THE

TIPTONVILLE

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 8
August 9, 2022

TOWN OF TIPTONVILLE, TENNESSEE

MAYOR

Cliff Berry, Jr.

ALDERMEN

Jaime Beal
Wil Jackson
Mario Montgomery
Daisy Parks
Joe Williams
Sarah Woods

CITY RECORDER

Fran Hearn

PREFACE

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

Steve Lobertini
Codification Specialist

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE TOWN CHARTER

Sec. 6. Be it further enacted, That either the Mayor or Alderman [Aldermen] may introduce bills before the Board; that no general ordinance shall become law unless it shall be written or printed, and shall have been read and passed on three different days, and shall receive on its final passage the assent of a majority of the Board; and no bill shall become a law unless the same be signed by the Mayor, or unless he shall fail to veto the same before the next regular monthly meeting. If he fail to take action on the bill before the next regular meeting of the Board, he shall be deemed to have approved the same, and the bill shall have become a law without further action on the part of the Board; that in case the Mayor shall veto the bill, it may still become a law; Provided, it shall, on reconsideration by the Board, receive the assent of a majority of the whole Board, exclusive of the Mayor; that every law, resolution, ordinance, vote, or order, except on a question of adjournment, shall require the approval of the Mayor before it shall have effect, except as above provided; that the three readings required for the passage of ordinances shall not be necessary upon resolutions or orders made by the Board appropriate money to pay salaries of officials or current expenses of the town, if said salaries and expenses constitute liabilities against the town by virtue of some ordinance of the town previously passed; and that in allowing said salaries and expenses, one vote by the Board shall be sufficient.

Sec. 7. Be it further enacted, That the style of the ordinances of the town shall be, "Be it ordained by the Board of Mayor and Aldermen of the town of Tiptonville;" that a full and complete record of the proceedings of the Board shall be kept by the Recorder in a book to be called the "Minutes," and he shall keep a separate book to be called the "Ordinance Book," in which shall be recorded all the general ordinances passed by the Board. Said ordinances shall be numbered on said book in the order they are entered on the same; that the ordinances need not be set out in full on the minutes, but it shall be sufficient if reference shall be made on the minutes to the number of the ordinance as it appears on the ordinance book and to the general nature of the ordinance passed.

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CHAPTER 1

BOARD OF MAYOR AND ALDERMEN[2]

SECTION

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 6:00 P.M., local prevailing time, on the second (2nd) Tuesday of each month at the city hall. (1979 Code, § 1-101, as amended by Ord. #2062, April 1994, and replaced by Ord. #2165, April 2015)

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[1]Charter references
See the charter index, the charter itself, and footnote references to the charter in the front of this code.
Municipal code references
Building and plumbing inspectors: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Wastewater treatment: title 18.
Zoning: title 14.

[2]Charter references
Compensation: art. II, § 8.
Oath: art. II, § 6.
Qualifications: art. II, § 2.
Term of office: art. II, § 1.

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

(1) Call to order by the mayor.

(2) Roll call by the recorder.

(3) Reading of minutes of the previous meeting by the recorder and approval or correction.

(4) Grievances from citizens.

(5) Communications from the mayor.

(6) Reports from committees, members of the board of mayor and aldermen, and other officers.

(7) Old business.

(8) New business.

(9) Adjournment. (1979 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. (1979 Code, § 1-103, modified)

1-104. Election date. (1) On the first Tuesday after the first Monday in November, 2014, and every four (4) years thereafter, an election shall be opened and held at the courthouse in Tiptonville, Tennessee, unless the board of mayor and aldermen shall subsequently designate by ordinance a different date and place or at such other polling places as may be designated from time to time by the Lake County Election Commission, for the purpose of electing a mayor and six (6) aldermen, who shall hold office for four (4) years beginning the first Tuesday in January following such election, and until their successors are elected and qualified.

(2) The terms of the current mayor and members of the board of aldermen presently holding office shall be extended to meet the change in the election date, but no term may be extended for more than two (2) years beyond its current expiration date as provided by Tennessee Code Annotated, §§ 6-3-104(a) and 6-54-138(a). (as added by Ord. #2150, Jan. 2013, and amended by Ord. #2152, Feb. 2013)

CHAPTER 2

RECORDER[1]

SECTION

1-201. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1979 Code, § 1-201)

1-202. Recorder as treasurer. The recorder shall act as treasurer of the town as authorized in art. IV, § 4 of this town's charter. The recorder in his capacity as treasurer shall make a montly statement of receipts and expenditures to the regular meeting of the board of mayor and aldermen. At the end of each fiscal year, the recorder shall submit a statement of receipts and expenditures for that fiscal year. (1979 Code, § 1-202)

1-203. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. (1979 Code, § 1-203)

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[1]Charter references
Bond: art. II, § 6.
Duties: art. IV, §§ 3 and 4.
Oath: art. II, § 6.

CHAPTER 3

CODE OF ETHICS[1]

SECTION

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[1]State 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.

1-301. Applicability. This chapter is the code of ethics for personnel of the Town of Tiptonville. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #2120, May 2007)

1-302. Definition of "personal interest." (1) For purposes of §§ 1-303 and 1-304," 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), stepparent(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. #2120, May 2007)

1-303. 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 himself[1] from voting on the measure. (as added by Ord. #2120, May 2007)

1-304. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the town recorder. In addition, the

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

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. #2120, May 2007)

1-305. 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. #2120, May 2007)

1-306. 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. #2120, May 2007)

1-307. 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 board of mayor and aldermen to be in the best interests of the Town of Tiptonville. (as added by Ord. #2120, May 2007)

1-308. 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 Town of Tiptonville. (as added by Ord. #2120, May 2007)

1-309. 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 town charter or any ordinance or policy. (as added by Ord. #2120, May 2007)

1-310. Ethics complaints. (1) The town attorney is designated as the ethics officer of the town. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town 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 town 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 town attorney may request the town council 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 board of mayor and aldermen, the board of mayor and aldermen 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 board of mayor and aldermen determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the board of mayor and aldermen.

(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 chapter 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. #2120, May 2007)

1-311. 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 town charter or other applicable law, and in addition is subject to censure by the board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #2120, May 2007)

1-312. Notification to be sent to Tennessee Ethics Commission. Upon adoption by the board of mayor and aldermen, the town recorder is hereby directed to notify the Tennessee Ethics Commission in writing that the ethics

policy promalgated by the Municipal Technical Advisory Service was adopted by the Town of Tiptonville and the date such action was taken. (as added by Ord. #2120, May 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3

MUNICIPAL COURT[1]

CHAPTER

CHAPTER 1

COURT ADMINISTRATION

SECTION

3-101. Maintenance of docket. The docket required to be kept by the mayor in his judicial capacity by art. V, § 2 of the charter shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; whether committed to workhouse; and all other information which may be relevant. (1979 Code, § 1-401)

3-102. Imposition of fines, penalties, and costs. In all cases heard and determined by the city judge against the defendant, the following court costs shall be imposed:

> Court costs in all cases, unless otherwise provided, shall be ninety-three dollars seventy-five cents ($93.75). Such court costs shall include other statutorily authorized fees, such as interest, litigation tax which may be lawfully assessed, which is presently set at:
>
> > State litigation tax of thirteen dollars seventy-five cents ($13.75).
> >
> > Municipal litigation tax of thirteen dollars seventy-five cents ($13.75).

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[1]Charter reference
Mayor's court: art. V.

Cash bond forfeiture fee thirteen dollars seventy-five cents ($13.75).

Continuance fee of five dollars ($5.00) (for each of the second and any subsequent continuances).

Litigation tax for public parking space violation one dollar ($1.00).

One dollar ($1.00) of the court costs in each case shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks pursuant to Tennessee Code Annotated § 16-18-305(b). (1979 Code, § 1-407, as replaced by Ord. #2183, April 2017 ***Ch8_08-09-22***)

3-103. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the mayor's court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1979 Code, § 1-410)

3-104. Trial 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 mayor's court is in session or the mayor is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1979 Code, § 1-405)

3-105. Fines. The municipal judge may levy fines in an amount not to exceed $500.00 for the violation of a municipal ordinance. (Ord. #2064, Dec. 1993)

CHAPTER 2

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-201. Issuance of arrest warrants.[1] The mayor in his judicial capacity shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1979 Code, § 1-402)

3-202. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the mayor, the mayor may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to appear personally before the mayor's 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 mayor's 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. (1979 Code, § 1-403)

3-203. Issuance of subpoenas. The mayor in his judicial capacity may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1979 Code, § 1-404)

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[1]State law reference

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

CHAPTER 3

BONDS AND APPEALS

SECTION

3-301. Appearance bonds authorized. When the mayor 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 mayor or, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1979 Code, § 1-406)

3-302. Appeals. Any defendant who is dissatisfied with any judgment of the mayor's court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.[1] (1979 Code, § 1-408)

3-303. Bond amounts, conditions, and forms. An appearance bond in any case before the mayor's court shall be in such amount as the mayor shall prescribe and shall be conditioned that the defendant shall appear for trial before the mayor's court at the stated time and place. An appeal bond in any case shall be in the sum prescribed in art. V, § 7 of the charter and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall promptly be 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. (1979 Code, § 1-409)

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

CHAPTER 4

CITY JUDGE

SECTION

3-401. Office of municipal judge established. Pursuant to authority granted in Tennessee Code Annotated, §§ 16-18-101 and 16-18-102, there is hereby created and established for the City of Tiptonville, Tennessee, the office of municipal judge. (as added by Ord. #2184, April 2017 ***Ch8_08-09-22)***

3-402. Qualifications. The municipal judge shall be an attorney licensed to practice law in the State of Tennessee. (as added by Ord. #2184, April 2017 ***Ch8_08-09-22)***

3-403. Appointment and term of office. The municipal judge shall be appointed by the board of mayor and aldermen and shall serve at the pleasure of the board. (as added by Ord. #2184, April 2017 ***Ch8_08-09-22)***

3-404. Vacancies. Any vacancies occurring in the office of Municipal Judge shall be filled by the board of mayor and aldermen. (as added by Ord. #2184, April 2017 ***Ch8_08-09-22)***

3-405. Oath of office and bond. The municipal judge shall, before entering upon his duties as such, take an oath before a person authorized to administer to support the Constitution of the United States and the State of Tennessee and faithfully and honestly to perform his duties during his term of office. No bond shall be required. (as added by Ord. #2184, April 2017 ***Ch8_08-09-22)***

3-406. Salary. The salary shall be set by the board of mayor and aldermen before the appointment of the municipal judge and may be altered from time to time. (as added by Ord. #2184, April 2017 ***Ch8_08-09-22)***

3-407. Absence or disability. The municipal judge shall designate in writing to the board of mayor and aldermen a person to serve as judge in the

event the judge is absent or is disabled and unable to perform his duties as municipal judge. (as added by Ord. #2184, April 2017 ***Ch8_08-09-22)***

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

CHAPTER 1

SOCIAL SECURITY--TOWN PERSONNEL

SECTION

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Town of Tiptonville to provide for all eligible employees and officials of the town, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (1979 Code, § 1-601)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1979 Code, § 1-602)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1979 Code, § 1-603)

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, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1979 Code, § 1-604)

4-105. Records to be kept and reports made. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1979 Code, § 1-605)

CHAPTER 2

PERSONNEL POLICY

SECTION

4-201. Personnel policy. (1) Purpose. The purpose of this chapter is to establish a system of personnel administration to the Town of Tiptonville, Tennessee.

(2) At-will employer. The Town of Tiptonville, Tennessee is an at-will employer. Nothing in this chapter may be construed as creating a property right or contract right to any job for any employee.

(3) Coverage. The following personnel are not covered by this policy, unless otherwise provided:

(a) All elected officials.

(b) Members of appointed boards and commissions.

(c) Consultants, advisers and legal counsel rendering temporary professional service.

(d) The city attorney.

(e) Independent contractors and/or contract employees.

(f) Volunteer personnel.

(g) The city judge.

(h) Police department employees. (Police department employees are covered by their own policy and procedure manual.)

All other employees of the municipal government are covered by this personnel policy. (1979 Code, § 1-801, as replaced by Ord. #PP1, June 1998)

4-202. Employees. (1) Full-time. Full-time employees are individuals employed by the municipal government who normally work 40 hours per week.

(2) Part-time. Part-time employees are individuals who may not work on a daily basis or work on a daily basis fewer than 8 hours a day and may work fewer than 32 hours per week or who are temporary and/or seasonal employees. (1979 Code, § 1-802, as replaced by Ord. #PP1, June 1998)

4-203. Hiring procedures. (1) Policy statement. The primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the municipality. The municipality shall make reasonable accommodations in all hiring procedures for all persons with disabilities.

(2) Application. All persons seeking appointment or employment with the municipality must complete a standard application form provided by the municipal government. Applications for employment shall be accepted in the city treasurer's office during regular office house only. Applications will remain on active status for six (6) months after accepted or until the job for which the application is submitted is filled, whichever period of time is less.

(3) Interviews. All appointments will be preceded by an interview with the mayor or appointed committee by the mayor.

(4) Pre-appointment exams. For certain positions, the employee may be required to undergo a validated physical agility examination related to the essential functions of the job, validated written and/or oral tests related to the essential functions of the job, drug testing, and, upon a conditional offer of employment, a medical examination to determine the employee's ability to perform the essential functions of the job. Reasonable accommodations shall be made in the physical agility exam for applicants with disabilities making a request for accommodations.

(5) Appointments, etc. All appointments shall be made in accordance with lawful provisions of the municipal charter if there are applicable provisions in the charter. (1979 Code, § 1-803, as replaced by Ord. #PP1, June 1998)

4-204. Benefits. (1) Holidays. Generally, full-time employees are allowed a day off with pay on the following holidays:

(a) New Year's Day
(b) Martin Luther King Day
(c) Presidents Day
(d) Good Friday
(e) Memorial Day
(f) Juneteenth
(g) Independence Day
(h) Labor Day
(i) Veterans Day
(j) Thanksgiving
(k) Day after Thanksgiving
(l) Christmas Eve
(m) Christmas Day
(n) New Year's Eve.

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

Any employee required to work on a regular holiday shall be granted eight (8) hours off on an alternate day approved by the supervisor or an additional eight (8) hours pay for the holiday.

(2) Vacation leave. All full-time employees of the municipality shall accrue vacation leave monthly upon the completion of each calendar month of service. Vacation leave will begin to accrue as of the first full month of employment, but cannot be taken until the employee has completed 12 months of employment. All employees receive 10 days vacation leave after the first 12 months of service. The employee shall receive 10 days vacation leave each year thereafter, however, at no time shall an employees total credit for accrued vacation leave exceed 20 days.

Vacation leave exceeding the maximum accrual limit shall be forfeited.

Vacation leave shall be taken at a time approved by the employee's supervisor. 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.

(3) Sick leave. All full-time employees shall accumulate one (1) day of sick leave with the pay for each month of work completed for the municipality. The number of sick days to be accumulated shall be unlimited during the employees service. Sick leave may be granted for any of the following reasons:

(a) Personal illness or physical incapacity resulting from causes beyond the employee's control.

(b) Exposure to contagious disease so that employee's presence at work might jeopardize the health of other employees.

(c) Medical, dental, optical or other professional treatments or examinations.

(d) Acute illness or death of a member of the employee's immediate family (i.e., spouse, parents, children).

Employees shall not be paid for unused sick leave upon the employee's termination, resignation or retirement. (1979 Code, § 1-804, as replaced by Ord. #PP1, June 1998, and amended by Ord. #2112, May 2006, and amended by Ord. #2203, June 2022 ***Ch8_08-04-22***, and Ord. #2206, June 2022 ***Ch8_08-04-22***)

4-205. Grievance procedures. (1) Grievance policy. The purpose of this section is to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance is a written question, disagreement, or misunderstanding concerning administrative orders involving only the employee's work area, reasonable accommodations under Americans with Disabilities Act, physical facilities, unsafe equipment, or unsafe material used. The grievance must be submitted within five (5) working days of the incident causing the grievance.

Employees must remember that there is no grievance until the department head or other appropriate person has been made aware of the

dissatisfaction by written notice. Once this is done, the following steps are to be taken:

Step 1. Discuss the problem with the immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.

Step 2. Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the third step along with all documentation.

Step 3. Discuss the problem with the mayor of the municipality. The mayor decision is the last and final step in the process. The decision of the mayor is final and binding to all parties involved. (1979 Code, § 1-805, as replaced by Ord. #PP1, June 1998)

4-206. State and federal personnel mandates. (1) Discrimination prohibited. The municipality is an equal opportunity employer. Except as otherwise permitted by law, the municipality will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, gender, or national origin, or because the individual is forty (40) or more years of age. The municipality will not discriminate against a qualified individual with a disability because of the ability in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment. (Title VII of Civil Rights Act of 1964 - 42 U.S.C. §§ 2000e - 2000e-15; Equal Pay Act 1963 - 29 U.S.C. § 206(d); Age Discrimination in Employment Act - 29 U.S.C. §§ 506 et seq.)

(2) Sexual harassment prohibited. Sexual harassment by any employee or elected or appointed official of the municipality will not be tolerated. 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 creates a hostile work environment, makes decisions contingent on sexual favors, or adversely affects an employee's job performance. Examples of conduct that may constitute sexual harassment are: sexual advances, requests for sexual favors, propositions, physical touching, sexually provocative language, sexual jokes, and display of sexually-oriented pictures or photographs.

Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to the mayor or city treasurer. Within the limits of the Tennessee Open Records Law, the municipality will handle the matter with as much confidentiality as possible. There will be no

retaliation against an employee who makes a claim of sexual harassment or who is a witness to the harassment.

The municipality will conduct an immediate investigation in an attempt to determine all the facts concerning the alleged harassment. If the municipality determines that sexual harassment has occurred, corrective action will be taken. The municipality will attempt to make the corrective action reflect the severity of the conduct. If it is determined that no harassment has occurred, this will be communicated to the employee who made the complaint, along with the reasons for the determination.

(3) Occupational safety and health. The municipality shall provide job safety and health protection for all employees in accordance with the Occupation Safety and Health Administration (OSHA) Legislation (29 U.S.C. §§ 656 et seq.) and the Tennessee OSHA Law (Tennessee Code Annotated, § 50-3-101 et seq.).

(4) Overtime compensation. (a) Overtime/compensatory time. All employees shall be paid overtime or given compensatory time (subject to allowable limits) for all hours worked over 40 during the work week. No overtime or compensatory time will be earned until the employee has worked on the job over 40 hours during the work period.

(b) Overtime rate. Hourly rate employees who work overtime will receive overtime pay at a rate of time and one-half their regular pay. For salaried employees, the employee's annual salary divided by 52 weeks determines the weekly salary. The weekly salary is then divided by the number of hours in a normal workweek to determine the regular hourly rate of pay. That rate will then be multiplied by one and one-half to determine the overtime rate of pay. The overtime rate for both hourly and salaried employees applies only to those hours worked over 40 during a week. For salaried employees, no additional compensation will be paid for hours worked under 40. For hourly rate employees, the overtime rate will apply only to hours worked over 40 and the regular rate will apply to hours worked under 40.

(c) Selection of compensatory time. Employees who are required to work in excess of 40 hours per week may elect to receive compensatory time off in lieu of overtime subject to employer approval. Such compensatory time shall be earned at a rate of one and one-half hours for each hour of employment worked over 40 hours per week. An employee cannot accrue more than 240 hours of compensatory time. Any employee who has accumulated 240 hours of compensatory time shall be paid for any additional overtime that is worked.

The use of compensatory time is subject to approval by the employer. Such approval will not be denied unless undue disruption to the office or department will occur.

(5) Military leave/veterans' re-employment. All employees who are members of the reserve components of the armed forces, including the National Guard, are entitled to leave while engaged in "duty or training in the service of

this state, or of the United States, under competent orders," and they must be given such leave with pay not exceeding 15 working days in any one calendar year (Tennessee Code Annotated, § 8-33-109). Also, any employee of the municipality who leave his/her job, voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veterans' Re-employment Rights (38 U.S.C. § 202-2016) and the Tennessee Military Leave Act (Tennessee Code Annotated, § 8-33-101 et seq.).

(6) Family and medical leave. (a) The Family Medical Leave Act of 1993 (FMLA) entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave each year for specified family and medical reasons. The law contains provisions on employer coverage, employee eligibility for the Law's benefits, entitlement to leave, maintenance of health insurance benefits during leave, job restoration after leave, notice and certification of the need for FMLA leave, and protection for employees who request or take FMLA leave.

FMLA leave will be granted for one or more of the following reasons:

(i) For the birth or placement of a child for adoption or foster care;

(ii) To care for an immediate family member (spouse, child, or parent) with a serious health condition; or

(iii) To take medical leave when the employee is unable to work because of a serious health condition.

Spouses employed by the same employer are jointly entitled to a combined total of 12 weeks of FMLA leave for the birth or placement of a child for adoption or foster care.

Under some circumstances, employees may take FMLA leave intermittently--which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

Also, subject to certain conditions, employees or employers may choose to use accrued paid leave (such as sick or vacation leave) to cover some or all of the FMLA leave.

