or OSHA NO. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.

10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 4 listed under PROGRAM PLAN in Section V. ADMINISTRATION, Part b of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

The four (4) procedures listed above are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation. Note also that the specific information listed for written reports applies to all three of the procedures listed for those organizations with sixteen (16) or more employees.

ORDINANCE NO. 169**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF TAZEWELL TENNESSEE.**

WHEREAS some of the ordinances of the Town of Tazewell 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 Tazewell, 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 "Tazewell Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF TAZEWELL, 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 "Tazewell 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 a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed,

direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the 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 in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

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

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of 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.

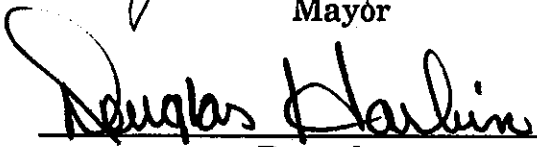
Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, December 13, 1994.

Passed 2nd reading, January 10, 1995.



Mayor



Recorder