Group health insurance will be maintained for employees taking FMLA leave.

(b) Upon return for FMLA leave, an employee will be restored to his/her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. (Under specified and limited circumstances the city may refuse to reinstate certain highly paid "key" employees after using FMLA leave.)

Employees seeking to use FMLA leave may be required to provide:

(i) 30-day advance notice of the need to take FMLA leave when the need is foreseeable;

(ii) Medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;

(iii) Second or third medical opinions and periodic recertification (at the city's expense) and;

(iv) Periodic reports during FMLA leave regarding the employee's status and intent to return to work.

(7) Bereavement leave. In the case of death in the employee's immediate family, the employee will be given three (3) working days and paid leave. Two (2) additional days of sick leave may be used to provide a total of five (5) days absence for this purpose. Immediate family shall include the employee's spouse, child, parents, grandparents, siblings, grandchildren and parents-in-law.

Up to two (2) days of sick leave may be used in the case of death of the employee's daughters-in-law, sons-in-law, sisters-in-law, brothers-in-law or any other blood relative.

Attendance to the funeral of any other person will require annual lave to be requested.

(8) Administrative leave with pay. Absence with pay for administrative purposes may be granted by the employer. This leave shall not exceed five (5) working days per year unless exceptional circumstances exist.

(9) Leave without pay. Any employee, at the discretion of the employer, may be granted leave without pay for sufficient reason as determined by the employer. During the period of absence, the employee will not accrue vacation benefits. The absence without pay leave shall not extend for a period in excess of one year.

(10) Termination pay. An employee whose services are being terminated, either voluntarily or involuntarily, shall be paid for all regular earnings which are due and accrued plus all accrued vacation time. In the event of death, the amount owing to the employee shall be paid to the employee's estate or to the surviving spouse as may be required by law.

(11) Other employment prohibitions. The City of Tiptonville prohibits any employee from holding more than one job with the same employer being the government of City of Tiptonville. Any employee who holds more than one job with the City of Tiptonville shall elect as to which position with the City of Tiptonville that he desires to maintain as his regular employment. Said employee shall within five (5) days make the election as to which county employment he desires to maintain and shall notify the Treasurer for the City of Tiptonville of the same. Any violation of this policy may result in the dismissal of said employee from his employment with the City of Tiptonville.

(12) Cobra. An individual covered by the employee health plan has the right to seek continued health coverage upon the occurrence of certain events, such as termination of employment, which might affect that individual's coverage. The employee or covered individual should consult the health care plan administrator.

(13) Commercial driver's license. All employees that drive

(a) A vehicle with a gross weight of more than 26,000 pounds;

(b) A trailer with a gross weight of more than 10,000 pounds;

(c) A vehicle designed to transport more than 15 passengers, including the driver, and

(d) Any size vehicle hauling hazardous waste requiring placards are required to have a Tennessee Commercial Driver's License in accordance with Tennessee Code Annotated, § 55-50-101 et seq. Fire truck, police vehicle, and emergency medical vehicle operators are exempt from the CDL requirements.

(14) Employee drug testing. All employees in safety-sensitive positions (such as gas employees, equipment/vehicle operators that require a commercial driver's license etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199). Other employees may be subject to drug testing in accordance with the drug testing policy of the municipality. The municipality's procedures for drug testing can be found in ordinance 2067.[1]

(15) Residence requirements. No person "currently employed" by the municipality can be dismissed or penalized "solely on the basis of non-residence" (Tennessee Code Annotated, § 8-50-107). However, all future employees shall be required to live within _____.

(16) Employee right to contact elected officials. No employee shall be disciplined or discriminated against for communicating with an elected official. However an employee may be reprimanded for making untrue allegations concerning any job-related matter (Tennessee Code Annotated, § 8-50-601-604).

(17) Civil leave. Jury and court duty--the following procedures shall apply when an employee is called for jury duty or subpoenaed to court:

(a) Upon receiving a summons to report for jury duty, the employee shall show the summons to the highway superintendent.

(b) The employee will be granted a leave of absence and will receive his or her regular pay during time served on jury duty or when subpoenaed as a witness.

(c) The employee may retain all compensation or fees received for serving as a juror or as a witness.

(d) If the employee is relieved from jury duty or from being a witness during working hours, the employee must report back to the highway superintendent.

(e) The above provisions concerning compensation for time in court do not apply if the employee is involved as a plaintiff or defendant in private litigation. On these occasions the employee must take annual leave or leave without pay.

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[1]Municipal code reference

Drug testing program: title 4, chapter 4.

(18) Voting. When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with Tennessee Code Annotated, § 2-1-106.

(19) Political activity. Employees have the same rights as other citizens to be a candidate for state or local political office (except for membership on the municipal governing body) and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election (Tennessee Code Annotated, § 7-51-1501).

(20) Travel policy. All employees, including elected and appointed officials, are required to comply with the municipality's travel policy, ordinance number 2066,[1] as required by Tennessee Code Annotated, § 6-54-901. (1979 Code, § 1-806, as replaced by Ord. #PP1, June 1998)

4-207. Miscellaneous personnel policies. (1) Outside employment. No full-time employee of the municipality may accept any outside employment without written authorization from the mayor and board of aldermen.

(2) Use of municipal time, vehicles, facilities, etc. No employee may use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to oneself or any other person, group, or organization other than the municipality. Decisions about aid to charitable, civic or other organizations will be made exclusively by the governing body.

(3) Accepting of gratuities. No employee shall accept any money, other considerations, or favors from anyone other than the municipality for performing an act that he/she would be required or expected to perform in the regular course of his/her duties. No employee shall accept, directly or indirectly, any gift, gratuity, or favor of any kind that might reasonably be interpreted as an attempt to influence his/her actions with respect to the municipality's business. (1979 Code, § 1-701, as replaced by Ord. #PP1, June 1998)

4-208. Dismissal. (1) At-will. Employees may be dismissed for cause, for no cause, or for any cause as long as it does not violate federal and/or state law or the municipal charter.

(2) Name-clearing hearing. A name-clearing hearing will be given to any terminated, demoted, or suspended employee that requests one. This hearing will not be conducted to provide an employee any property rights. The purpose of the hearing is solely to let the employee clear his/her name. (1979 Code, § 1-702, as replaced by Ord. #PP1, June 1998)

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[1]Municipal code reference

Travel reimbursement regulations: title 4, chapter 5.

4-209. Personnel policy changes. Nothing in this chapter may be construed as creating a property right or contract right to the job for any employee. The provisions of this personnel policy may be unilaterally changed by resolution of the governing body from time to time as the need arises. (1979 Code, § 1-703, as replaced by Ord. #PP1, June 1998)

4-210. Driver's licenses required. It shall be the policy of the city of Tiptonville that EVERY employee is required to have a Tennessee driver's license or commercial driver's license as a condition of their employment. An employee is required to immediately, before reporting for duty the next workday, notify the city recorder of any potential change in the status of that license, should his/her license become denied, expired, restricted, suspended, or revoked, any time during employment.

Periodic review of employees' driving record will be conducted to assure adherence to this policy. The chief of police shall check the status of licensed operators with the Department of Safety. Employees are strictly prohibited from operating any City of Tiptonville vehicle or equipment that would require an operator's license, unless the employee has a current license to operate the vehicle or equipment.

Should an employee's driver's license become expired or lost, the employee shall remedy the situation immediately and before returning to work. Employees who fail to maintain a valid driver's license for any other reason, will be removed from any driving duties and will be subject to dismissal as a result of inability to perform assigned duties and responsibilities.

Failure of an employee to personally notify their supervisor within one (1) working day of having been cited by a law enforcement agency for DUI, or a vehicle accident involving loss of life or serious bodily injury, regardless if such occurred on or off duty, shall result in dismissal from employment. (as added by Ord. #2175, Jan. 2016)

CHAPTER 3

MISCELLANEOUS REGULATIONS--TOWN PERSONNEL[1]

[1]This chapter was replaced and combined with Chapter 2 of this title by Ord. #PP1, June 1998.

CHAPTER 4

DRUG AND ALCOHOL TESTING POLICY[1]

SECTION

4-401. Purpose. The City of Tiptonville recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the City of Tiptonville to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the City of Tiptonville are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the City of Tiptonville has adopted this drug and alcohol testing policy effective 1-12, 2016. This policy complies with the: Federal Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol- and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a Commercial Driver's License (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine,

[1]All appendices to this chapter of or record in the recorder's office.

and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

It is the policy of the City of Tiptonville that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

(1) Being on duty or performing work in or on city/town property while under the influence of drugs and/or alcohol;

(2) Engaging in the manufacture, sale, distribution, use, or unauthorized possession of (illegal) drugs at any time and of alcohol while on duty or while in or on city/town property;

(3) Refusing or failing a drug and/or alcohol test administered under this policy;

(4) Providing an adulterated, altered, or substituted specimen for testing;

(5) Use of alcohol within four (4) hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and

(6) Use of alcohol or drugs within eight (8) hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of such legally prescribed medication before the employee goes on duty or performs any work.

In order to educate the employees about the dangers of drug and/or alcohol abuse, the City of Tiptonville shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; the City of Tiptonville's policy regarding drugs and/or alcohol; and the availability of counseling. The city recorder has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All City of Tiptonville property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property.

Property includes, but is not limited to, vehicles, desks, containers, files, and lockers. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-402. Scope. Certain aspects of this policy may apply to full-time, part-time, temporary, and volunteer employees of the City of Tiptonville. The policy also applies to applicants for positions requiring a driver's license and other safety sensitive positions who have been given a conditional offer of employment from the of City of Tiptonville. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-403. Consent form. Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, Medical Review Officer (MRO), city recorder, or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the city's drug and alcohol testing policy.

The consent form shall set forth the following information:

(1) The procedure for confirming and verifying an initial positive test result;

(2) The consequences of a verified positive test result; and

(3) The consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-404. Compliance with substance abuse policy. Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-405. General rules. These are the general rules governing the City of Tiptonville drug and alcohol testing program:

(1) City employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.

(2) City employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on city property.

(3) All City of Tiptonville property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. City property includes, but is not limited to, vehicles, desks, containers, files, and lockers.

(4) Any employee convicted of violating a criminal drug statute shall inform the supervisor of his/her department of such conviction (including pleas of guilty and no lo contendere) within five (5) days of the conviction occurring. Failure to so inform the city subjects the employee to disciplinary action in the form of termination for the offense. The city will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-406. Drug testing. An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six (6) separate conditions:

(1) Types of tests. (a) Pre-employment. All employment applicants for City of Tiptonville who have received a conditional offer of employment with the City of Tiptonville must take a drug test before receiving a final offer of employment. This includes "safety sensitive positions" such as police officers, firefighters, positions requiring a driver's license, public works positions involving the operation of heavy equipment, water/wastewater plant-operators, all positions involving the construction and maintenance of electrical lines, teachers and other positions having responsibility for the safety and care of children.

(b) Transfer. Employees transferring to a safety sensitive position and/or another position within the City of Tiptonville that requires a driver's license shall undergo drug testing.

(c) Post-accident/post-incident testing. Following any workplace accident (incident) determined by supervisory personnel of the City of Tiptonville to have resulted in property or environmental damage or personal injury, including but not limited to a fatality or human injury requiring medical treatment, any employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug test.

Post-accident (post-incident) testing shall be carried out within sixteen (16) hours following the accident (incident). Urine collection for

post-accident (post-incident) testing shall be monitored or observed by same-gender collection personnel at an established collection site.

In instances where post-accident (post-incident) testing is to be performed, the City of Tiptonville reserves the right to direct the Medical Review Officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.

(i) Post-accident (post-incident) testing for ambulatory employees. Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, any affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City of Tiptonville to the designated urine specimen collection site within sixteen (16) hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to a designated testing site within sixteen (16) hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the City of Tiptonville and shall result in the administrative action of termination of employment.

(ii) Post-accident (post-incident) testing for injured employees. Any affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the Medical Review Officer (MRO) of the City of Tiptonville appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City of Tiptonville or upon hiring following the implementation date.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously-injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within sixteen (16) hours must be fully documented by the attending medical personnel.

(d) Testing based on reasonable suspicion. A drug test is required for any employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible drug use. One supervisor who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the City of Tiptonville making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the city recorder within twenty-four (24) hours of the decision to test and before the results of the urine drug tests are received by the department. Urine collection for reasonable suspicion testing shall be monitored or observed by same gender collection personnel.

(e) Random testing. Only employees of the City of Tiptonville holding safety sensitive positions are subject to random alcohol and drug testing. "Safety sensitive positions" include police officers, firefighters, positions requiring a driver's license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines, teachers and other positions having responsibility for the safety and care of children.

A minimum of fifteen (15) minutes and a maximum of two (2) hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection, at which time they shall remain in the presence of the collecting agent or his/her designee.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to produce a specimen on the date random

testing occurs, the City of Tiptonville may omit that employee from that random testing or await the employee's return to work.

(2) Prohibited drugs. All drug results will be reported to the Medical Review Officer (MRO). If verified by the MRO, they will be reported to the city recorder. The following is a list of drugs for which tests will be routinely conducted (see Appendix A for cutoff levels):[1]

(a) Amphetamines,
(b) Marijuana,
(c) Cocaine.
(d) Opiates.
(e) Phencyclidine (PCP).
(f) Alcohol.
(g) Depressants.

The city may test for any additional substances listed under the Tennessee Drug Control Act of 1989.

(3) Drug testing collection procedures. Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by a supervisor or designated personnel of the City of Tiptonville to a drug test collection facility selected by the City of Tiptonville, where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the City of Tiptonville to perform the analysis on collected urine samples.

(4) Drug testing laboratory standards and procedures. All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS).

As specified earlier, in the event of an accident (incident) occurring after regular work hours, the supervisor or designated personnel shall take the employee(s) to a designated testing site within sixteen (16) hours where proper collection procedures will be administered.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two (2) bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the
primary specimen confirms the presence of drugs, the employee has seventy-two (72) hours to request sending the split specimen to another federal Department

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[1]Appendix A to this chapter is of record in the recorder's office.

of Health and Human Services (DHHS) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the city recorder.

(5) Reporting and reviewing. The City of Tiptonville shall designate a Medical Review Officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders.

(a) The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the City of Tiptonville.

(b) Reports from the laboratory to the MRO shall be in writing, fax or email. The MRO may talk with the employee by telephone upon exchange of acceptable identification.

(c) The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the mayor, the city recorder, and the employee.

(d) Neither the City of Tiptonville, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the city attorney. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-407. Alcohol testing. An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under six separate conditions:

(1) Types of tests. (a) Post-accident/post-incident testing. Following any workplace accident (incident) determined by supervisory personnel of the City of Tiptonville to have resulted in property or environmental damage or in personal injury, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible alcohol use as determined during a routine post-accident (post-incident) investigation or who receives a

citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) alcohol test.

Post-accident (post-incident) testing shall be carried out within two (2) hours following the accident (incident).

(i) Post-accident (post-incident) testing for ambulatory employees. Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City of Tiptonville to the designated breath alcohol test site for a breath alcohol test within two (2) hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to a designated testing site within two (2) hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the City of Tiptonville and shall result in the administrative action of termination of employment.

(ii) Post-accident (post-incident) testing for injured employees. An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the Medical Review Officer (MRO) of the City of Tiptonville appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City of Tiptonville or upon hiring following the implementation date.

Post-accident (post-incident) breath alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within two (2) hours must be fully documented by the attending medical personnel.

(b) Testing based on reasonable suspicion. An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be based on recent, physical, behavioral, or performance indicators of possible alcohol use. One supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the City of Tiptonville making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the city recorder within eight (8) hours of the decision to test and before the results of the tests are received by the department.

(c) Random testing. Only employees of the City of Tiptonville holding safety sensitive positions are subject to random alcohol testing. "Safety sensitive positions" include police officers, firefighters, positions requiring a driver's license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of pipelines, teachers and other positions having responsibility for the safety and care of children.

A minimum of fifteen (15) minutes and a maximum of two (2) hours will be allowed between notification of an employee's selection for random alcohol testing and the actual presentation for testing.

Random test dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to be tested on the date random testing occurs, the City of Tiptonville may omit that employee from that random testing or await the employee's return to work.

(2) Alcohol testing procedures. All breath alcohol testing conducted for the City of Tiptonville shall be performed using Evidential Breath Testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). Alcohol testing is to be performed by a qualified technician as follows:

(a) Step one: An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent Breath Alcohol Level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL,

the result shall be recorded and witnessed, and the test shall proceed to step two.

(b) Step two: Fifteen (15) minutes shall be allowed to pass following the completion of step one above. Before the confirmation test or step two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one (1) more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then step one shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in step two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in step one and step two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in the termination of employment by proper officials of the City of Tiptonville.

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of twenty-four (24) hours. In this situation, the employee must be retested by breath analysis and found to have a BAL ofless than 0.02 percent before returning to duty with the City of Tiptonville.

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the City of Tiptonville, when possible.

The completed breath alcohol test form shall be submitted to the city recorder. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-408. <u>Education and training</u>. (1) <u>Supervisory personnel who will determine reasonable suspicion testing</u>. Training supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion will include training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use.

The City of Tiptonville will sponsor a drug-free awareness program for all employees.

(2) <u>Distribution of information</u>. The minimal distribution of information for all employees will include the display and distribution of:

(a) Informational material on the effects of drug and alcohol abuse;

(b) An existing community services hotline number, available drug counseling; rehabilitation, and employee assistance programs for employee assistance;

(c) The City of Tiptonville policy regarding the use of prohibited drugs and/or alcohol; and

(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-409. Consequences of a confirmed positive drug and/or alcohol test result and/or verified positive drug and/or alcohol test result. Job applicants will be denied employment with the City of Tiptonville if their initial positive preemployment drug test results have been confirmed/verified.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and termination of employment. The city shall have no discretion in this policy and a violation of it shall result in immediate termination of employment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the city's employee assistance program or other program sanctioned by the city/town, and thereafter refrain from violating the city's policy on drug and alcohol abuse. However, voluntary identification will not relieve the employee of any requirements for return to duty testing.

Refusing to submit to an alcohol or controlled substances test means that an employee:

(1) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;

(2) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or

(3) Engages in conduct that clearly obstructs the testing process. In either case the physician or breath alcohol technician shall provide a written statement to the city/town indicating a refusal to test. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-410. Voluntary disclosure of drug and/or alcohol use. In the event that an employee of the City of Tiptonville is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department head in private.

Such voluntary desire for help with a substance abuse problem will be honored by the City of Tiptonville. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the City of Tiptonville may be allowed up to thirty (30) consecutive calendar days for initial substance abuse treatment as follows:

(1) The employee must use all vacation, sick, and compensatory time available.

(2) In the event accumulated vacation, sick, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of thirty (30) consecutive calendar days, the employee will be provided unpaid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum thirty (30) day treatment period.

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the Substance Abuse Professional (SAP) of the City of Tiptonville. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and City Recorder of the City of Tiptonville will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in the administrative action of termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the City of Tiptonville. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to the administrative action of termination of employment as specified elsewhere in this policy. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-411. <u>Exceptions</u>. This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all such cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol. The police department shall be governed by their own policy regarding both alcohol and drugs. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-412. Modification of policy. This statement of policy may be revised by the City of Tiptonville at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the City of Tiptonville. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-413. Definitions. For purposes of the drug and alcohol testing policy, the following definitions are adopted:

(1) "Alcohol." The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

(2) "Alcohol concentration." The alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred ten (210) liters of breath as indicated by a breath test.

(3) "Alcohol use." The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

(4) "Applicant." Any person who has on file an application for employment or any person who is otherwise being considered for employment or transfer to the police department, fire department, or to a position requiring a driver's license being processed for employment. For the purposes of this policy, an applicant may also be: a uniformed employee who has applied for and is offered a promotion or who has been selected for a special assignment; a non-uniformed employee who is offered a position as a uniformed employee; or an employee transferring to or applying for a position requiring a driver's license.

(5) "Breath Alcohol Technician (BAT)." An individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing device (EBT).

(6) "Chain of custody." The method of tracking each urine specimen to maintain control from initial collection to final disposition for such samples and accountability at each stage of handling, testing, storing, and reporting.

(7) "Collection site." A place where applicants or employees present themselves to provide, under controlled conditions, a urine specimen that will be analyzed for the presence of alcohol and/or drugs. Collection site may also include a place for the administration of a breath analysis test.

(8) "Collection site personnel." A person who instructs donors at the collection site.

(9) "Confirmation test." In drug testing, a second analytical procedure that is independent of the initial test to identify the presence of a specific drug or metabolite that uses a different chemical principle from that of the initial test to ensure reliability and accuracy. In breath alcohol testing, a second test following an initial test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

(10) "Confirmed positive result." The presence of an illicit substance in the pure form or its metabolites at or above the cutoff level specified by the National Institute of Drug Abuse identified in two (2) consecutive tests that utilize different test methods and that was not determined by the appropriate medical, scientific, professional testing, or forensic authority to have been caused by an alternate medical explanation or technically insufficient data. An EBT result equal to or greater than 0.02 is considered a positive result.

(11) "Consortium." An entity, including a group or association of employers or contractors, which provides alcohol or controlled substances testing as required by this part or other DOT alcohol or drug testing rules and that acts on behalf of the employers.

(12) "Department director." The director or chief of a city department or his/her designee. The designee may be an individual who acts on behalf of the director to implement and administer these procedures.

(13) "DHHS." The federal Department of Health and Human Services or any designee of the secretary, Department of Health and Human Services.

(14) "DOT agency." An agency of the United States Department of Transportation administering regulations related to alcohol and/or drug testing. For the City of Tiptonville, the Federal Highway Administration (FHWA) is the DOT agency.

(15) "Driver." Any person who operates a motor vehicle.

(16) "Driver's License (DL)." A license required to operate a motor vehicle.

(17) "EAP." Employee Assistance Program.

(18) "Employee." An individual currently employed by the City of Tiptonville.

(19) "Evidential Breath Testing device (EBT)." An instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."

(20) "FHWA." Federal Highway Administration.

(21) "Initial test." In drug testing, an immunoassay test to eliminate negative urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

(22) "Medical Review Officer (MRO)." A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

(23) "Negative result." The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial test or confirmation test.

(24) "NHTSA." National Highway and Traffic Safety Administration.

(25) "Refuse to submit." Refusing to submit to an alcohol or controlled substances test means that a driver:

(a) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;

(b) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or

(c) Engages in conduct that clearly obstructs the testing process.

(26) "Safety-sensitive positions." Safety sensitive positions include police officers, firefighters, positions requiring a driver's license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of pipelines, teachers and other positions having responsibility for the safety and care of children.

(27) "Split specimen." Urine drug test sample will be divided into two (2) parts. One (1) part will be tested initially, the other will remain sealed in case a retest is required or requested.

(28) "Substance abuse professional." A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders. (Ord. #2067, June 1996, as replaced by Ord. #2174, Jan. 2016)

4-414.--4-415. [<u>Deleted</u>.] (as added by Ord. #2102, Feb. 2005, and deleted by Ord. #2174, Jan. 2016)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-501. Enforcement. The chief administrative officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these regulations. (Ord. #2066, Feb. 1996)

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 CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the town for registration fees, meals, lodging, conferences, and similar expenses.

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

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

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

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

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

(b) Actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

(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. (Ord. #2066, Feb. 1996, as amended by Ord. #PP1, June 1998)

4-503. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the state travel regulation rates. The town's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #2066, Feb. 1996)

4-504. Administrative procedures. (1) Travel documentation. It is the responsibility of the authorized traveler to:

- Prepare and accurately describe the travel,
- Certify the accuracy of the reimbursement request,
- Note on the reimbursement form all direct payments and travel advances made by the town, and
- File the reimbursement form with the necessary supporting documents and original receipts.

(a) Vehicles. (i) Personal vehicle. The town will pay a mileage rate not to exceed the rate allowed by the state reimbursement schedule. The miles for reimbursement shall be paid from origin to destination and back by the most direct route.

(ii) Town vehicle. The town may require the employee to drive a town vehicle. If a town vehicle is provided, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable business.

(b) Lodging. The amount allocated for lodging shall not ordinarily exceed the maximum per diem rates authorized by the state rate schedule.

(i) Original lodging receipts must be submitted with the reimbursement form.

(ii) If a traveler exceeds the maximum lodging per diem, excess costs are the responsibility of the traveler.

(iii) If the best rate is secured, and it still exceeds the maximum lodging per diem, the CAO may authorize a higher reimbursement amount.

(c) Meals and incidentals. Receipts are required for meals and incidentals. The authorized traveler may be reimbursed up to the daily amount based on the state rate schedule and the authorized length of stay.

(d) Miscellaneous expenses. (i) Registration fees for approved conferences, conventions, seminars, meetings, and other educational programs will be allowed and will generally include the cost of official banquets, meals, lodging, and registration fees.

(ii) The traveler may be reimbursed for personal phone calls while on official travel, but the amount will be limited to $5 per day.

(iii) A $4 allowance will be reimbursable for hotel/motel check-in and baggage handling expenses.

(iv) Laundry, valet service, tips and gratuities are considered personal expenses and are not reimbursable.

(e) Entertainment. The town may pay for certain entertainment expenses provided that:

(i) The entertainment is appropriate in the conduct of town business;

(ii) The entertainment is approved by the CAO;

(iii) The group or individuals involved are identified; and

(iv) Documentation is attached to the expense form to support the entertainment expense claims.

(2) Disciplinary action. Violation of the travel rules can result in disciplinary action for employees. Travel fraud can result in criminal prosecution of officials and/or employees. (Ord. #2066, Feb. 1996, as amended by Ord. #PP1, June 1998)

TITLE 5

MUNICIPAL FINANCE AND TAXATION[1]

CHAPTER

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depository for town funds. The First State Bank and Trust Company of Tiptonville, Tennessee, is hereby designated as the official depository for all town funds. The First State Bank and Trust Company shall be required to furnish adequate security to protect said deposits in such manner as may be required by the board of mayor and aldermen. (1979 Code, § 6-101)

[1]Charter reference: art. VI.

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due, payable,[1] and delinquent--penalty and interest.[2] Taxes levied by the town against real property shall become due, payable, and delinquent annually on the dates designated in the town's charter in art. VI, § 4. Upon becoming delinquent, taxes shall be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.[3] (1979 Code, § 6-201)

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[1]State law references

Tennessee Code Annotated, §§ 67-1-701, 67-1-702 and 67-1-801, read together, permit a municipality to collect its own property taxes if its charter authorizes it to do so, or to turn over the collection of its property taxes to the county trustee. Apparently, under those same provisions, if a municipality collects its own property taxes, tax due and delinquency dates are as prescribed by the charter; if the county trustee collects them, the tax due date is the first Monday in October, and the delinquency date is the following March 1.

[2]Charter and state law reference

Tennessee Code Annotated, § 67-5-2010(b) provides that if the county trustee collects the municipality's property taxes, a penalty of 1/2 of 1% and interest of 1% shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.

[3]Charter and state law references

A municipality has the option of collecting delinquent property taxes any one of three ways:

(1) Under the provisions of its charter for the collection of delinquent property taxes.
(2) Under Tennessee Code Annotated, §§ 6-55-201--6-55-206.
(3) By the county trustee under Tennessee Code Annotated, § 67-5-2005.

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by 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 Town of Tiptonville at the rates and in the manner prescribed by the said act. The proceeds of the privilege taxes herein levied shall accrue to the general fund. (1979 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1979 Code, § 6-302)

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.[1] (1979 Code, § 6-401)

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[1]State 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 5

PURCHASING

SECTION

5-501. Minimum dollar amount established for public advertisement and competitive bidding for the purchase of goods and services by the town government. (1) All departments of the Town of Tiptonville shall place public advertisements and pursue competitive bidding before purchasing goods and services costing, or expected to cost, in excess of ten thousand dollars ($10,000.00).

(2) Minimum dollar amount established for competitive bidding. Purchases, leases or lease-purchases of less than four thousand dollars ($4,000.00) shall not require any public advertising or competitive bidding. (as added by Ord. #2093, Oct. 2002, and amended by Ord. #2153, Feb. 2013)

TITLE 6

LAW ENFORCEMENT

CHAPTER

CHAPTER 1

POLICE AND ARREST

SECTION

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. (1979 Code, § 1-301)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the town. They shall patrol the town and shall assist the mayor's court during the trail of cases. Policemen shall also promptly serve any legal process issued by the mayor's court. (1979 Code, § 1-302)

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 service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1979 Code, § 1-303)

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:

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[1]Municipal code reference
Traffic citations, etc.: title 15, chapter 6.

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1979 Code, § 1-304)

6-105. Policemen may require assistance. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (1979 Code, § 1-305)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested for any offense other than one involving drunkenness he shall be brought before the mayor's court for immediate trial or allowed to post bond. When the arrested person is drunk or when the mayor is not immediately available and the alleged offender does not post the required bond, he shall be confined. (1979 Code, § 1-306, modified)

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. (1979 Code, § 1-307)

CHAPTER 2

WORKHOUSE

SECTION

6-201. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1979 Code, § 1-501)

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. (1979 Code, § 1-502)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed five dollars ($5.00) per day as credit toward payment of the fines and costs assessed against him.[1] (1979 Code, § 1-503)

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[1]State law reference
Tennessee Code Annotated, § 40-24-104.

TITLE 7

FIRE PROTECTION AND FIREWORKS[1]

CHAPTER

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described. The hereinafter described areas are set apart and designated as the fire limits of the Town of Tiptonville:

(1) Beginning at a point in the east boundary line of Elm Street 200 feet south of the center line of Church Street; runs thence North with the east line of Elm Street, and on in the same course, across Church Street to a point 200 feet north of the center of Church Street; thence East, parallel with Church Street to a point in the west line of LeDuke Street 200 feet North of the center of Church Street; thence South, with the west line of LeDuke Street, and on in the same course to a point 200 feet south of the center of Church Street; thence West, running parallel with Church Street, to the point of beginning.

(2) Beginning at T. E. Morris's southeast corner, in the north line of Church Street; thence North to a point 200 feet north of the center of Church Street; thence East, parallel with Church Street to the railroad tracks of the Illinois Central R.R. Co., being a point 200 feet north of the center of Church Street; thence South to the north boundary line of Church Street; thence West, crossing Phoenix Street, to the point of beginning. (1979 Code, § 7-101)

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

CHAPTER 2

FIRE CODE[1]

SECTION

7-201. Fire code adopted. Pursuant to 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 Standard Fire Prevention Code,[2] 1994 edition with 1995 revisions, as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the 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. (1979 Code, § 7-201, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1979 Code, § 7-202)

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

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

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

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

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. (1979 Code, § 7-204)

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. (1979 Code, § 7-205)

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

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention 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 board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1979 Code, § 7-207)

CHAPTER 3

FIRE DEPARTMENT[1]

SECTION

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1979 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. (1979 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1979 Code, § 7-303)

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[1]Municipal code reference

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

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1979 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. He shall receive such compensation for his services as the board of mayor and aldermen may from time to time subscribe. So that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen. (1979 Code, § 7-305)

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

7-307. Rural fire protection. The town will furnish rural fire protection, under the conditions enumerated in the following sections, to the following areas: all the rural area north of Tiptonville, Tennessee to the Kentucky border, south of Tiptonville to the southern limits of Wynnburg, Tennessee; to all the rural area west of Tiptonville extending north as far as the county line, south as far as Mooring, Tennessee; to all the eastern section of Lake County extending as far south as the southern limits of Keefe, Tennessee, and extending north as far as the county line; and to the east to Spillway Bridge at the Lake and Obion County lines. (1979 Code, § 7-307)

7-308. Service charge; insurance. The town will answer all fire calls for a service fee of $500 for all properties insured for rural fire service calls by a recognized and reputable insurance company. All such coverage shall be subject to approval and acceptance by the Town of Tiptonville. The insuring agent shall certify in writing that he will be responsible for payment of rural fire service calls for each insured property until the service is cancelled by a written notice. (1979 Code, § 7-308)

7-309. Only one truck to answer rural calls. Only one fire truck from the fire department shall answer rural fire calls; other trucks must remain in the city limits at all times. (1979 Code, § 7-308)

7-310. 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. (1979 Code, § 7-310)

CHAPTER 4

FIREWORKS

SECTION

7-401. Fireworks defined. For the purposes of this chapter, "fireworks" shall mean all articles of fireworks are now or hereafter classified as D.O.T. Class C common fireworks in the regulations of the United States Department of Transportation for transportation of explosive or other dangerous articles; and all articles of fireworks that are classified as Class B explosives in the regulations of the United States Department of Transportation and includes all articles other than those classified as Class C common fireworks. (as added by Ord. #2096, Feb. 2004)

7-402. Sale, storage, possession, and use of fireworks to be unlawful. It shall be unlawful for any person to offer fireworks for sale or to otherwise store, possess, or use fireworks within the corporate limits of the Town of Tiptonville. (as added by Ord. #2096, Feb. 2004)

7-403. Public displays--permits required. Nothing in this chapter shall be construed to prohibit the storage, possession, or use of fireworks which are to be used in a public fireworks display to be held within ten (10) days of July 4 in any year; except that all such public displays shall be subject to the issuance of a permit by the Tiptonville Board of Mayor and Aldermen. (as added by Ord. #2096, Feb. 2004)

7-404. Personal use on July 4. Nothing in this chapter shall be construed to prohibit any person from storing, using, or using D.O.T. Class C fireworks on July 4 in any year; except that all such personal use is prohibited on any publicly-owned property in Tiptonville. (as added by Ord. #2096, Feb. 2004)

CHAPTER 5

OPEN BURNING

SECTION

7-501. Purpose. The purpose of this chapter is to prevent fires that may be hazardous to life and property, eliminate potentially dangerous accumulations of combustible materials and to assist the city in eliminating unlawful, unnecessary and indiscriminate burning. (as added by Ord. #2181, April 2017 ***Ch8_08-09-22***)

7-502. Permit required. (1) No open burning shall be permitted within the Town of Tiptonville without a permit, except as provided in § 7-506.

(2) A permit may be issued at no charge pursuant to this chapter for the destruction of leaves, grass, and other natural vegetation which has been cut and stacked, or raked as a result of single residential yard clean-up.

(3) All such permits shall be available for inspection throughout the period fo time the permit is issued and the open burning is in progress. (as added by Ord. #2181, April 2017 ***Ch8_08-09-22***)

7-503. Permit application. To obtain a permit required by this chapter, the applicant shall file an application with the recorder no more than twenty-four (24) hours before the fire, which shall include:

(1) The type of materials to be burned.

(2) The location of the fire.

(3) The individual(s) designated as being responsible for controlling the fire.

(4) A signed statement by the applicant stating that he or she will follow all outdoor burning regulations contained in this code, that no outdoor burning shall be left unattended or permitted later than one (1) hour after sunset, and that protection against fire spread will be provided in a manner approved by the fire chief or his designee. (as added by Ord. #2181, April 2017 ***Ch8_08-09-22***)

7-504. Authority to suspend permit/burning. (1) Regardless of any established permit period, the fire chief or his designee shall have the authority to forbid, restrict or suspend any and all burning or cancel any permit upon determining that weather or other conditions are unfavorable or hazardous for outdoor fires.

(2) The fire chief or his designee in granting or denying such permission, shall take into consideration the atmospheric conditions, including wind, relative humidity, and recent precipitation, the site of the proposed burning in relation to proximate structures, the availability of fire suppression equipment, the attendance of a competent person during the burning, and any other local conditions that might make such a fire hazardous. (as added by Ord. #2181, April 2017 ***Ch8_08-09-22***)

7-506. Compliance with chapter. (1) The person to whom the permit is issued shall be the person responsible for any consequences of action of any damages, injuries or claims resulting from such burning or for responsibility of obtaining any other permit that may be required.

(2) A garden hose and water supply or other fire extinguishing equipment must be on hand and a competent person in constant attendance until all fire has been extinguished.

(3) The location of the fire shall not be less than fifty feet from any structure and adequate provision shall be made to prevent fire from spreading within fifty feet of any structure. (as added by Ord. #2181, April 2017 ***Ch8_08-09-22***)

7-506. Exemptions. The following outdoor fires are exempt from the permit process:

(1) Contained cooking fires;

(2) Fires in outdoor fire pits or fireplaces;

(3) Open fires for the training and instruction of fire-fighting personnel;

(4) Heating on construction projects, provided the burning is in a suitable metal container. (as added by Ord. #2181, April 2017 ***Ch8_08-09-22***)

7-507. Unauthorized burning prohibited. The open burning of any garbage, trash, rubbish, construction debris, waste material, or any other type of combustible material by any person, firm or corporation is hereby prohibited, except as provided in this chapter. (as added by Ord. #2181, April 2017 ***Ch8_08-09-22***)

7-508. Violation and penalty. The violation of any provision of this chapter is punishable under the general penalty provision of this municipal code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2181, April 2017 ***Ch8_08-09-22***)

TITLE 8

ALCOHOLIC BEVERAGES[1]

CHAPTER

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Manufacture, sale, etc., lawful. The manufacture, sale, receipt, possession, storage, transportation, distribution, use, or in any manner dealing in alcoholic beverages of more than 5 percent by weight within the corporate limits of the Town of Tiptonville, Tennessee, shall be regulated in accordance with the provisions of Tennessee Code Annotated, title 57, the rules and regulations adopted by the alcoholic beverage commission, and in accordance with the provisions of this chapter. (1979 Code, § 2-101)

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[1]State law reference
Tennessee Code Annotated, title 57.

8-102. Display of license. Persons, firms, corporations, and limited and general partnerships granted licenses to carry on any business or undertakings contemplated by this chapter shall, before being qualified to do business, display and keep displayed said license in a conspicuous place on the premises of licensee. (1979 Code, § 2-102)

8-103. Application for certificate of good moral character. All applicants for certificates of good moral character as provided by Tennessee Code Annotated, title 57, shall be required to make application to the board of mayor and aldermen of the Town of Tiptonville on forms prepared and furnished by said board to the applicant. Said applications, after being executed, shall be returned to the board of mayor and aldermen of the Town of Tiptonville for their approval or disapproval. (1979 Code, § 2-103)

8-104. Limitation on location and number of stores. (1) No alcoholic beverage shall be manufactured, distilled, rectified, sold, or stored on any premises within the Town of Tiptonville, except within the following areas:

(a) The areas extending north and south from the curb line of Church Street for a distance of fifty feet (50') on each side, the eastern area being bounded on the east by the corporate limits and on the west by Phoenix Street; and

(b) The area along Tennessee Highway 78 extending from the highway right of way no more than one hundred fifty feet (150') east and west and bounded on the north by Church Street and on the south by the town limits.

(2) Only one (1) retail liquor outlet store shall be permitted within each of the two (2) geographic areas designated above, for an aggregate number of licenses of two (2) at any given time. Those retail liquor outlet stores now holding valid liquor licenses from the State of Tennessee Alcoholic Beverage Commission may continue to operate for as long as the current owners hold a valid retail liquor license.

(3) No individual or entity may be issued more than one (1) license for the retail package sale of liquor at any given time. (1979 Code, § 2-104, as replaced by Ord. #2200, May 2021 ***Ch8_08-09-22***)

8-105. Access ways to adjacent businesses prohibited. No place, establishment, or premises wherein alcoholic beverages are sold or stored shall have any doors, entrances, exits, windows, or openings of any kind between such place, establishment, or premises and any other store, building, or premises located adjacent thereto. (1979 Code, § 2-105)

8-106. Furnishing to intoxicated, etc., persons prohibited. It shall be unlawful for any licensee or his employees or representatives to sell, furnish, or give away any alcoholic beverages to any person visibly intoxicated, or to any

insane person, to any minor, or to any habitual drunkard or persons of known intemperate habits. (1979 Code, § 2-106)

8-107. Advertising on signs, etc., in corporate limits prohibited. All wholesale and retail stores and all other persons, corporations, and partnerships dealing in alcoholic beverages are hereby prohibited from advertising on signs and billboards located within the corporate limits. (1979 Code, § 2-107)

8-108. Inducements prohibited. No license shall give away, sell, or any manner whatsoever deal in premiums, tokens, or other articles by means of which inducements are held out to trade or purchase any alcoholic beverages. (1979 Code, § 2-108)

8-109. Gambling devices, etc., prohibited. No gambling devices, pin ball machines, music machines, radios, slot machines, or similar devices shall be permitted to operate upon any premises from which alcoholic beverages are sold. (1979 Code, § 2-109)

8-110. Hours regulated. Retailers may remain open for business between the hours of 8:00 A.M. and 11:00 P.M. central time each day; provided, however, that no retailer shall sell, give away, or otherwise dispose of any alcoholic beverages between 11:00 P.M. and 8:00 A.M. central time on any day; provided further that no retailer shall sell or give away or otherwise dispose of any alcoholic beverages between 11:00 P.M. on Saturday and 8:00 A.M. central time on the following Monday; provided further that no retailer shall sell, give away, or otherwise dispose of any alcoholic beverages on any general or primary election day, whether it be a national, state, or city election. (1979 Code, § 2-110)

8-111. Visibility from street to be maintained. No retail beverage store shall be located except on the grade floor. The windows of the sales room of said retail beverage store shall never be closed by shades or otherwise but shall be so arranged that a passerby on the street can plainly view the sales room and every part thereof through the windows. (1979 Code, § 2-111)

8-112. No other business allowed. A retail licensee of alcoholic beverages shall not be permitted to sell, store, or offer for sale at his salesroom, any article or commodity whatever except alcoholic beverages as defined by Tennessee Code Annotated, title 57. (1979 Code, § 2-112)

8-113. Seating facilities for customers not allowed. No tables or seating facilities shall be provided for customers or any other person in any

retail alcoholic beverage store except those provided for employees, which must be located behind the counters. (1979 Code, § 2-113)

8-114. Consumption on premises prohibited. It shall be unlawful for any licensee to permit any alcoholic beverages or drinks to be consumed on the premises. It shall also be unlawful for any person to drink or consume any alcoholic beverages in the premises at a place where alcoholic beverages are sold. (1979 Code, § 2-114)

8-115. Adoption of state statutes by reference. All statutes of the State of Tennessee relative to the regulation of the sale of intoxicating liquors as included in the Tennessee Code Annotated are hereby adopted by reference. (1979 Code, § 2-115)

8-116. Inspection fee levied; collection, returns. There is hereby levied an inspection fee of six percent (6%) of wholesale price of any alcoholic beverage purchased by a retailer licensed under this chapter. The payment of said fee shall be due in the office of the recorder on the 15th day of each month following the month in which said purchases were made, and said fee shall be accompanied by a sworn report of gross purchases of said beverages by said licensee for the month in question upon a form prescribed by the recorder. Failure to pay said fee and make said report accurately within the time prescribed shall result in a penalty of 10% of the fee due and shall at the sole discretion of the mayor be cause for suspension for as much as thirty (30) days, and at the sole discretion of a majority of the board of mayor and aldermen, be cause for a revocation of said privilege license. (1979 Code, § 2-116)

18-117. "Brown-bagging" prohibited. (1) No owner, operator or employee of any restaurant, club, or any other business of every kind and description, shall permit or allow any person to open, or to have open, or to consume inside or on the premises a bottle, can, flask or container of any kind or description, of alcoholic beverages.

(2) No owner, operator or employee of any restaurant, club, or any other business of every kind and description, shall permit or allow any person to open, or to have open, or to consume inside or on the premises a bottle, can, flask, or container of any kind or description, of beer unless the business is otherwise licensed by the Town of Tiptonville to allow on-premises consumption of beer.

(3) For the purpose of interpreting this section, the term "alcoholic beverages" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. For the same purposes, the term "beer" shall mean all beers, ales and other malts liquors having an

alcoholic content of not more than five percent (5%) by weight. (as added by Ord. #2111, Feb. 2006)

CHAPTER 2

BEER[1]

SECTION

8-201. Beer board established. There is hereby established a beer board to be composed of all the members of the board of mayor and aldermen. The mayor shall preside over meetings of the beer board. Members of the beer board shall serve without compensation. (1979 Code, § 2-201)

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 mayor, provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1979 Code, § 2-202)

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; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of

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[1]State law reference

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

each member thereon; and the provisions of each beer permit issued by the board. (1979 Code, § 2-203)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1979 Code, § 2-204)

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 the Town of Tiptonville in accordance with the provisions of this chapter. (1979 Code, § 2-205)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1979 Code, § 2-206)

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. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (1979 Code, § 2-207)

8-208. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (1979 Code, § 2-208)

8-209. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the storage, sale, or manufacture of beer at places within three

hundred (300) feet of any school, church or other such place of public gathering, measured along street rights of way. (1979 Code, § 2-210)

8-210. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (1979 Code, § 2-211)

8-211. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

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

(2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer. (This provision shall not apply to grocery stores selling beer for off-premises consumption only.)

(3) Sell beer, for either on-premises or off-premises consumption, during the following days and hours:

(a) Between the hours of 12:00 A.M. midnight and 6:00 A.M. on any Monday.

(b) Between the hours of 1:00 A.M. and 6:00 A.M. on any Tuesday, Wednesday, Thursday, Friday or Saturday.

(c) At any time on a Sunday, except that beer may be sold for off-premises consumption between the hours of 6:00 A.M. and 11:00 P.M., local time on Sunday, unless otherwise restricted by any other ordinance or provision of law.

(d) On any election day in the Town of Tiptonville before and while the polls are lawfully open.

During the days and times set forth in this section, it shall be unlawful for any beer permit holder to:

(e) Make, permit or allow any sale of beer anywhere on the premises.

(f) Permit or allow the consumption of beer anywhere on the premises. It shall be further unlawful for any beer permit holder to fail to comply with the following regulations:

(i) Within fifteen (15) minutes of the closing time of the premises either at the hour set under this section or the time the premises closes at a different time for any reason:

(A) No person shall be permitted or allowed to remain inside, or be permitted or allowed to come inside, the building in which the beer is sold on the premises, except legitimate employees of the business who are actually on duty.

(B) All open containers of beer or other liquids in any form shall have been completely removed from the tables and any other place where they are found and completely emptied of their contents into a suitable drain inside the building in which the beer is sold on the premises. No containers that contain beer or liquid in any form shall be set outside the building for disposal or for any other purpose.

(ii) Within thirty (30) minutes of the closing time of the premises, either at the hour set under this section or at the time the premises closes at a different time for any reason all closed containers of beer or other liquids in any form shall have been removed from the tables and any other place where they are found and either their contents disposed of as provided in subsection (B) above, or the containers stored in a refrigerator, freezer, locker, storage room, behind the bar, or any other place to which customers are ordinarily denied access during the periods when the premises are open for business. For the purposes of this section the term "premises" shall include the building in which beer is sold and any and all property upon which the building is located, including, but not limited to parking lots and out buildings of all kinds and descriptions.

(4) Allow any loud, unusual, or obnoxious noises to emanate from his premises.

(5) Make or allow any sale of beer to a minor under twenty-one (21) years of age.

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

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

(8) Allow drunk or disreputable persons to loiter about his premises.

(9) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

(10) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1979 Code, § 2-212, as amended by Ord. #2058, Feb. 1991, replaced by Ord. #2142, Nov. 2010, and amended by Ord. #2164, March 2015)

8-212. <u>Revocation of beer permits</u>. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest.

Revocation proceedings may be initiated by the police chief or by any member of the board of mayor and aldermen. (1979 Code, § 2-213)

8-213. Beer establishments located on Highway 78 within the town limits. No beer permits to exceed the number of two (2) shall be granted or issued for the purpose of on-premises consumption within five hundred feet (500') either side from the centerline of Tennessee Highway 78 within the town limits (measuring from the centerline of the highway to the closest wall of a building for which a permit is applied). Only restaurant establishments deriving the majority of its revenue from food sales shall be eligible for an on-premises consumption beer permit within the area defined herein. The restrictions set forth herein shall not apply to beer permits for off-premises consumption. (1979 Code, § 2-214m as replaced by Ord. #2160, June 2014)

8-214. Limitation on location. (1) No beer permits to exceed the number of three (3) shall be granted or issued to any person for within the following area. The area of Church Street no further east than the post office and no further west to curve at Elm Street. Further, said limitation shall be extended and bounded on the south by Haynes Street and the North boundary line past the establishment formerly known as Wormy's End located on Wormyalle Street.

(2) Only three (3) beer permits shall be permitted within the area designated above as set forth by the municipal code of the Town of Tiptonville. Those establishments now holding valid beer permits may continue to operate for as long as the current owners hold a valid beer permit.

(3) All other ordinances regarding the regulations of beer permit and all statutes of the State of Tennessee related to the regulation to the beer permits as included in the Tennessee Code Annotated are hereby adopted by reference. (as added by Ord. #2085, Feb. 2001)

8-215. Beer permit holders to report fight, etc. (1) Any business or person holding an on-premise consumption beer permit or a temporary beer permit issued by the Town of Tiptonville shall promptly notify the Tiptonville Police Department of any fight or peace disturbance taking place on or within their premises.

(2) Definitions. For the purpose of implementing this section, the following definitions shall apply:

(a) "Premises" has its ordinary meaning and includes any interior or exterior part of the real property for which a beer permit has been issued, including parking lots and outbuildings.

(b) "Promptly" has its ordinary meaning and shall mean that the beer permit holder will readily and without delay call for police assistance when a fight or other peace disturbance occurs.

(3) Violation. It shall be unlawful for any beer permit holder to delay notification to the police department of any fight or peace disturbance. Violation of this section shall also be grounds for suspension or revocation of the permittee's beer license. (as added by Ord. #2110, Feb. 2006)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.[1]

CHAPTER

CHAPTER 1

MISCELLANEOUS

SECTION

9-101. "Going out of business" sales. It shall be unlawful for any person falsely to represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1979 Code, § 5-101)

9-102. Hours regulated. All persons, firms, and corporations within the corporate limits, engged in the business of selling merchandise at retail, except those whose hours of operation are regulated elsewhere, shall close their places of business at midnight and keep them closed until 4:00 A.M. each night. (1979 Code, § 5-102)

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[1]Municipal 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. It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1979 Code, § 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 farmers selling their own produce, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1979 Code, § 5-202)

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

(1) Name and physical description of applicant.

(2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

(3) A brief description of the nature of the business and the goods to be sold.

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[1]Municipal code reference
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 properly to evaluate the applicant's moral reputation and business responsibility.

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

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

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

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

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The recorder shall keep a permanent record of all permits issued. (1979 Code, § 5-204)

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

delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1979 Code, § 5-205)

9-206. Bond. Every permittee shall file with the 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 Tiptonville 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. (1979 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. (1979 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. (1979 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1979 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. (1979 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 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. (1979 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. (1979 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1979 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

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 recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1979 Code, § 5-301)

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

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

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

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

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

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

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. (1979 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. (1979 Code, § 5-304)

9-305. Trespassing. It shall be unlawful and deemed to be a trespass for any permittee acting under this chapter to fail to leave promptly the private premises of any person who requests or directs him to leave. (1979 Code, § 5-305)

9-306. Violations. Any person violating any provision of this chapter or making a false or fraudulent statement either in his application for a permit or in the process of making a solicitation shall be subject to the penalty provided for violations of this municipal code. In addition to or in lieu of any pecuniary penalty, if a violator has been issued a permit, his permit shall be cancelled and revoked by the court. (1979 Code, § 5-306)

CHAPTER 4

POOL ROOMS[1]

SECTION

9-401. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1979 Code, § 5-401)

9-402. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (1979 Code, § 5-402)

9-403. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1979 Code, § 5-403)

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[1]Municipal code reference
Privilege taxes: title 5.

CHAPTER 5

CABLE TELEVISION

SECTION

9-501. To be furnished under franchise. Cable television service shall be furnished to the Town of Tiptonville and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Tiptonville 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]

[1]For complete details relating to the cable television franchise agreement see Ord. #2033 dated February 9, 1978, in the office of the recorder.

TITLE 10

ANIMAL CONTROL

CHAPTER

CHAPTER 1

IN GENERAL

SECTION

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, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1979 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any other animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1979 Code, § 3-102)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1979 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water,

shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

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

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1979 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1979 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1979 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, 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. (1979 Code, § 3-108)

CHAPTER 2

DOGS

SECTION

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. (1979 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1979 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. (1979 Code, § 3-203)

10-204. Vicious dogs. (1) Definition of terms. As used in this section:

(a) "Owner" means any person, firm, corporation, organization, or department having legal ownership of, possessing, harboring, or having care or custody of a dog. "Own" means to have legal ownership of, possess, harbor, or have the care or custody of a dog.

(b) "Vicious dog" means:

(i) Any dog which, without provocation, attacks or bites, or has attached or bitten, a human being or domestic animal; or

(ii) Any dog with a propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or

(iii) Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or

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[1]State law reference
Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this section; or

(iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or

(v) Any dog that tends to endanger the safety of a human being by the habitual chasing of automobiles, trucks, bicycles, motorcycles, motorbikes, or motor scooters on either public or private property.

(c) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. The pen or structure must either:

(i) Have a bottom secured to the sides; or

(ii) The sides must be embedded into the ground no less than one foot.

All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(2) Confinement. The owner or custodian of a vicious dog shall not suffer or permit the dog to go unconfined.

(3) Exceptions to confinement. A vicious dog may be unconfined for the following purposes:

(a) Transporting the dog to or from a state-licensed veterinary office;

(b) Transporting the dog to or from a state-licensed kennel for the lodging or breeding of dogs; or

(c) Transporting the dog to the location of a purchase of the dog.

When exercising these exceptions, the owner of a vicious dog shall not suffer or permit the dog to become unconfined unless the leash and muzzle provisions of subsection (4) below have been fully met.

(4) Leash and muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of an adult person whose weight is equal to or greater than said dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall be sufficient to prevent the dog from biting any human or animal.

(5) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign shall be posted on the pen or kennel of the animal.

(6) Dog fighting. No person, firm, corporation, organization, or department shall possess or harbor or maintain care or custody of any dog for

the purpose of dog fighting, or train, torment, badger, bait, or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

(7) Insurance. The owner of a vicious dog shall have (and when applying for a permit must supply proof of) public liability insurance in the minimum amount of fifty thousand dollars ($50,000.00) per person and one hundred thousand dollars ($100,000.00) per occurrence insuring the owner for any personal injuries inflicted by the vicious dog.

(8) Permit required. No person shall own or maintain any vicious dog within the Town of Tiptonville, Tennessee, unless he or she shall receive a permit to do so form the city recorder. The city recorder shall issue such permit to any applicant:

(a) Whose premises for keeping the vicious dog comply with the requirements of this section. Compliance with the requirements of this section shall be determined by the Code Enforcement Officer of the Town of Tiptonville; and

(b) Who meets the insurance requirements of subsection (7) above; and

(c) Who has otherwise exhibited compliance with the other provisions of this section.

Any permit may be revoked by the city recorder or by the code enforcement officer for failure to comply with any requirement of this section. However, notice of revocation shall be made in writing by the revoking officer and shall be served upon the holder of the permit by certified mail or hand delivery. The holder of the permit shall have a right to appeal the revocation to the board of mayor and aldermen; appeal shall be taken by delivering a written notice of appeal of revocation to the city recorder within five (5) days of receipt of the revocation by the holder of the permit.

(9) City property. The owner of custodian of a vicious dog shall not suffer or permit the dog to be upon city-owned property for any purpose, except upon the city roads for the purposes described in subsection (3) above.

(10) Existing ownership(s) of vicious dogs. Any owner or custodian of a vicious dog in existence at the time the ordinance comprising this section becomes effective shall have thirty (30) days in which to obtain a permit and bring his/her premises into compliance with this section.

(11) Penalty. Any owner or custodian of a vicious dog in violation of any provision of this section shall be guilty of a misdemeanor for each violation and upon conviction thereof shall be fined not less than fifty dollars ($50.00) for each offense. Each day that a violation continues shall constitute a separate offense.

(12) Seizure and destruction. In addition to any other action taken under this section regarding a vicious dog, any vicious dog that is unconfined or is otherwise owned in violation of this section shall be seized and destroyed under the provisions of § 10-207 of the Tiptonville Municipal Code; provided, however, that the owner of a vicious dog that is unconfined or is otherwise owned in violation of this section shall have no right to redeem the vicious dog

under the provisions of § 10-207 of the municipal code. (1979 Code, § 3-204, as replaced by Ord. #2129, June 2008, and Ord. #2143, June 2011)

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. (1979 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of police may cause such dog to be confined or isolated for such time as he reasonably deems necessary to determine if such dog is rabid. (1979 Code, § 3-206)

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

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

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[1]State law reference

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

TITLE 11

MUNICIPAL OFFENSES[1]

CHAPTER

CHAPTER 1

ALCOHOL[2]

SECTION

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1979 Code, § 10-229)

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[1]Municipal 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.

[2]Municipal 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. (1979 Code, § 10-222, modified)

CHAPTER 2

FORTUNE TELLING, ETC.

SECTION

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. (1979 Code, § 10-234, modified)

CHAPTER 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (1979 Code, § 10-201)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

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. (1979 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 other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Municipal vehicles. Any vehicle of the 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. (1979 Code, § 10-233)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

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 to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1979 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1979 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1979 Code, § 10-217)

11-504. Resisting or interfering with an officer. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the town while such officer or employee is performing or attempting to perform his municipal duties. (1979 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. (1979 Code, § 10-230)

11-506. Interference with radio and television signals. It shall be unlawful for any person to operate or maintain within the corporate limits of the Town of Tiptonville any machine, device, apparatus, or equipment, whether electrical or otherwise, which obstructs or interferes with radio and/or television broadcasting or reception within the town, unless the owner or operator of such equipment shall have first obtained a license or permission from the Federal Communications Commission. (1979 Code, § 10-236)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

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 method. (1979 Code, § 10-213)

11-602. Throwing missiles. It shall be unlawful for any person to throw maliciously any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1979 Code, § 10-214)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1979 Code, § 10-212, modified)

CHAPTER 7

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

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 also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1979 Code, § 10-226)

11-702. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1979 Code, § 10-221)

11-703. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1979 Code, § 10-225)

11-704. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1979 Code, § 10-232)

11-705. Motorized or non-motorized wheelchairs on streets.

(1) Pedestrians in motorized or non-motorized wheelchairs shall remain on sidewalks, except:

(a) Where sidewalks are not present, such persons shall strictly obey state law governing pedestrians present on streets or highways.

(b) When crossing a street or highway.

(c) When in the immediate act of entering or exiting a motor vehicle.

(2) Pedestrians in motorized or non-motorized wheelchairs shall not be present upon or cross a street or highway except at an intersection in a marked crosswalk; provided that if no crosswalk is present at an intersection, such person may cross the street or highway in obedience to any traffic control signal and in strict compliance with Tennessee Code Annotated, §§ 55-8-134 and 55-8-135. This section shall not apply to persons using wheelchairs who are in the immediate act of entering or exiting a motor vehicle.

(3) In no event shall persons in motorized or non-motorized wheelchairs be present on streets or highways between sunset and sunrise unless the occupant is in the immediate act of entering or exiting a motor vehicle.

(4) Any motorized or non-motorized wheelchair present upon any street or highway of the town shall display a red or orange flag, no less than eighteen inches (18") square, projecting vertically to a height of fifty-four inches (54") to seventy-four inches (74") above the surface of the roadway, and shall have at least two (2) reflectors or reflective tape on both the front and rear. This section shall not apply to person using wheelchairs who are only in the immediate act of entering or exiting a motor vehicle or crossing a street in compliance with subsection (2).

(5) A first violation of this section shall result in a written warning by a law enforcement officer. Subsequent violations shall be punished as provided for by the general ordinances of the town. (as added by Ord. #2151, Feb. 2013)

CHAPTER 8

MISCELLANEOUS

SECTION

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. (1979 Code, § 10-223)

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. (1979 Code, § 10-231)

11-803. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1979 Code, § 10-227)

11-804. Curfew for minors. It shall be unlawful for any person under the age of eighteen (18) years, to be abroad at night between 12:00 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1979 Code, § 10-224)

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 recorder to wear a traditional holiday costume. (1979 Code, § 10-235)

11-806. <u>Burning straw near residences</u>. It shall be unlawful for any person to burn wheat straw, oat straw, barley straw, rye straw, triticale straw, or any other type of straw within two hundred (200) feet of residential property located within the corporate limits. (1979 Code, § 10-237)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

CHAPTER 1

BUILDING CODE[1]

SECTION

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 regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code[2], 1994 edition with 1996 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1979 Code, § 4-101, modified)

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[1]Municipal code references
Fire protection, fireworks, and explosives: title 7.
Planning and zoning: title 14.
Streets and other public ways and places: title 16.
Utilities and services: titles 18 and 19.

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

12-102. Modifications. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of mayor and aldermen. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code. The recommended schedule of permit fees set forth in Appendix "B" of the building code is amended so that the fees to be collected shall be fifteen dollars ($15.00) for any new construction and twelve dollars ($12.00) for any additions to existing buildings. Provided, however, that the minimum fee for an inspection shall be $5.00. Section 107 of the building code is hereby deleted. (1979 Code, § 4-102)

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. (1979 Code, § 4-103, modified)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1979 Code, § 4-104)

CHAPTER 2

PLUMBING CODE[1]

SECTION

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the town, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code,[2] 1994 edition with 1995/96 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1979 Code, § 4-201, modified)

12-202. Modifications. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of mayor and aldermen.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted. (1979 Code, § 4-202)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has

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[1]Municipal code references
Cross connections: title 18.
Street excavations: title 16.
Wastewater treatment: title 18.
Water and sewer system administration: title 18.

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

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-203, modified)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1979 Code, § 4-204)

CHAPTER 3

HOUSING CODE

SECTION

12-301. Housing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,[1] 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1979 Code, § 4-301, modified)

12-302. Modifications. Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the town attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of mayor and aldermen. Section 108 of the housing code is deleted. (1979 Code, § 4-302)

12-303. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1979 Code, § 4-303, modified)

12-304. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1979 Code, § 4-304)

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

CHAPTER 4

MODEL ENERGY CODE[1]

SECTION

12-401. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code[2] 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

12-402. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the Town of Tiptonville. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

12-403. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has

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[1]State law reference

Tennessee Code Annotated, § 13-19-106 requires Tennessee cities either to adopt the Model Energy Code, 1992 edition, or to adopt local standards equal to or stricter than the standards in the energy code.

Municipal code references

Fire protection, fireworks, and explosives: title 7.
Planning and zoning: title 14.
Streets and other public ways and places: title 16.
Utilities and services: titles 18 and 19.

[2]Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041.

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-404. Violation and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy 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 five hundred dollars ($500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS[1]

CHAPTER

CHAPTER 1

MISCELLANEOUS

SECTION

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 of Tiptonville. (1979 Code, § 8-101)

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. (1979 Code, § 8-105)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1979 Code, § 8-106)

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[1]Municipal code references
Animal control: title 10.
Littering streets, etc.: § 16-107.
Toilet facilities in beer places: § 8-211(10).

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 recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1979 Code, § 8-107)

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. (1979 Code, § 8-108)

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. (1979 Code, § 8-109)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the town and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1979 Code, § 8-104)

CHAPTER 2

JUNKYARDS

SECTION

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. (1979 Code, § 8-111)

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[1]State 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

SLUM CLEARANCE

SECTION

13-301. Definitions. The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

(1) "Municipality" shall mean the City of Tiptonville.

(2) "Governing body" shall mean the Board of Mayor and Aldermen of the City of Tiptonville.

(3) "Public officer" shall mean the zoning compliance officer. He is hereby designated and authorized to exercise the powers prescribed by this chapter and by Tennessee Code Annotated, title 13, chapter 12.

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

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

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

(7) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human habitation or use or intended to be used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(8) "Hazardous or unsightly property" shall mean grass or weeds above 6 inches in height, abandoned or inoperative automobiles, inoperative appliances and machinery, trash and debris, unusable building materials, discarded materials, habitats which breed vermin and insect vectors, sites of

public nuisance, sites causing visual and environmental offense, and sites whose condition of maintenance pose a hazard to public nuisance, sites causing visual and environmental offense, and sites whose condition of maintenance pose a hazard to public health and safety. (1979 Code, § 8-501, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-302. Hazardous or unsightly property to be cleared, cleaned, or abated and dwellings and or structures unfit for habitation to be repaired, closed or demolished. The City of Tiptonville hereby finds that there exists in this municipality properties, which are hazardous or unsightly within the definition described above. Furthermore, there exists dwellings or structures, which are unfit for human habitation or use. The City of Tiptonville hereby ordains that such properties be cleared, cleaned or abated, and that such dwellings shall be repaired, closed or demolished in the manner herein described. (1979 Code, § 8-502, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-303. Procedure for abating unfit dwellings and or structures.

(1) Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation, and or structure is not suitable for human occupation or whenever it appears to the public officer (on his own motion) that any dwelling is unfit, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties of interest of such dwellings and or structures, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; there the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

(2) If after such notice and hearing, the public officer determines that the dwelling and or structure under consideration is unfit for human habitation, the public officer shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order :

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

(b) If the repair, alteration or improvement of said dwelling and or structure cannot be made at a reasonable cost in relation to the value of the dwelling and or structure (not to exceed fifty percent (50%) of the value of the dwelling or structure) requiring the owner, within the time specified in order, to remove or demolish such dwelling and or structure.

(3) If the owner fails to comply with an order to repair, vacate, close, remove or demolish the dwelling and or structure, the public officer may cause such dwelling and or structure to be dealt with as required by the order served upon said owner, and that the public officer may cause to be posted on the main entrance of any dwelling and or structure so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building is prohibited and unlawful."

(4) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred. If the dwelling and or structure is removed or demolished by the public officer, he shall sell the materials of such dwelling and or structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the public officer, and shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court, provided that nothing in this section shall limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement by appropriate proceedings. (1979 Code, § 8-503, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, Ord. #2092, Aug. 2002, and amended by Ord. #2180, Nov. 2016 ***Ch8_08-09-22***)

13-304. <u>Procedure for abating hazardous or unsightly properties</u>.

(1) When a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any property is hazardous or unsightly, or whenever it appears to the public officer (on his own motion) that any property is hazardous or unsightly, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such properties a complaint stating the charges in that respect, and that the property shall be cleaned, cleared or abated within 30 days after receipt of said complaint.

(2) After such notice, the owner of or parties in interest may request that the City of Tiptonville clean, clear or abate the premises for the amount of the costs incurred by the city for such cleaning, clearing and abating the property and all such bills or charges and payment method shall be set by the city.

(3) Upon the failure, refusal or neglect of any owner or parties in interest to either

(a) Request a hearing before the public officer, or

(b) To comply with an order to clean, clear or abate hazardous or unsightly property,

the public officer may cause such property to be dealt with as required by the order serviced upon said owner of or parties in interest. The street department, upon notice from the public officer, is hereby authorized and directed to clean, clear or abate said property and a statement of cost thereof shall be prepared by the office of the director of public works and filed with the city recorder for collection as a special tax. Any hearing requested by the owner or party in interest shall be conducted by the public officer within ten (10) days after such request is received and the procedures set forth in this chapter shall govern the conducting of such hearings. The public officer may make such orders as are appropriate following the hearing.

(4) The amount of the cost of such cleaning, clearing or abating of any hazardous of unsightly property by the public officer shall be a lien against the real property upon which such cost was incurred. All such bills or charges shall bear interest at the rate of eighteen (18.00) percent per year. The city recorder may certify or turn over to the city attorney for collection of all unpaid or uncollected bills or charges and the city attorney shall file suit or take other steps as may be necessary for collection. (1979 Code, § 8-504, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, Ord. #2092, Aug. 2002, and amended by Ord. #2180, Nov. 2016 ***Ch8_08-09-22***)

13-305. <u>Conditions rendering dwelling or structure unfit for human habitation</u>. The public officer may determine that a dwelling and or structure is unfit for human habitation or occupation if he finds that conditions exist in such dwelling and or structure which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling and or structure, the occupants of neighboring dwellings and or structures or other residents of the municipality; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness. (1979 Code, § 8-505, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-306. <u>Conditions rendering property hazardous or unsightly</u>. The public officer may determine that property is hazardous or unsightly if he finds that conditions exist on such property which are hazardous to the public health and safety of the owners of such property, owners of adjacent properties; such conditions may include the following (without limiting the generality of the foregoing): junk cars, weeds, grasses, abandoned appliances and machinery, trash, rodents, etc. (1979 Code, § 8-506, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-307. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons either personally or by registered mail. If the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the municipality, or in the absence of such newspaper, in one printed and published in the county and circulating in the municipality. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the register's office of Lake County, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (1979 Code, § 8-507, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-308. Powers of the public officer. The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To investigate the dwelling/structure or property conditions in the municipality in order to determine which dwellings and or structures therein are unfit for human habitation or occupation and which properties are hazardous or unsightly;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1979 Code, § 8-508, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-309. Chapter confers supplementary powers and procedures. Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the municipality to enforce any provisions of its charter or other ordinances or regulations, nor to prevent or punish violations thereof, and the powers and procedures prescribed by this chapter shall be in addition and supplemental to the powers conferred by any other law. (1979 Code, § 8-509, as replaced by Ord. #2086, March 2001, Ord. #2091, Jan. 2002, and Ord. #2092, Aug. 2002)

13-310--13-314. [<u>Rescinded</u>.] These sections were rescinded by Ord. #2092, Aug. 2002. (as added by Ord. #2091, Jan. 2002, and rescinded by Ord. #2092, Aug. 2002)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1979 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1979 Code, § 11-102)

14-103. Continuing education. The required four (4) hours of training and continuing education, mandated to the planning commission and the board of zoning appeals, be opted out of in accordance with the Tennessee Code Annotated,§§ 13-3-101, 13-4-101, and13-7-205. (as added by Ord. #2173, Dec. 2015)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Tiptonville shall be governed by Ordinance #2055, titled "Zoning Ordinance, Tiptonville, Tennessee," and any amendments thereto.[1]

[1]Ordinance #2055, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

CHAPTER 3

MOBILE HOME PARK REGULATIONS

SECTION

14-301. Definitions as used in this chapter. Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions where not inconsistent with the context. For the purpose of this chapter certain words or terms are defined as follows. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

(1) "Mobile home (trailer)." A detached single-family dwelling unit with any or all of the following characteristics:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.

(c) Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to utilities and the like.

(2) "Mobile home park." The term mobile home park shall mean any plot of ground within the Town of Tiptonville on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

(3) "Mobile home space." The term mobile home space shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(4) "Health officer." The director of a town, county, or district health department having jurisdiction over the community health in a specific area, or his duly authorized representative.

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

(6) "Modular home." A factory fabricated transportable building design to be used by itself or to be incorporated with similar units at a building to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated subelements which are to be incorporated into a structure at the site. The unit is not built on a chassis, has never had wheels, is placed on a permanent foundation and is required to meet local building, housing, plumbing and electrical codes. (1979 Code, § 8-601)

14-302. Regulating mobile homes. (1) It shall be unlawful for any mobile home to be used, stored, or placed on any lot or serviced by the utilities of said town where said mobile home is outside of any designated and licensed mobile home park after the date of passage of this chapter, except as provided in § 14-302(2). Mobile homes shall not be used as dwelling units except in said mobile home parks.

(2) Any mobile home already placed on a lot on or before the date of passage of this chapter will be permitted to remain at its present location. If said present mobile home shall remain vacant for a period of one year, said mobile home owner shall be given at the end of the year, a period not to exceed sixty (60) days in which to remove said mobile home and to comply with all provisions of this chapter. If said mobile home is removed from site, said mobile home shall not be allowed to return until the mobile home site meets all the requirements of this chapter.

(3) No mobile home shall be used, placed, stored or serviced by utilities within the Town of Tiptonville or within any mobile home park in said town unless there is posted near the door of said mobile home a valid Tennessee State License. (1979 Code, § 8-602)

14-303. Regulating mobile home parks. (1) Permit for mobile home park. No place or site within said town shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the town building inspector in the name of such person or persons for the specific mobile home park. The town building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.

Mobile home parks in existence as of the effective date of this town shall be required to obtain a mobile home park permit. Preexisting mobile home parks which cannot comply with the requirements regarding mobile home parks shall be considered as a non-conforming use, provided, however, if at any time the ownership of said park shall change, said new owner shall be given a period not to exceed ninety (90) days in which to comply with the current mobile home

park regulations in all respects and his failure to do so shall render him ineligible for a mobile home park permit at his then present location.

Said pre-existing mobile home parks shall comply with all state regulations applicable thereto which were in force prior to the establishment of said mobile home park.

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

(3) Length of occupancy. No mobile home space shall be rented in any mobile home park except for periods of thirty (30) days, or longer.

(4) Code compliance. No mobile home shall be admitted to any park unless it can be demonstrated that it meets the requirements of the American Standards Association Code.

Provision A-119.1-1963; American Standard for Installation in Mobile Home of Electrical, Heating and Plumbing Systems, or Mobile Homes Manufacturing Association Mobile Home Standards for Plumbing, Heating and Electrical Systems or any state administered code insuring equal or better plumbing, heating or electrical installations.

(5) Location and planning. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the town planning commission.

(6) Minimum size of mobile home park. The tract of land for the mobile home park shall comprise an area of not less than one (1) acre. The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management.

(7) Minimum number of spaces. Minimum number of spaces completed and ready for occupancy before first occupancy is two (2).

(8) Minimum area and yard requirements for mobile home spaces. Mobile home spaces shall be clearly defined, and contain a minimum lot area of four thousand (4,000) square feet.

The minimum yard requirements for all individual mobile home spaces in a mobile home park are:

(a) Front yards for individual mobile home spaces shall be a minimum of twenty (20) feet.

(b) Side yards for individual mobile home spaces shall be a minimum of ten (10) feet.

(c) Rear yards for individual mobile home spaces shall be a minimum of fifteen (15) feet.

Mobile homes shall be placed no closer than twenty (20) feet from the mobile home park property line, and no closer than thirty-five (35) feet from the right-of-way of any public street or highway.

(9) 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 written approval of plans and specifications 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, operated, and shall be adequate in quantity and approved in quality. Samples of water for bacteriological examination shall be taken before initial approval of the physical structure and thereafter at least twice every month 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 mobile home park operator to provide such treatment as is deemed necessary by the health officer to maintain a safe, potable water supply. Water shall be furnished at the minimum capacity of two hundred and fifty (250) gallons per day per mobile home space. An individual water service connection and meter shall be provided for each mobile home space. The water supply must also be adequate for fire protection.

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

Every effort shall be made to dispose of the sewage through a public sewerage system. In lieu of this, a septic tank and 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 so installed under any condition shall not be less than seven hundred fifty (750) gallons working capacity. This size tank can accommodate a maximum of two (2) mobile homes. For each additional mobile home on such a single tank, a minimum additional liquid capacity of one hundred seventy-five (175) gallons shall be provided. The sewage from no more than twelve (12) mobile homes shall be disposed of in any one (1) single tank installation. The size of such tank shall be a minimum of two thousand five hundred (2,500) gallons liquid capacity.

The amount of effective soil absorption area or total bottom area of overflow trenches will depend on local soil conditions and shall be determined only on the basis of the percolation rate of the soil. The percolation rate shall be determined as outlined in Appendix A of the Tennessee Department of Health Bulletin, entitled "Recommended Construction of Large Septic Tank

Disposal Systems for Schools, Factories and Institutions." This bulletin is available on request from the Department. No mobile home shall be placed over a soil absorption field.

In lieu of a public sewerage or septic tank system, an officially approved package treatment plant may be used.

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

(12) Electricity. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space and shall be weatherproof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code and Tennessee Department of Insurance and Banking Regulation No. 15 entitled, "Regulations Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization.

(13) Illumination. The park driveways shall be furnished with 400 watt mercury lamps at intervals of 100 feet approximately 30 feet from the ground. Adequate lighting recommended by the local light company and approved by the city planning commission may be used in lieu of the above requirement.

(14) Streets. Minimum pavement widths of various streets within mobile home parks shall be:

All streets. . . . . 24 feet

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

(15) Liquified petroleum gas. Liquified petroleum gas for cooking purposes shall not be used at individual mobile home spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquified petroleum gas cylinders shall be securely fastened in place, and adequately protected from the weather. No cylinder containing liquified petroleum gas shall be located in a mobile home, nor within five (5) feet of a door thereof.

(16) Parking spaces. Car parking shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home lot. Each individual parking space shall have a minimum width of not less than ten (10) feet and length of not less than twenty (20) feet. The parking spaces shall be

located so access can be gained only from the internal streets of the mobile home park.

(17) Buffer strip. An evergreen buffer strip consisting of trees, shrub or hedge with a minimum planted height of not less than six (6) feet which will grow to a height of not less than ten (10) feet and be spaced not more than ten (10) feet apart shall be planted along all boundaries of the mobile home park. The above requirement is subject to planning commission approval.

(18) Park maintenance. All service buildings, mobile homes, mobile home spaces and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any conditions that will menace the health of any occupant or the public or constitute a nuisance.

(19) Register of occupants. It shall be the duty of the licensee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

(a) Name and address of each occupant;
(b) The make, model and year of all mobile homes;
(c) License number and owner of each mobile home;
(d) The state issuing such license;
(e) The dates of arrival and departure of each mobile home.

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 five (5) years following the date of registration. (1979 Code, § 8-603)

14-304. Permit. The following requirements for permits shall apply to any mobile home park within the corporate limits of Tiptonville.

(1) Mobile home parks. It shall be unlawful for any person or persons to maintain or operate, within the corporate limits of said city any mobile home park unless such person or persons shall first obtain a permit therefor. (1979 Code, § 8-604)

14-305. Fees for permit. An annual permit fee shall be required for mobile home parks.

(1) Mobile home parks. The annual permit fee for mobile home parks shall be twenty-five (25) dollars for the first (2) spaces approved and ten (10) dollars for each space approved thereafter. (1979 Code, § 8-605)

14-306. Application for permit. (1) Mobile home parks. Applications for a mobile home park shall be filed with and issued by the town building inspector subject to the planning commission's approval of the mobile home park plan. Applications shall be in writing and signed by the applicant and shall be accompanied by an approved plan of the proposed mobile home park. The plan

shall contain the following information and conform to the following requirements:

(a) The plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;

(b) Name and address of owner of record;

(c) Proposed name of park;

(d) North point and graphic scale and date;

(e) Vicinity map showing location and acreage of mobile home park;

(f) Exact boundary lines of the tract by bearing and distance;

(g) Names of owners of record of adjoining land;

(h) Existing streets, utilities, easements, and water courses on and adjacent to the tract;

(i) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;

(j) Provisions for water supply, sewerage and drainage;

(k) Such information as may be required by said town to enable it to determine if the proposed park will comply with legal requirements; and

(l) The applications and all accompanying plans and specifications shall be filed in triplicate.

(2) Certificates. Certificates that shall be required are:

(a) Owner's certification;

(b) Planning commission's approval signed by secretary; and

(c) Any other certificates deemed necessary by the planning commission. (1979 Code, § 8-606)

14-307. Enforcement. It shall be the duty of the county health officer and town building inspector to enforce provisions of this chapter. (1979 Code, § 8-607)

14-308. Appeals. (1) Board of appeals. The Tiptonville Board of Zoning Appeals shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building inspector in the enforcement of this chapter, may appeal for and receive a hearing by the board of zoning appeals for an interpretation of pertinent ordinance provisions. In exercising this power of interpretation of the ordinance, the board of zoning appeals, may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or determination made by the building

inspector. An administrative fee of ten (10) dollars shall be paid prior to appearing before the board of zoning appeals.

(2) Appeals from board of appeals. Any person or persons or any board, taxpayer, department, or bureau or the town aggrieved by any decision of the board of zoning appeals may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee. (1979 Code, § 8-608)

14-309. Violation and penalty. Any person or corporation who violates the provisions of this 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-five (35) days written notice of such requirements, shall be fined not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for each offense, and each day of continued violation shall constitute a separate offense, subsequent to receipt of said thirty-five (35) day notice. (1979 Code, § 8-609)

CHAPTER 4

PRESERVATION DISTRICT PROVISIONS

SECTION

14-401. Statement of purpose. Such preservation activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in and visiting.

More specifically, this historic preservation chapter is designed to achieve the following goals:

(1) Protect, enhance and perpetuate resources which represent distinctive and significant elements of the town's historical, cultural, social, economic, political archaeological, and architectural identity;

(2) Insure the harmonious, orderly, and efficient growth and development of the town;

(3) Strengthen civic pride and cultural stability through neighborhood conservation;

(4) Stabilize the economy of the town through the continued use, preservation, and revitalization of its resources;

(5) Promote the use of resources for the education, pleasure, and welfare of the people of the Town of Tiptonville.

(6) Provide a review process for the preservation and development of the town's resources. (as added by Ord. #2083, Oct. 2000)

14-402. Preservation commission: composition and terms. The town is authorized to establish a preservation commission to preserve, promote, and develop the town's historical resources and to advise the town on the

designation of preservation districts, landmarks, and landmark sites and to perform such other functions as may be provided by law.

The commission shall consist of five (5) members and which shall consist of a representative of a local patriotic or historical organization; an architect or engineer, if available; a person who is a member of the local planning commission at the time of his/her appointment; and the remainder shall be from the community in general. The position of architect or engineer cannot be filled by a local citizen at the time of adoption.

All members of the commission are appointed by the town and shall serve for designated terms and may be re-appointed. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation, to the extent available in the community. The town should appoint professional members from the primary historic preservation-related disciplines of architecture, history, architectural history, or archaeology or from secondary historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields. The town shall document a "good faith effort" to locate professionals to serve on the commission before appointing lay members. The commission shall also seek the advice, as needed, of professionals not serving on the board. (as added by Ord. #2083, Oct. 2000)

14-403. Powers of the commission. (1) The commission shall conduct or cause to be conducted a continuing study and survey of resources within the Town of Tiptonville.

(2) The commission shall recommend to the town the adoption of ordinances designating preservation districts, landmarks, and landmark sites.

(3) The commission may recommend that the town recognize sub-districts within any preservation district.

(4) The commission shall review applications proposing construction, alteration, demolition, or relocation of any resource within the preservation districts, landmarks, and landmark sites.

(5) The commission shall grant or deny preservation permits, and may grant preservation permits contingent upon the acceptance by the applicant of specified conditions.

(6) The commission does not have jurisdiction over interior arrangements of buildings and structures, except where such change will affect the exterior of the building and structures.

(7) The commission, subject to the requirements of the town, is authorized to apply for, receive, hold and spend funds from private and public sources, in addition to appropriations made by the town for the purpose of carrying out the provisions of this chapter.

(8) The commission is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment.

(9) The commission is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land or water for the examination or survey thereof. No member, employee, or agent of the commission shall enter any private dwelling or structure without the express consent of the owner of record or occupant thereof. (as added by Ord. #2083, Oct. 2000)

14-404. Rules of order (by-laws). To fulfill the purposes of this chapter and carry out the provisions contained therein:

(1) The commission annually shall elect from its membership a chairman and vice-chairman. It shall select a secretary from its membership or its staff. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting.

(2) The commission shall develop and adopt rules of order (by-laws) which shall govern the conduct of its business, subject to the approval of the town. Such rules of order (by-laws) shall be a matter of public record.

(3) The commission shall develop design review guidelines for determining appropriateness as generally set forth in § 14-407 of this chapter.

(4) The commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.

(5) The commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days of the adoption of this ordinance and regular meetings shall be scheduled at least once every three (3) months. The chairman or any two (2) members may call a special meeting to consider an urgent matter. (as added by Ord. #2083, Oct. 2000)

14-405. Designation of landmarks, landmark sites, and historic districts. By ordinance, the town may establish landmarks, landmark sites, and preservation districts within the area of its jurisdiction. Such landmarks, landmark sites, or preservation districts shall be designated following the criteria as specified in § 14-401.

(1) The commission shall initiate a continuing and thorough investigation of the archaeological, architectural, cultural, and historic significance of the town's resources. The findings shall be collected in a cohesive format made a matter of public record, and made available for public inspection. The commission shall work toward providing complete documentation for previously designated preservation districts which would include:

(a) A survey of all property within the boundary of the district, with photographs of each building.

(b) A survey which would be in a format consistent with the statewide inventory format of the historic preservation division of the (SHPO).

(2) The commission shall advise the town on the designation of preservation districts, landmarks, or landmark sites and submit or cause to be prepared ordinance to make such designation.

(3) A resource or resources may be nominated for designation upon motion of three members of the commission or by an organization interested in historic preservation or by an owner of the property being nominated. A nomination shall contain information as specified by the commission. The commission must reach a decision on whether to recommend a proposed nomination to the town within six months in the case of a preservation. After six months for a district and two months for a landmark or landmark site if no action has been taken by the commission the nomination proceeds to the planning commission for their recommendation to the board.

(4) The commission shall hold a public hearing on the proposed preservation district, landmark, or landmark site. If the commission votes to recommend to the town the designation of a proposed resources, is shall promptly forward to the planning commission its recommendation, in writing, together with an accompanying file.

(5) The commission's recommendations to the town for designation of a preservation district shall be accompanied by:

(a) A map of the preservation district that clearly delineates the boundaries.

(b) A verbal boundary description and justification.

(c) A written statement of significance for the proposed preservation district.

(6) The town board shall conduct a public hearing, after notice, to discuss the proposed designation and boundaries thereof. A notice of the hearing shall be published in the newspaper published in the town. If a newspaper is not published in the town, then the notice shall be published in a paper published in the county.

(7) Within sixty (60) calendar days after the public hearing held in connection herewith, the town shall adopt the ordinance with such modifications as may be necessary.

(8) Furthermore, the commission shall notify, as soon as is reasonably possible, the appropriate state, county, and municipal agencies of the official designation of all landmarks, landmark sites, and preservation districts. An updated list and map shall be maintained by such agencies and made available to the public. (as added by Ord. #2083, Oct. 2000)

14-406. <u>Preservation permit</u>. No exterior feature of any resource shall be altered, added to, relocated, or demolished until after an application for a certificate of appropriateness of such work has been approved by the

commission. Likewise, no construction which affects a resource shall be undertaken without a preservation permit. Therefore,

(1) The commission shall serve as a review body with the power to approve and deny applications for preservation permits.

(2) In approving and denying applications for preservation permits, the commission shall accomplish the purposes of this chapter.

(3) A preservation permit shall not be required for work deemed by the commission to be ordinary maintenance or repair of any resource.

(4) All decisions of the commission shall be in writing and shall state the findings of the commission, its recommendations, and the reasons therefore.

(5) Expiration of a preservation permit. A preservation permit shall expire six (6) months after its issuance EXCEPT THAT a certificate shall expire if work has not begun within six (6) months of its issuance. When a certificate has expired, an applicant may seek a new certificate.

(6) Resubmitting of applications. Twelve months after denial of an application for a preservation permit, the application may be resubmitted without change. A changed application may be resubmitted at any time. (as added by Ord. #2083, Oct. 2000)

14-407. Criteria for issuance of preservation permits. The commission shall use the Secretary of the Interior's Standards for Rehabilitation, as the basics for design guidelines created for each district or landmark and the following criteria in granting or denying preservation permits:

(1) General factors. (a) Architectural design of existing building, structure, or appurtenance and proposed alteration;

(b) Historical significance of the resource;

(c) Materials composing the resource;

(d) Size of the resource;

(e) The relationship of the above factors to, and their effect upon the immediate surroundings and, if within a preservation district, upon the district as a whole and its architectural and historical character and integrity.

(2) New construction. (a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including but not limited to: the height, the gross volume, the proportion between width and height of the facade(s), the proportions and relationship between doors and windows, the rhythm of solids to voids created by openings in the facade, the materials, the textures, the patterns, the trims, and the design of the roof.

(b) Existing rhythm created by existing building masses and spaces between them shall be preserved.

(c) The landscape plan shall be compatible with the resource, and it shall be visually compatible with the environment with which it is

visually related. Landscaping shall also not prove detrimental to the fabric of a resource, or adjacent public or private improvements like sidewalks and walls.

(d) No specific architectural style shall be required.

(3) Exterior alteration. (a) All exterior alterations to a building, structure, object, site, or landscape feature shall be compatible with the resource itself and other resources with which it is related, as is provided in § 14-408(1) and (2), and the design, over time, of a building, structure, object, or landscape feature shall be considered in applying these standards.

(b) Exterior alterations shall not adversely affect the architectural character or historic quality of a landmark and shall not destroy the significance of landmark sites.

(4) In considering an application for the demolition of a landmark or a resource within a preservation district, the following shall be considered:

(a) The commission shall consider the individual architectural, cultural, and/or historical significance of the resource.

(b) The commission shall consider the importance or contribution of the resource to the architectural character of the district.

(c) The commission shall consider the importance or contribution of the resource to neighboring property values.

(d) The commission shall consider the difficulty or impossibility of reproducing such a resource because of its texture, design, material, or detail.

(e) Following recommendation for approval of demolition, the applicant must seek approval of replacement plans, if any, as set forth in § 14-408(2) prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and site plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction.

(f) Applicants that have received a recommendation for demolition shall be required to receive such demolition permit as well as preservation permit for the new construction. Permits for demolition and construction shall not be issued simultaneously.

(g) When the commission recommends approval of demolition of a resource, a permit shall not be issued until all plans for the site have received approval from all appropriate town boards, commissions, departments, and agencies. (as added by Ord. #2083, Oct. 2000)

14-408. Procedures for issuance of preservation permits. Anyone desiring to take action requiring a preservation permit concerning a resource for which a permit, variance, or other authorization from the town building official is also required, shall make application therefore in the form and manner

required by the applicable code section or ordinance. Any such application shall also be considered an application for a preservation permit and shall include such additional information as may be required by the commission. After receipt of any such application, the town building official shall be assured that the application is proper and complete. No building permit shall be issued by the town building official which affects a resource without a preservation permit. In the event that a building permit need not be obtained for construction, alteration, demolition, or relocation of any resource, a preservation permit is still required before such work can be undertaken. Such application shall be reviewed in accordance with the following procedure:

(1) When any such application is filed, the town building official shall immediately notify the commission chairman, vice-chairman, or staff of the application having been filed.

(2) The chairman or vice-chairman shall set the agenda for the regular meeting date or set a time and date, which shall be not later than thirty (30) days after the filing of the application for a hearing by the commission, and the town building official shall be so informed.

(3) The applicant shall, upon request, have the right to a preliminary hearing by the commission for the purpose of making any changes or adjustments which might be more consistent with the commission's standards.

(4) Not later than eight (8) days before the date set for the said hearing, the town official shall mail notice thereof to the applicant at the address in the application and to all members of the commission.

(5) Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the town at least (number of days to correspond to the newspaper publishing deadlines) days before such hearing and by posting such notice on the bulletin board in the lobby of town hall.

(6) At such hearing, the applicant for a preservation permit shall have the right to present any relevant evidence in support of the application. Likewise, the governing body shall have the right to present any additional relevant evidence in support of the application.

(7) The commission shall have the right to conditional approval.

(8) Either at the meeting or within not more than fifteen (15) days after the hearing on an application, the commission shall act upon it, either approving, denying, on deferring action until the next meeting of the commission, giving consideration to the factors set forth in § 14-408 hereof. Evidence of approval of the application shall be by preservation permit issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the town building official.

(9) The issuance of a preservation permit shall not relieve an applicant for a building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the town

concerning zoning, construction repair, or demolition. (as added by Ord. #2083, Oct. 2000)

14-409. Economic hardship. No decision of the commission shall cause undue economic hardship. If an applicant request a hearing on economic hardship it shall be conducted after a preservation permit has been denied. (as added by Ord. #2083, Oct. 2000)

14-410. Appeals. The applicant who desires to appeal a decision by the commission shall file an appeal with the circuit court (after the determination of the issue by the commission) in the manner provided by law. (as added by Ord. #2083, Oct. 2000)

14-411. Minimum maintenance requirements. In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the town's minimum housing code and the town's building code. (as added by Ord. #2083, Oct. 2000)

14-412. Public safety exclusion. None of the provisions of this chapter shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the town building official or the fire department and where the proposed actions have been declared necessary by such authorities to correct the said condition, provided, however, that only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any resource designated as a landmark or located within a preservation district, shall be damaged by fire or other calamity to such an extent that it cannot be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

(1) The town building official concurs with the property owner that the resource cannot be repaired and restored and so notifies the commission in writing.

(2) The preservation commission, if in doubt after receiving such notification from the town building official shall be allowed time to seek outside professional expertise from the State Historic Preservation Office and/or an independent structural engineer before issuing a preservation permit for the demolition. The commission may indicate in writing by letter to the town building official that it will require a time period of up to thirty days for this purpose, and upon such notification to the town building official, this section shall be suspended until the expiration of such a delay period. (as added by Ord. #2083, Oct. 2000)

14-413. Enforcement and penalties. The historic preservation commission shall be enforced by the town building inspector, who shall have the right to enter upon any premises necessary to carry out his duties in this enforcement.

Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two ($2.00) nor more than fifty dollars ($50.00) for each offense. Each day such violation shall continue shall constitute a separate offense. (as added by Ord. #2083, Oct. 2000)

14-414. Appropriations. The town is authorized to make appropriations to the commission necessary for the expenses of the operation of the commission and may make additional amounts available as necessary for the acquisition, restoration, preservation, operation, and management of historic properties. (as added by Ord. #2083, Oct. 2000)

14-415. Disqualification of members by conflict of interest. Because the town may possess few residents with experience in the individual fields of history, architecture, architectural history, archaeology, urban planning, law, or real estate, and in order not to impair such residents from practicing their trade for hire, members of the commission are allowed to contact their services to an applicant for a preservation permit, and, when doing so, must expressly disqualify themselves from the commission during all discussions and voting for that application. In such cases, the town shall, upon the request of the chairman of the commission or the vice-chairman in his stead, appoint a substitute member who is qualified in the same field as the disqualified member, and who will serve for that particular case only. If no qualified resident of the town is able to substitute for the disqualified member, the town may appoint, in this case only, a qualified substitute who is a resident. If any member of the commission must be disqualified due to a conflict of interest on a regular and continuing basis, the chairman or the vice-chairman, in his stead, shall encourage the member to resign his commission seat. Failing this resignation, and, if the commission member continues to enter into conflict of interest situations with the commission, the chairman or vice-chairman of the commission shall encourage the town to replace the member. Likewise, any member of the commission who has an interest in the property in question or in property within three hundred feet of such a property, or who is employed with a firm that has been hired to aid the applicant in any matter whatsoever, or who has any proprietary, tenancy, or personal interest in a matter to be considered by the commission shall be disqualified from participating in the consideration of any request for a preservation permit involving such a property. In such cases, a qualified substitute shall be appointed as provided above. (as added by Ord. #2083, Oct. 2000)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING[1]

CHAPTER

CHAPTER 1

MISCELLANEOUS[2]

SECTION

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[1]Municipal code reference
Excavations and obstructions in streets, etc.: title 16.

[2]State 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.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1979 Code, § 9-101)

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. (1979 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1979 Code, § 9-107)

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.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1979 Code, § 9-109)

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. (1979 Code, § 9-110)

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. (1979 Code, § 9-111)

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 willfully to violate or fail to comply with the reasonable directions of any police officer. (1979 Code, § 9-112)

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. (1979 Code, § 9-113)

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 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

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[1]Municipal code references

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

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

official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1979 Code, § 9-114)

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

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 the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1979 Code, § 9-116)

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. (1979 Code, § 9-117)

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. (1979 Code, § 9-119)

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. (1979 Code, § 9-120)

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. (1979 Code, § 9-121)

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. (1979 Code, § 9-122)

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. (1979 Code, § 9-123)

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." (1979 Code, § 9-124)

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. (1979 Code, § 9-125)

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, tires, or track is likely to damage the surface or foundation of the street. (1979 Code, § 9-118)

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 knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1979 Code, § 9-126)

15-122. Adoption of state traffic statutes. (1) By the authority granted under Tennessee Code Annotated, § 16-18-302, the City of Tiptonville adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131; and §§ 55-8-133 through 55-8-180. Additionally, the City of Tiptonville adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, § 55-8-199, §§ 55-9-601 through 55-9-606, §55-12-139 and §55-21-108 by reference which are fully set forth in this section.

(2) Any person violating this ordinance shall be subject to a civil penalty not exceeding fifty dollars ($50.00) plus court costs for each separate violation of this section. (as added by Ord. #2185, April 2017 ***Ch8_08-09-22***)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

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 chief of police. (1979 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 a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1979 Code, § 9-103)

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[1]Municipal 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. (1979 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. (1979 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

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. (1979 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. (1979 Code, § 9-202)

15-303. In school zones. Generally, pursuant to Tennessee Code Annotated, § 55-8-153, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1979 Code, § 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 authority of the town. (1979 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

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] (1979 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. (1979 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 lines of the two roadways. (1979 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. (1979 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1979 Code, § 9-305)

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[1]State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

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, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1979 Code, § 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. (1979 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. (1979 Code, § 9-403)

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[1]Municipal 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. (1979 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. (1979 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. (1979 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. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides requires no right turns on red in the interest of traffic safety.

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

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

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

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1979 Code, § 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 in the town, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal or "stop and go" 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. (1979 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. (1979 Code, § 9-409)

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[1]State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

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 Tiptonville shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street.

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1979 Code, § 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. (1979 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 street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1979 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or town, nor:

(1) On a sidewalk.

(2) In front of a public or private driveway.
(3) Within an intersection or within fifteen (15) feet thereof.
(4) Within fifteen (15) feet of a fire hydrant.
(5) Within a pedestrian crosswalk.
(6) Within fifty (50) feet of a railroad crossing.
(7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
(8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
(9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(10) Upon any bridge.
(11) Alongside any curb painted yellow or red by the town. (1979 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. (1979 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. (1979 Code, § 9-506)

CHAPTER 7

ENFORCEMENT

SECTION

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 mayor's court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1979 Code, § 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. (1979 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. (1979 Code, § 9-603, modified)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle

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[1]State law reference
Tennessee Code Annotated, § 7-63-101, et seq.

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 claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fines and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be the normal wrecker charge in the area, and the storage cost shall be one dollar ($1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1979 Code, § 9-604)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1979 Code, § 9-605)

15-706. Deposit of license in lieu of bail. The provisions of Tennessee Code Annotated, §§ 55-50-801 through 55-50-805 as last amended by Pub. Acts 1979, ch. 102, § 5, are adopted as an implementation and alternate procedure to the provisions of Tennessee Code Annotated, §§ 7-63-101 through 7-63-107, inclusive, and any other sections of said code in conflict with Tennessee Code Annotated, §§ 55-50-801 through 55-50-805. So that henceforth, any person issued a citation or arrested and charged with the violation of any municipal ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, may be allowed to have the option of depositing his chauffeur's or operator's license with the officer or court in lieu of any other security required for his appearance in answer to such charge; pursuant to said Tennessee Code Annotated, §§ 55-50-801 through 55-50-805 which is incorporated herein. (1979 Code, § 9-606)

15-707. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars ($50.00) for each separate offense.

(2) Parking citations. For parking violations, the offender may waive his right to a judicial hearing and have the charges disposed of out of court, and the fine shall be five dollars ($5.00). (1979 Code, § 9-603, modified)

TITLE 16

STREETS AND SIDEWALKS, ETC[1]

CHAPTER

CHAPTER 1

MISCELLANEOUS

SECTION

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. (1979 Code, § 12-101)

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, alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1979 Code, § 12-102)

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[1]Municipal code reference
Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1979 Code, § 12-103)

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] (1979 Code, § 12-104)

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 any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1979 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1979 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, permit or allow to fall or be placed upon any street, alley or sidewalk any refuse, glass, tacks, mud, yard clippings, leaves, grass, chemicals or fluids, or other objects or materials which are unsightly or in sufficient quantity to obstruct, limit or interfere with the lawful use of such public ways. (1979 Code, § 12-107, as replaced by Ord. #2195, Nov. 2019 ***Ch8_08-09-22***)

16-108. Obstruction of drainage ditches prohibited. It shall be unlawful for any person to permit or cause the obstruction or interfere with any drainage ditch in any public right of way by any means, including but not limited to the placement of any barrier, dam or other obstruction, or by placing, throwing or leaving any refuse, glass, yard clippings, leaves, grass, or other objects or materials in sufficient quantity to obstruct, limit or interfere with the function of the ditch. (1979 Code, § 12-108, as replaced by Ord. #2195, Nov. 2019 ***Ch8_08-09-22***)

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[1]Municipal code reference
Building code: title 12, chapter 1.

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1979 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any person, 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 clean up the resulting litter immediately. (1979 Code, § 12-110)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1979 Code, § 12-111, modified)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1979 Code, § 12-112)

16-113. 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. (1979 Code, § 12-113)

16-114. Basketball goals alongside or within public rights-of-way.

(1) No portable or fixed basketball goal shall be placed, erected or maintained on or alongside the right-of-way of any public street within the municipal limits of the City of Tiptonville so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right-of-way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of fifty dollars ($50). (as added by Ord. #2103, July 2005)

CHAPTER 2

EXCAVATIONS AND CUTS[1]

SECTION

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. (1979 Code, § 12-201)

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

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[1]State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

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

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. (1979 Code, § 12-203)

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 seventy-five dollars ($75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the mayor 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. (1979 Code, § 12-204)

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. (1979 Code, § 12-205)

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 the Town of Tiptonville 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 promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation,

association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the 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. (1979 Code, § 12-206)

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. (1979 Code, § 12-207)

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. (1979 Code, § 12-208)

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. (1979 Code, § 12-209)

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. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge, and when two (2) or more adjoining driveways are

provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1979 Code, § 12-210)

TITLE 17

REFUSE AND TRASH DISPOSAL[1]

CHAPTER

CHAPTER 1

REFUSE

SECTION

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1979 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the Town of Tiptonville are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1979 Code, § 8-202)

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[1]Municipal code reference
Collection of yard wastes and other bulk wastes: title 17, chapter 2.
Property maintenance regulations: title 13.

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the Town of Tiptonville where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the town handles mechanically. Furthermore, except for containers which the town handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1979 Code, § 8-203)

17-104. Location of containers. Where alleys are used by the town's refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the town's refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the town for the collection of refuse therefrom. As soon as practicable after such containers have been emptied, they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1979 Code, § 8-204)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1979 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule. (1979 Code, § 8-206)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection

vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1979 Code, § 8-207)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. (1979 Code, § 8-208)

17-109. Collection schedule. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule. Additional or special pickups will be provided for residential, commercial, and industrial locations as required to meet unusual circumstances or conditions. (1979 Code, § 8-209)

17-110. Schedule of fees. The board of mayor and aldermen shall establish a schedule of fees for collection, removal, and disposal of all refuse for residential, commercial, and industrial establishments. A copy of said schedule shall be kept in the recorder's office for public inspection. (1979 Code, § 8-210)

17-111. Billing of service fee. The service fee for collection, removal, and disposal of refuse by the corporation shall be included as a separate item each month on the bills rendered by the corporation for water service. Said charges shall be rendered on the first water bill sent on and after November 10, 1979, and for each month thereafter. The accounts shall be paid monthly at the same time water bills are paid.

Water service shall be discontinued for failure to pay the refuse service fee by the delinquency date prescribed for the water bill.

When service commences or ceases, applicable fees may be prorated. If water services shall be supplied to a location, the occupant or tenant of which has vacated said premises and the corporation is satisfied that there has been a termination of the need for refuse collection, then the corporation, on application of the owner or agent therefor, may suspend liability for such refuse fees, and said fees shall be reinstated with the next water bill rendered to an occupant or tenant of the premises.

In the case of premises containing more than one dwelling unit or place of business, and each is billed separately for water by the corporation, such fees shall be billed to each person in possession, charge, or control who is a water customer of the corporation. In the case of premises containing more than one dwelling unit or place of business which are served through a single water meter, so that the occupants or tenants cannot be billed separately by the corporation, the customer responsible for the water bill shall be liable for the refuse service fees for the premises. (1979 Code, § 8-211)

17-112. <u>Dumpsters and other solid waste containers to be screened</u>. 1. <u>Definitions</u>. For the purpose of administering this section, the following definitions shall apply:

a. "Dumpster." Any container which is designed and intended to be used for the retention or storage of garbage, refuse, or recyclable materials. This term shall not include containers having a maximum capacity of forty (40) gallons or less.

2. <u>Screening required</u>. Within the Town of Tiptonville, all dumpsters shall be kept within a fence a minimum of twelve (12) feet wide and twelve (12) feet long and of sufficient height to effectively catch the contents of the dumpster should they be carried or blown by wind. Such fence may be open on one (1) side of the dumpster so as to permit access by solid waste collectors. (as added by Ord. #2087, Nov. 2001)

CHAPTER 2

COLLECTION OF YARD WASTES AND OTHER BULK WASTES[1]

SECTION

17-201. Definitions. For the purposes of this chapter, the following definitions shall apply:

1. "Yard waste." Grass clippings, leaves, tree and shrubbery clippings or trimmings, and other related wastes resulting from normal maintenance and care of landscaped, manicured, grounds and lawns but not including cuttings and leaves from the clearing of grounds that have been left in its natural state without annual maintenance.

2. "Bulk waste." Wooden boxes, crates, furniture, appliances, bedding, and other refuse items which by their size, shape, or weight cannot be readily placed in a city-approved refuse storage container. Bulk waste shall not include yard waste.

3. "Construction waste." Any material such as lumber, brick, block, stone, plaster, concrete, asphalt, roofing shingles, gutter, or any other substances accumulated as the result of repairs, removals, or additions to existing buildings or structures, and the construction of new buildings or structures.

4. "Town." The Town of Tiptonville, Tennessee. (as added by Ord. #2090, Jan. 2002)

17-202. Standards and procedures for placement and collection of yard wastes and bulk wastes. 1. Placement of yard wastes and bulk wastes for collection. All yard wastes and bulk wastes shall be placed at the edge of a street or public right-of-way easily accessible to the town's collection equipment. No item of yard waste or bulk waste placed out for collection shall be placed on top of water or gas meters or valves, piled against utility poles, guy wires, fences or structures, or in a place as to interfere with overhead power lines, tree branches, parked cars, vehicular traffic, or in any other way that

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[1]Municipal code reference
Refuse: title 17, chapter 1.

would constitute a public hazard or nuisance or cause damage to the town's collection equipment.

2. Piling of brush for collection. All brush shall be neatly stacked in an unscattered manner. Small trimmings shall be stacked on top of larger ones, but with the butt ends pointed in the same direction. Yard waste collections shall not be made where it is loosely scattered.

3. Tree trimmings. Prior to collection, tree trimmings, including hedge clippings and similar materials, shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection.

4. Separation of items to be collected. Yard wastes, garbage, construction wastes, and bulk wastes shall be placed in separate piles for the purpose of collection. Bricks, rock, and dirt shall not be collected, nor shall such items be mixed with other items to be collected.

5. Grass clippings and leaves. Except during seasonal leaf collections as declared by the town, all leaves and grass clippings shall be placed in plastic bags or other disposable containers for collection. Leaves and grass clippings may be placed in city-approved refuse storage containers.

6. Persons engaged in commercial landscaping, tree trimming, or tree repair. No person shall perform for economic gain, any landscaping, tree trimming, or tree repair wherein an accumulation of brush, vines, wood, or other similar wastes are produced, without being equipped with a truck or other vehicle capable of removing said wastes and which shall be so removed by the person causing or creating its accumulation.

7. Bulk waste placement. Bulk wastes shall not be placed at the street for collection until the day before it is scheduled to be picked up. (as added by Ord. #2090, Jan. 2002)

17-203. Limitations on the collection of yard wastes and bulk wastes. Yard wastes and bulk wastes not stored and placed as provided in this chapter shall be removed from the premises by the owner and/or producer at his expense. The following items of refuse shall also be removed by the owner/producer at his expense:

(1) Construction wastes.

(2) Refuse including brush, leaves, stumps, vines, and any material resulting from the cleaning or clearing of vacant property whether such cleaning or clearing was done by a contractor, the owner, or any other person.

(3) Automotive vehicles, or parts of such vehicles which cannot be readily placed in a city-approved refuse storage container.

(4) Any wastes or refuse which must be pushed or pulled into piles by mechanical means.

(5) Any refuse resulting from work performed by contractors or any other person for economic gain, whether such gain is in the form of cash or

barter, shall be removed by the owner, occupant, or producer except that nothing in this paragraph shall be construed as to prohibit the collection of wastes generated by yardboys.

(6) Not more than one (1) truck load of yard waste or bulk waste shall be removed from any residential establishment by the town during any thirty (30) day period, unless it is determined by the town to be in the best interest of the community for health, safety or welfare reasons to remove the entire accumulation. The property owner and/or producer of yard wastes or bulk wastes shall be required to reimburse the town for its costs incurred in making more frequent collections, as specified in § 17-204 of this chapter. (as added by Ord. #2090, Jan. 2002)

17-204. Fees for the removal of large or excessive amounts of yard wastes or bulk wastes. The property owner and/or producer of yard wastes or bulk wastes shall receive a bill from the town for the actual, reasonable costs incurred in the collection and disposal of wastes which do not meet the placement, size, weight, or volume standards enumerated in §§ 17-202 and 17-203 of this chapter. All such bills submitted by the town shall be payable within thirty (30) days of issuance. Costs eligible for inclusion in the town's bill shall be:

(1) Labor and pro-rata benefits for all town employees engaged in the collection and disposal of the wastes, including supervisory and administrative expenses.

(2) The cost of using city-owned or rented equipment, including time and mileage charges.

(3) The cost of hiring contractors, engineers, or other specialists.

(4) The cost of tipping fees and related fees at the disposal site.

(5) The costs of any special insurance required for collection and disposal.

(6) The cost of any special permits required for handling, transportation, or disposal. (as added by Ord. #2090, Jan. 2002)

17-205. Exceptions. Nothing in this chapter shall prevent:

(1) Any refuse producer from collecting, removing, and disposing of his own yard waste or bulk waste, provided that he does so in such manner as not to create a nuisance.

(2) Any licensed junk dealer from collecting refuse recognized as having salvage value, provided such dealer may collect such salvageable material only from premises where he has written invitation from the occupant.

(3) Any waste producer or owner from selling salvageable materials to licensed junk dealers for collection, removal or disposal. (as added by Ord. #2090, Jan. 2002)

TITLE 18

WATER AND SEWERS[1]

CHAPTER

CHAPTER 1

WATER AND SEWERS

SECTION

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[1]Municipal code references
Building, utility and housing codes: title 12.
Refuse disposal: title 17.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the Town of Tiptonville and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1979 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the town under either an express or implied contract.

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

(3) "Service line" shall consist of the pipe line extending from any water main of the town to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the town's water main to and including the meter and meter box.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

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

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1979 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the town before connection or meter installation orders will be issued and work performed. (1979 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the town to the applicant shall be limited to the return of any deposit made by such applicant. (1979 Code, § 13-104)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1979 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the town from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the town.

Before a new water or sewer service line will be laid by the town, the applicant shall make a deposit equal to the estimated cost of the installation.

This deposit shall be used to pay the cost of laying such new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the town the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant.

When a service line is completed, the town shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the town. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (1979 Code, § 13-106)

18-107. Water and sewer main extensions. Persons desiring water and/or sewer service must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Water Works Association Standard (or other construction approved by the board of mayor and aldermen), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe (or other construction approved by the board of mayor and aldermen) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the board of mayor and aldermen shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the town in accordance

with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the town, such water and/or sewer mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1979 Code, § 13-108)

18-108. Variances from and effect of preceding section as to extensions. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the town and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons. (1979 Code, § 13-109)

18-109. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1979 Code, § 13-110)

18-110. Meter tests. The town will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

Meter Size	Percentage
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The town will also make tests or inspections of its meters at the request of the customer. (1979 Code, § 13-111)

18-111. Multiple services through a single meter. No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1979 Code, § 13-113)

18-112. Billing. Bills for residential water and sewer service will be rendered monthly.

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

Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the discount date shown thereon to obtain the net rate; otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The town shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the town if the envelope is date-stamped on or before the final date for payment of the net amount.

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

18-113. Discontinuance or refusal of service. The town shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

(1) These rules and regulations.

(2) The customer's application for service.

(3) The customer's contract for service.

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

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

18-114. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of five dollars ($5.00) shall be collected by the town before service is restored. (1979 Code, § 13-116)

18-115. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the town reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the town shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the town should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other

than such occupant, may be allowed by the town to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1979 Code, § 13-117)

18-116. Access to customers' premises. The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1979 Code, § 13-118)

18-117. Inspections. The town shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1979 Code, § 13-119)

18-118. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property, arising from the neglect of a customer properly to care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1979 Code, 13-120)

18-119. Customer's responsibility for violations. Where the town furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1979 Code, § 13-121)

18-120. Supply and resale of water. All water shall be supplied within the town exclusively by the town and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the town. (1979 Code, § 13-122)

18-121. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. (1979 Code, § 13-123)

18-122. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the town.

All private fire hydrants shall be sealed by the town and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the town a written notice of such occurrence. (1979 Code, § 13-124)

18-123. Damages to property due to water pressure. The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains. (1979 Code, § 13-125)

18-124. Liability for cutoff failures. The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the town has failed to cut off such service.

(2) The town has attempted to cut off a service but such service has not been completely cut off.

(3) The town has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the town's main.

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures.

If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1979 Code, § 13-126)

18-125. Restricted use of water. In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1979 Code, § 13-127)

18-126. Interruption of service. The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1979 Code, § 13-128)

18-127. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance or resolution.[1] (1979 Code, § 13-112)

18-128. Fluoridation of water supply. The water department of the Town of Tiptonville is hereby authorized and instructed to prepare, or to cause to be prepared, the necessary plans and other required documents essential to obtaining the approval of the Tennessee Department of Health for the fluoridation of the water supply of the Town of Tiptonville, Tennessee; to submit such plans and other required documents essential to obtaining the approval of the Tennessee Department of Health for approval; and, upon receipt of the approval of the Tennessee Department of Health in writing, to purchase the equipment necessary and required for the purpose of adding such chemicals as fluorine to the water supply system of the Town of Tiptonville in such quantities as is necessary to provide for the proper fluoridation of said water supply and to put the same into operation when installed. (1979 Code, § 13-129)

18-129. Wastewater treatment system surcharges. (1) Additional sewer charges for special wastes. In addition to the user fees established for all customers of the municipal wastewater collection system, the Town of Tiptonville may elect to impose and collect surcharges for those wastes which require special or additional treatment at the wastewater treatment facility. Such surcharges shall be determined and set by the board of mayor and aldermen according to the special or additional treatment required.

(2) Surcharge and maximum limits. The following table shall serve as a general guideline in the determination to assess wastewater surcharges for sewer service.

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

Parameter	Surcharge Limit	Max. Concentration
Total Kjeldahl Nitrogen	45.00	90.00
Oil and Grease	50.00	100.00
MBAS	5.00	10.00
BOD	250	500
COD	500	1400
Suspended Solids	250	700

(as added by Ord. #2109, Nov. 2005)

18-130. Fire hydrant volume and pressure standards. (1) Volume and pressure standards for all newly installed fire hydrants. All future water mains and fire hydrants to be installed in Tiptonville shall be installed in such a manner to provide adequate fire flows. All water mains shall be at least six (6) inches in diameter. However, larger mains shall be installed when necessary to insure that a minimum of five hundred (500) gallons per minute (gpm) at twenty (20) pounds per square inch (psi) residual pressure is available if the needed fire flow to structures in the area demands such additional flows. Fire hydrants shall be installed in such a manner that there shall be a fire hydrant within five hundred (500) feet of the front entrance of every structure or more than three hundred (300) square feet. The distance to the fire hydrant shall be measured along the route that would be accessible to the fire department to lay fire hose from the hydrant to the building.

(2) Fire hydrant to be color coded. The bonnets and caps of all fire hydrants in Tiptonville are to be painted and color coded in compliance with NFPA 291 as follows:

COLOR	**CLASS**	**AVAILABLE FLOWS @ P.S.I. RESIDUAL**
Blue	AA	1,500 gpm or more
Green	A	1,000 to 1,499 gpm
Orange	B	500 - 900 gpm
Red	C	Below 500 gpm

The body color for all fire hydrants on the Tiptonville municipal water system shall be chrome yellow.

(3) Water utility notification to fire department. On an annual basis and by certified mail, the Tiptonville water department shall provide written notification to the fire chief that hydrants with tops painted red cannot be connected directly to a pumper fire truck. The cover letter shall include a complete listing of all Class C fire hydrants in Tiptonville and shall contain at least the following words, "The attached list of fire hydrants has been found to have inadequate fire flows and shall not be used by the fire department for pumping operations except in the event of immediate and imminent threat of life safety." A copy of such letter shall be distributed to the mayor.

(4) Filling of booster tanks from hydrants. The fire department shall be allowed to fill the booster tanks on any fire apparatus from an available Class C hydrant by using the water system's available pressure only (that is, fire pumps shall not be engaged during refilling operations from a Class C hydrant). (as added by Ord. #2113, July 2006)

CHAPTER 2

SEWAGE AND HUMAN EXCRETA DISPOSAL[1]

SECTION

18-201. Definitions. The following definitions shall apply in the interpretation of this chapter:

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

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

(3) "Human 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

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[1]Municipal code reference
Plumbing code: title 12, chapter 2.

and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

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

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

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

18-202. 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. (1979 Code, § 8-302)

18-203. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1979 Code, § 8-303)

18-204. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

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

18-205. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1979 Code, § 8-305)

18-206. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-202 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1979 Code, § 8-306)

18-207. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1979 Code, § 8-307)

18-208. 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 § 18-202, or the agent of the owner, to provide such facilities. (1979 Code, § 8-308)

18-209. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1979 Code, § 8-309)

18-210. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1979 Code, § 8-310)

18-211. 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. (1979 Code, § 8-311)

18-212. Pollution of ground water prohibited. No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1979 Code, § 8-312)

18-213. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1979 Code, § 8-313)

18-214. 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 forty-five (45) days provided for in the preceding section. (1979 Code, § 8-314)

18-215. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1979 Code, § 8-315)

CHAPTER 3

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.[1]

SECTION

18-301. Objectives. The objectives of this chapter are to:

(1) To protect the public potable water system of Town of Tiptonville from the possibility of contamination or pollution by isolating within the customer's internal distribution system, such contaminants or pollutants that could backflow or backsiphon into public water system;

(2) To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-house potable water system and non-potable water systems, plumbing fixtures, and industrial piping system;

(3) To provide for maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (1979 Code, § 8-401, as replaced by Ord. #2191, June 2018 ***Ch8_08-09-22***)

18-302. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter:

(1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air-gap separated shall be at least twice the inside diameter of the water supply line, but in no case less than six inches (6"). Where a discharge line

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[1]Municipal code references
Plumbing code: title 12.
Water and sewer system administration: title 18.
Wastewater treatment: title 18.

serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than six inches (6").

(2) "Atmospheric vacuum breaker" shall mean a device, which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross-connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross connections.

(9) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(10) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(11) "Fire protection system" shall be classified in six (6) different classes in accordance with AWWA Manual M14 Second Edition 1990. The six (6) classes are as follows:

(a) Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

(b) Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

(c) Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

(d) Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

(e) Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

(f) Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(12) "Interconnection" shall mean any system of piping or other arrangements whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device, which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(13) "Person" shall mean 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.

(14) "Potable water" shall mean water, which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(15) "Pressure vacuum breaker" shall mean any assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(16) "Public water supply" shall mean the Town of Tiptonville, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(17) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(18) "Manager" shall mean the Superintendent of the Tiptonville Water Department or his duly authorized deputy, agent or representative.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e. the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (1979 Code, § 8-402, as replaced by Ord. #2191, June 2018 ***Ch8_08-09-22***)

18-303. <u>Water service regulated</u>. (1) No water service connection to any premises shall be installed or maintained by the Town of Tiptonville unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the Town of Tiptonville if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if any unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross connection is at all time under the direction of the manager of the Town of Tiptonville.

(3) If, in the judgment of the manager or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the manager shall compel the instillation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

(5) For new installations, the manager or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, personnel from the Town of Tiptonville shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (1979 Code, § 8-403, as replaced by Ord. #2098, Nov. 2004, and Ord. #2191, June 2018 ***Ch8_08-09-22***)

18-304. Permit required. (1) New installations No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Town of Tiptonville for approval.

(2) Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from the Town of Tiptonville. (1979 Code, § 8-404, as replaced by Ord. #2191, June 2018 ***Ch8_08-09-22***)

18-305. Inspections. (1) The manager or his designated agent shall inspect all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and re-inspection shall be based on potential health hazards involved, and shall be established by the Town of Tiptonville in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation.

(2) Right of entry for inspections. The manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Town of Tiptonville public water for the purpose of inspecting the piping system therein for cross connection, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections, and shall be grounds for disconnection of water services. (1979 Code, § 8-405, as replaced by Ord. #2098, Nov. 2004, and Ord. #2191, June 2018 ***Ch8_08-09-22***)

18-306. Correction of violations. (1) Any person found to have cross connections, auxiliary intakes, bypasses or interconnections in violation of the

provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, the manager or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross-connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Town of Tiptonville shall require that immediate corrective action be taken to eliminate the treat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within the time limits established by the manager or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the manager shall give the customer legal notification that water service is to be discontinued, and shall physically spate the public water system from the customer's on-site piping in such a manner that the two (2) systems cannon again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing. (1979 Code, § 8-406, as replaced by Ord. #2191, June 2018 ***Ch8_08-09-22***)

18-307. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

(a) Impractical to provide an effective air-gap separation;

(b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Town of Tiptonville that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water.

(c) The nature and mode of operation within a premise are such that frequent alterations are made to the plumbing;

(d) There is likelihood that protective measures may be subverted, altered or disconnected;

(e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required.

(f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems and swimming pools with no permanent plumbing installed) approved by the Tennessee Department of Environment and Conservation and the Town of Tiptonville, as to manufacture, model, size and application. The method of instillation of backflow prevention devices shall be approved by the Town of Tiptonville prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Premises requiring reduced pressure principle assemblies or air gap separation high risk high hazards. Establishments which pose significant risk of contamination or may create conditions which pose an extreme hazard of immediate concern (high risk high hazards), the cross-connection control inspector shall require immediate or a short amount of time (fourteen (14) days maximum), depending on conditions, for corrective action to be taken. In such cases, if corrections have not been made within the time limits set forth, water services will be discontinued.

(a) High risk high hazards require a reduced pressure principle (or detector) assembly. The following list is establishments deemed high risk high hazard and require a reduced pressure principle assembly:

(i) High risk high hazards:

(A) Mortuaries, morgues, autopsy facilities.

(B) Hospitals, medical buildings, animal hospitals and control centers, doctor and dental offices.

(C) Sewage treatment facilities, water treatment, sewage and water treatment pump stations.

(D) Premises with auxiliary water supplies or industrial piping systems.

(E) Chemical plants (manufacturing, processing, compounding, or treatment).

(F) Laboratories (industrial, commercial, medical research, school).

(G) Packing and rendering houses.

(H) Manufacturing plants.

(I) Food and beverage processing plants.

(J) Automated car wash facilities.

(K) Extermination companies.

(L) Airports, railroads, bus terminals, piers, boat docks.

(M) Bulk distributors and users of pesticides, herbicides, liquid fertilizer, etc.

(N) Metal plating, pickling, and anodizing operations.

(O) Greenhouses and nurseries.

(P) Commercial laundries and dry cleaners.

(Q) Film laboratories.

(R) Petroleum processes and storage plants.

(S) Restricted establishments.

(T) School and educational facilities.

(U) Animal feedlots, chicken houses, and CAFOs

(V) Taxidermy facilities.

(W) Establishments which handle, process, or have extremely toxic or large amounts of toxic chemicals or use water of unknown or unsafe quality extensively.

(ii) High hazard. In cases where there is less risk of contamination, or less likelihood of cross connections contaminating the system, a time period of (ninety (90) days maximum) will be allowed for corrections. High hazard is a cross-connection or potential cross connection involving any substance that could, if introduced in a public water supply, cause death, illness, and spread disease. (See Appendix A of manual.)

(4) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires, as well as those facilities deemed by Town of Tiptonville as needing protection.

(a) Class 1, Class 2, and Class 3 fire protection systems shall generally require a double check valve assembly; except

(i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

(ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam

concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(d) Swimming pools with no permanent plumbing and only filled with hoses will require a hose bibb vacuum breaker be installed on the faucet used for filling.

(5) The manager or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(6) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person approved by the Town of Tiptonville who is knowledgeable in the proper installation. Only licenses sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device (except hose bibb vacuum breakers). All fittings shall be of brass construction, unless otherwise approved by the Town of Tiptonville, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above either;

(i) The floor,

(ii) The top of opening(s) in the enclosure, or

(iii)) Maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in non-removable enclosures shall have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/backsiphonage through the drain may occur.

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by the Town of Tiptonville. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two to two and one-half inches (2 1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with build-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four inches (4") thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of plus forty degrees Fahrenheit (+40°F) with an outside temperature of minus thirty degrees Fahrenheit (-30°F) and a wind velocity of fifteen (15) miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment,

duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water services to test or repair the protective device. Where it is found that only one (1) device has been installed and the continuance of service is critical, the Town of Tiptonville shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the Town of Tiptonville may require the installation of a duplicate device.

(p) The Town of Tiptonville shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel acceptable to the Town of Tiptonville. Expense of such repairs shall be borne by the owner for occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be grounds for discontinuance of water services. Water services to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Town of Tiptonville.

(7) Testing of devices. Devices shall be tested at least annually by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Resources for the testing of such devices. A record of this test shall be provided to the Town of Tiptonville chief water treatment plant operator by the customer within ten (10) days of testing. The customer is responsible to have the device tested and shall pay for the test. (1979 Code, § 8-407, as replaced by Ord. #2191, June 2018 ***Ch8_08-09-22***)

18-308. Non-potable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one (l") inch high located on a red background. Color-coding of pipelines, in accordance with (OSHA) Occupational Safety and Health Act guidelines, shall be required in locations where in the judgment of the Town of Tiptonville, such coding is necessary to identify and protect the potable water supply. (1979 Code, § 8-408, as replaced by Ord. #2191, June 2018 ***Ch8_08-09-22***)

18-309. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the Town of Tiptonville a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (1979 Code, § 8-409, as replaced by Ord. #2191, June 2018 ***Ch8_08-09-22***)

18-310. Penalty; discontinuation of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to the imposition of civil penalties not to exceed one hundred dollars ($100.00) for each day of violation of this chapter.

(2) Independent of and in addition to any fines or penalties imposed, the manager may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection: and service shall not be restored until such cross connection, auxiliary intake, bypass or interconnection has been eliminated. (1979 Code, § 8-410, as replaced by Ord. #2191, June 2018 ***Ch8_08-09-22***)

18-311. Provision applicable. The requirements contained in this chapter shall apply to all premises served by the Town of Tiptonville and are hereby made part of the conditions required to be met for the Town of Tiptonville to provide water services to any premises. All ordinances and parts of ordinances which are inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency. (as added , by Ord. #2191, June 2018 ***Ch8_08-09-22***)

CHAPTER 4

SEWER USE REGULATIONS

SECTION

18-401. Discharge regulations. (1) A user of the Wastewater Facility (WWF) may not contribute the following substances to the sewer system:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, waste streams with closed cup flash point of less than one hundred forty degrees Fahrenheit (140° F) or sixty degrees Celcius (60° C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, diesel, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and other flammable substances.

(b) Any wastewater having a pH less than five point five (5.5) or higher than nine point five (9.5) or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/ or personnel of the WWF.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, glass grinding, polishing wastes, or nonwoven fabric wipes whether labeled "flushable" or not.

(d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/ or pollutant concentration which will cause interference to the WWF.

(e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWF which exceeds forty degrees Celsius (40° C) (one hundred four degrees Fahrenheit (104° F)) unless approved by the State of Tennessee.

(f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin or synthetic oil in amounts that will cause interference or pass through.

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.

(h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(i) Any trucked or hauled pollutants.

(j) Any substance which may cause the WWF' s effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWF cause the WWF to be in non-compliance with sludge use or disposal criteria, 40 CFR 503, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Act, or state criteria applicable to the sludge management method being used.

(k) Any substance which will cause the WWF to violate its state operating permit or any applicable state or federal law or regulations or the receiving water quality standards.

(l) Any wastewater causing discoloration of the wastewater treatment plan effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(m) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(n) Any waters containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.

(o) Any wastewater which causes a hazard to human life or creates a public nuisance.

(p) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plan.

(q) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.

(r) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.

(s) Any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the city and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(t) Water from the process of commercial car washing regardless of the style or type of that car washing process without an engineering capacity evaluation and written permission from the city.

(2) In addition to the general and specific prohibitions listed in this section, users may be subject to additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving soils and/ or groundwater from pass through contamination. (as added by Ord. #2169, Aug. 2015)

18-402. <u>Control of fat, oil, and grease</u>. The city encourages all users of the sanitary sewer system to take voluntary steps to reduce the amount of fat,

oil, and grease that is poured, drained, or washed down drains into the sanitary sewer system. (as added by Ord. #2169, Aug. 2015)

18-403. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this title, shall have the meanings hereinafter designated:

(1) "Additives" means products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria. They may be inorganic or organic in origin.

(2) "Best Management Practices" or "BMP" means actions or schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements of this chapter.

(3) "Biochemical Oxygen Demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20) centigrade expressed in terms of weight and concentration (milligrams per liter (mg/1).

(4) "Fat, Oil, and Grease" or "FOG" means the organic polar or non-polar compounds derived froro animal and/or plant sources. If lab testing is required to quantify the amount of FOG, the Hexane Extractable Material test is to be used or an equivalent 40 CFR 136 approved method.

(5) "Food Service Establishment" or "FSE" means any establishment, business or facility engaged in preparing, serving or making food available for consumption. Single family residences are not a FSE, however, multi-residential facilities may be considered a FSE at the discretion of the manager. FSEs are classified as follows:

Class 1: Delis-engaged in the sale of cold-cut and microwaved sandwiches/subs with no frying or grilling on site, ice cream shops and beverage bars as defined by the North American Industrial Classification System (NAICS) 722515 or mobile food vendors as defined by NACIS 722330. Bed and breakfast establishments as defined by NACIS 72119.
Class 2: Limited-service restaurants (a.k.a. fast food facilities) as defined by NACIS 722513, except fast food with food line that is heavily fried and a history of FOG discharges that interfere with the sanitary sewer system, and catering as defined by NACIS 722320.
Class 3: Full service restaurants as defined by NACIS 722110.
Class 4: Buffet and cafeteria facilities as defined by NACIS 72212.
Class 5: Institutions (schools, hospitals, prisons, etc.), as defined by NACIS 722310 but not to exclude self-run operations.

(6) "Grease, brown" means fats, oils, and grease that are discharged to the grease control equipment.

(7) "Grease, yellow" means fats, oils, and grease that have not been in contact with or contaminated from other sources such as water, wastewater, solid waste and can be readily recycled.

(8) "Grease Control Equipment" or "GCE" means a device for separating and retaining wastewater FOG prior to the wastewater exiting the FSE property and entering into the sanitary sewer system. GCE includes grease traps and grease interceptors or other devices.

(9) "Grease interceptor" means an interceptor whose rated flow exceeds fifty gallons per minute (50 gpm) and is located outside the building.

(10) "Grease trap" means an interceptor whose rated flow is fifty gallons per minute (50 gpm) or less and is typically located inside the building.

(11) "Grease recycle container" means a container used for the storage of yellow grease for recycling.

(12) "Interceptor" means a device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity flow.

(13) "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the sanitary sewer collection operation, the treatment processes or operations, or the sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(14) "Manager" means the designated representative of the Town of Tiptonville.

(15) "Tee" (influent & effluent) means a T-shaped pipe attached to the horizontal influent and effluent pipes of a grease interceptor and extending downward into the trap to depths specified by design which on the influent side forces influent flow into the center of the trap and prevents floating FOG from escaping the effluent pipe.

(16) "Water, black" means wastewater containing human waste from sanitary fixtures such as toilets or urinals.

(17) "Water, gray" means all other wastewater other than black water.

(18) "Wastewater Facility" or "WWF" means any and all of the following: the collection/transmission system, treatment plan, and the reuse or disposal system, which is operated by the Town of Tiptonville. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes, and other conveyances if they convey wastewater to a WWF treatment plan. (as added by Ord. #2169, Aug. 2015)

18-404. <u>Discharge of fat, oil, and grease</u>. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the WWF. Prohibited discharges include any waters or wastes containing fats, wax, grease,

or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two degrees (32°) and one hundred fifty (150°) F (zero (0) to sixty-five (65°) C). (as added by Ord. #2169, Aug. 2015)

18-405. Interference with sanitary sewer system operations. Any user who discharges animal or vegetable fat, oil, or grease in the volume or form which interferes with the operation of the sanitary sewer system may be subject to enforcement actions as specified herein and may be billed for cleanup charges incurred by the city when that user's discharge causes operation and maintenance problems in the sanitary sewer system such as blockages, backups, overflows, interruption of service, excessive FOG accumulation in lift stations and pipes, and other FOG related problems that are tracked to that user's discharge. (as added by Ord. #2169, Aug. 2015)

18-406. Control of fat, oil, and grease. (1) All existing and new FSE shall effectively control the discharge of FOG into the sanitary sewer system. A Class 1 FSE may do this through the use of restaurant industry best management practices such as those published by the National Restaurant Association. If best management practices fail to prevent sanitary sewer system interferences, Class 1 FSE shall install and maintain grease control equipment as set forth below.

(2) All new Class 2, 3, 4, and 5 FSE shall install grease control equipment in sizes specified in § 18-306 and properly maintain that equipment in such a way to prevent interference with the sanitary sewer system.

(3) Existing FSE that do not meet these minimum sizes may continue to use existing GCE and best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the manager gives written permission stating that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the manager that the existing GCE or BMPs are inadequate to protect the sanitary sewer system from interference, the FSE shall have thirty (30) days to install additional GCE to prevent FOG interference with the sanitary sewer system.

(4) All FSE and GCE shall maintain records of the cleaning and maintenance of that equipment. Records shall minimally include the date of cleaning or maintenance, company or person conducting the cleaning or maintenance, and the amount of grease and water removed from the equipment. A grease waste hauler completed manifest will meet this requirement.

(5) Yellow grease such as fryer oil, shall not be discharged into the GCE or into storm water conveyances. The use of yellow grease recycling containers is encouraged.

(6) Owners of commercial property will be held responsible for wastewater discharges from FSE leaseholders on this property.

(7) All FSE shall provide access to the city for the purpose of inspection of GCE, kitchen equipment and practices, and any cleaning and drain remediation products which relate to the wastewater and FOG discharge. (as added by Ord. #2169, Aug. 2015)

18-407. Grease control equipment, minimum size. (1) The minimum acceptable GCE by FSE class is as follows:

Class 1: 20 gallon per minute/40 pound grease trap
Class 2: 500 gallon grease interceptor
Class 3: 1,000 gallon grease interceptor
Class 4: 1,500 gallon grease interceptor
Class 5: 2,000 gallon grease interceptor

(2) A FSE that is found by the manager to be interfering with the sanitary sewer system may be directed to install GCE that is larger than the minimum size and take other steps to stop that interference.

(3) Existing FSE that do not meet these minimum sizes may continue to use existing GCE and best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the manager gives written permission stating that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the manager that the existing GCE or BMP are inadequate to protect the sanitary sewer system from interference, the FSE shall have sixty (60) days to install additional GCE to prevent FOG interference with the sanitary sewer system.

(4) A FSE that discharges the water from a dishwashing machine through a grease interceptor shall install a GCE which is larger than the minimum to allow for cooling of the discharge and thereby prevent discharge of FOG into the sanitary sewer system.

(5) Grease traps. These small, under-the-counter units shall be installed according to the drawings provided by the manager and shall include a vented flow restrictor prior to the trap. Failure to follow this requirement will render the trap ineffective and the FSE shall be instructed to install a large external grease interceptor. (as added by Ord. #2169, Aug. 2015)

18-408. Installation of grease control equipment. Customers are responsible for installation of Grease Control Equipment (GCE) in accordance with the following:

(1) Grease traps shall be installed according to the requirements in § 18-407(5).

(2) Grease interceptors shall be substantially similar to sample drawings available from the city.

(3) Tanks must be water tight and be protected from rainwater inflow and infiltration.

(4) Two (2) access manholes with a minimum of twenty-four inches (24") diameter shall be provided, one (1) directly over the influent pipe and tee and one (1) directly over the effluent pipe and tee.

(5) Influent and effluent pipes shall be four inches (4") or larger, PVC schedule 40 or stronger.

(6) Influent and effluent pipes shall be equipped with tee fittings properly positioned so that the influent flow shall be directed downward to a tee that terminates twenty-four inches (24") below the water surface, with the effluent tee blocking all surface grease and terminate twelve inches (12") above the bottom of the unit.

(7) The tank shall be constructed to have two (2) compartments. Two thirds (2/3) of the volume shall be in the influent side and one third (1/3) on the effluent side. A solid baffle wall shall extend from the bottom to within six inches (6") of the top and shall be equipped with a six inch (6") elbow installed in the baffle wall with drawing flow from the influent side of the unit at a depth of twelve inches (12") from the bottom.

(8) Manhole covers shall be of materials and strength to withstand expected surface loads, and secured to prevent accidental entry.

(9) Interceptors shall be located for effective cleaning and not blocked by structures or landscaping.

(10) Interceptor sizes greater than two thousand five hundred (2,500) gallons shall be served by two (2) tanks installed in series. (as added by Ord. #2169, Aug. 2015)

18-409. <u>Maintenance of grease control equipment</u>. Customers are responsible for maintenance of the grease control equipment as follows:

(1) Grease traps should be cleaned once every thirty (30) days, or more often, when the combined depth of FOG and solids exceed fifty percent (50%) of the trap. Users shall maintain a manifest or other documentation of the history of cleaning with the legible signature of the responsible user representative.

(2) Grease interceptors shall be pumped when the layer of FOG and settled solids combined reaches twenty-five percent (25%) of the tank depth.

(3) When grease interceptors are pumped, the entire contents, FOG layer, settled solids and water shall be fully removed. No water may be returned to the tank.

(4) Interceptors shall be inspected for deterioration and damage by the user or waste grease hauler each time the unit is cleaned.

(5) Deteriorated or damaged tanks shall be repaired or replaced within sixty (60) days of such deterioration or damage being noticed. (as added by Ord. #2169, Aug. 2015)

18-410. <u>Use of additives</u>. The use of additives is prohibited except under the following conditions:

Additives may be used to clean FSE drain lines but only in such quantities that will not cause FOG to be discharged from the GCE to the sanitary sewer or cause temporary breakdown of the FOG that will later re-congeal in the downstream sewer pipes.

If a product used can be proven to contain one hundred percent (100%) live bacteria, with no other additives, a request for permission to use the product shall be made to the manager. The request must be submitted in writing with a full disclosure material safety data sheet and a certified statement from the manufacturer. (as added by Ord. #2169, Aug. 2015)

18-411. Implementation. The manager is authorized to adopt reasonable operating policies to facilitate the implementation of this chapter over a period not to exceed six (6) months from final passage. These policies may include but are not limited to FSE inspections, GCE sizing and maintenance, FSE wastewater discharge testing and monitoring, approval or disapproval of GCE servicing vendors (grease waste haulers), permitting of FSE, and other operating policies needed to protect the sanitary sewer system from interference from FOG. (as added by Ord. #2169, Aug. 2015)

18-412. Permitting. The city is authorized to issue FSE permits as a way of implementing this chapter, and may further require the permitting or certification of GCE service and pumping vendors. (as added by Ord. #2169, Aug. 2015)

18-413. Legal action. If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this title, federal or state pretreatment requirements, or any order of the city or manager, the manger may commence an action for appropriate legal and equitable relief in the chancery court of the county. (as added by Ord. #2169, Aug. 2015)

18-414. Declaration of public nuisance. Discharges of wastewater in any manner in violation of this chapter is hereby declared a public nuisance and shall be corrected or abated as directed by the manager. Any person creating a public nuisance shall be subject to the provisions of the city codes or ordinances governing such nuisance. (as added by Ord. #2169, Aug. 2015)

18-415. Correction of violation; collection of costs. In order to enforce the provisions of this article, the manager is authorized to correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the article or the owner or tenant of the property upon which the violation occurred, and the manager shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. (as added by Ord. #2169, Aug. 2015)

18-416. Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to WWF, the city shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge. (as added by Ord. #2169, Aug. 2015)

18-417. Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter or any conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibitions, effluent limitation, national standard or performance, pretreatment or toxicity standard, shall be liable civilly. The city shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extend of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (as added by Ord. #2169, Aug. 2015)

18-418. Civil penalties. Any user who is found to have violated an order of the manager or who willfully or negligently failed to comply with any provision of this article, and the order, rules, regulations and permits issued hereunder, shall be guilty of an offense and subject to a fine. Each day or part of a day during which a violation shall occur or continue shall be deemed a separate and distinct offense. (as added by Ord. #2169, Aug. 2015)

18-419. Termination of water service for noncompliance with certain sections. As an additional method of enforcing the provisions of this chapter, the manager shall have the right to seek the discontinuation of water service to any customer who is in violation; provided, however, that before discontinuance of water service, a ten (10) day notice shall be given the customer; and provided, further, that water service shall be resumed upon satisfactory showing being made to the manager that arrangements have been made for compliance with the provisions of this chapter. (as added by Ord. #2169, Aug. 2015)

18-420. Provisions supplemental. The provisions of this chapter are supplemental to and do not repeal any other ordinance, rule or regulation concerning the subject matter hereof. (as added by Ord. #2169, Aug. 2015)

CHAPTER 5

DROUGHT MANAGEMENT PLAN

SECTION

18-501. Drought management plan established. A drought management plan[1] is hereby established for the Town of Tiptonville water department and customers thereof.

[1]The drought management plan for the Town of Tiptonville, and any amendments thereto, may be found in the recorder's office.

TITLE 19

ELECTRICITY AND GAS

CHAPTER

CHAPTER 1

ELECTRICITY

SECTION

19-101. To be furnished under franchise. Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.[1] 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.

[1]The agreements are of record in the office of the town recorder.

CHAPTER 2

GAS

SECTION

19-201. To be furnished under franchise. Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body 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.[1]

[1]The agreements are of record in the office of the town recorder.

TITLE 20

MISCELLANEOUS

CHAPTER

CHAPTER 1

TELEPHONE SERVICE

SECTION

20-101. To be furnished under franchise. Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.[1] 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.

[1]The agreements are of record in the office of the town recorder.

CHAPTER 2

EMERGENCY ALARM DEVICES

SECTION

20-201. Definitions. Unless it is apparent from the context that another meaning is intended, the following words when used in this chapter shall have the meanings indicated herein:

(1) (a) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the police and/or fire department that an emergency exists or that the services of both those departments are needed.

(b) "Alarm system" also means any alarm device which automatically emits an audible, visual, or other response upon the occurrence of any hazard or emergency that is intended to alert persons outside the building, automobile or any other kind of real or personal property to the existence of the hazard or emergency.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, automobile or any other kind of real or personal property wherein an alarm system is located.

(3) "False alarm" means an activated alarm signal that generates an emergency response by the police and/or fire departments at the location of the activated alarm when an emergency does not exist. However, this definition does not include an alarm signal caused by unusually violent conditions of nature. (as added by Ord. #2080, March 2000)

20-202. False alarms. (1) Whenever an alarm is activated in the town and the police and/or fire department makes an emergency response at the location of the activated alarm, a police and/or fire officer on the scene of the activated alarm shall determine whether the activation of the alarm reflected an actual emergency. If the activation of the alarm reflected no actual emergency, the alarm shall be considered a false alarm.

(2) If the police and/or fire officer at the location of the activated alarm system determines the activated alarm was a false alarm, he/they shall submit a report of a false alarm to the town administrator or his designee, and to his/their respective chiefs. The town administrator or his designee shall mail a written notice of the false alarm to the alarm user at the location of the

activated alarm. The notice shall impose a false alarm assessment, if any, as prescribed by § 20-203 of this chapter.

(3) The alarm user shall have ten (10) days from the date the letter was mailed to request a hearing before the town administrator or his designee to contest the false alarm assessment.

(4) The alarm user shall have a fourteen (14) day grace period following the installation of the alarm system, during which any false alarms generated by the alarm shall not be subject to the false alarm assessment prescribed in § 20-203 of this chapter.

(5) Any alarm business testing or servicing any alarm system may notify the police and/or fire department at least two (2) hours in advance that it intends to test a particular alarm system at a specific location and time. If such notice is given the civil penalty prescribed in § 20-203 of this chapter shall not apply to any false alarm generated by the activated alarm. (as added by Ord. #2080, March 2000)

20-203. Assessment for false alarm. Any alarm user whose alarm generates three or more false alarms within any six month period shall pay a false alarm assessment of $25.00 for each and every additional false alarm. The willful failure or refusal to pay such assessment shall be a civil violation punishable by a civil penalty of $_____. (as added by Ord. #2080, March 2000)

20-204. Violation and penalty. It shall be a civil violation for any person to intentionally cause a false alarm, which offense shall be punished by a civil penalty of $_____. (as added by Ord. #2080, March 2000)

20-205. Disconnection. In the event that an alarm system emitting an audible or visual signal is not deactivated by the alarm user, the town shall take such legal and reasonable action necessary to disconnect the alarm. (as added by Ord. #2080, March 2000)

ORDINANCE NO. 2068

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF TIPTONVILLE TENNESSEE.

WHEREAS some of the ordinances of the Town of Tiptonville 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 Tiptonville, 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 "Tiptonville Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF TIPTONVILLE, 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 "Tiptonville 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

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[1]State 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, October 8, 1996.

Passed 2nd reading, November 12, 1996.

Passed 3rd reading, December 10, 1996.

Mayor

Recorder