

# **Code of Ordinances for Middleton**

*Due to the conversion of the word processing files, the pagination of the database version of this municipal code is not the same as in the original copy adopted by the city. The content of the code, however, is unchanged.*

Updated through: **07/01/79**

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THE  
MIDDLETON  
MUNICIPAL  
CODE

Prepared by the  
MUNICIPAL TECHNICAL ADVISORY SERVICE  
INSTITUTE FOR PUBLIC SERVICE  
THE UNIVERSITY OF TENNESSEE  
in cooperation with the  
TENNESSEE MUNICIPAL LEAGUE  
July, 1979

CITY OF MIDDLETON, TENNESSEE

MAYOR

Jim Maxwell

ALDERMEN

Vernon Henderson

Doug Henderson

Bill Sain

Jimmy Simpson Jr.

Jackie Cox

RECORDER

Jerry Mills

CITY ATTORNEY

Tom Minor

## Preface

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

The attention of the user is directed to the arrangement of the code into titles, chapters, and sections. This arrangement follows that used in the Tennessee Code Annotated. Related matter is kept together, so far as possible, within the same title. Each section number is complete within itself, containing the title number, the chapter number, and the section of the chapter of which it is a part. Specifically, the first number is the title number followed by a hyphen, then the chapter number, with the last two numbers showing the section number within the chapter, so that, for example, title 10, chapter 2, section 6, is designated as section 10-206.

By utilizing the table of contents and the analysis preceding each title and chapter of the code, together with the cross references and explanations included as footnotes, the user should readily find all provisions in the code relating to any question that might arise.

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

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

When the foregoing conditions are met, MTAS will produce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied

with detailed instructions for utilizing them so that again the code will be complete and up to date. If this very simple procedure is followed, the code will be kept up to date in a way that will serve fully the needs of the city's officials and citizens. If any questions or problems arise concerning the up-dating procedure, an MTAS ordinance codification consultant is available to the city for advice and assistance.

The able assistance of Gail Van Hoozier, the MTAS senior production typist who did all the typing on this project, is gratefully acknowledged.

Dennis Huffer, Consultant

Ordinance Codification

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<sup>1</sup> For other provisions relating to administration, officers, and personnel, see the municipal charter and/or the appropriate related title in this code. For example, for provisions relating to the building, plumbing, electrical, and gas inspectors, see title 4; for provisions relating to the administration of utilities, see title 13.

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

- (1) Appointment of city attorney. § 3.03.
- (2) Appointment, suspension, and removal of employees. § 3.07.
- (3) Budget. §§ 4.03--4.05.
- (4) Establishment and consolidation of offices. § 3.01.
- (5) Miscellaneous corporate powers. § 1.04.
- (6) Oath of office. § 3.08.
- (7) Purchasing. § 4.06.
- (8) Taxes. §§ 4.09--4.12.

TITLE 1

ADMINISTRATION, OFFICERS AND PERSONNEL <sup>1</sup>

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. ADMINISTRATOR, RECORDER, AND TREASURER.
4. POLICE AND ARREST.
5. CITY COURT.
6. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
7. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
8. VACATIONS AND SICK LEAVE.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN <sup>2</sup>

SECTION

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

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1-103. General rules of order.

1-101. Time and place of board meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 p.m. on the 3rd Monday of each month at the city hall, except when Daylight Savings Time is in effect, during which period the meetings will be at 7:30 p.m. [1960 Code, § 1-101, modified]

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 board:

- (1) the meeting will be called to order by the mayor.
- (2) The roll will be called by the recorder.
- (3) The minutes of the previous meeting will be read by the recorder and approved or corrected by the board.
- (4) The board will hear grievances from citizens.
- (5) The board will hear communications from the mayor.
- (6) The board will hear reports from committees, aldermen, and other officers.
- (7) The board will dispose of old business.
- (8) The board will consider new business.
- (9) The meeting will be adjourned. [1960 Code, § 1-102]

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with special rules in the municipal charter or adopted by the board and set out in this code. [1960 Code, § 1-103]

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For the following provisions in the charter with respect to the mayor, see the charter sections indicated:

- (1) Administrative duties. § 3.02.
- (2) Bond. § 3.09.
- (3) Budget--mayor to submit. § 4.02.
- (4) Election and term. § 2.01.
- (5) Presiding officer of board. § 2.04.

## CHAPTER 2

### MAYOR

#### SECTION

1-201. To be bonded.

1-202. Generally supervises city's affairs.

1-203. Executes city's contracts.

1-201. To be bonded. The mayor shall be bonded in the sum of one thousand dollars (\$1,000.00) before assuming the duties of his office. [1960 Code, § 1-201]

1-202. Generally supervises city's affairs. The mayor shall have general supervision of all the affairs of the city and may require such reports from the various officers and employees of the city as he may reasonably deem necessary to carry out his executive responsibilities. [1960 Code, § 1-202]

1-203. Executes city's contracts. The mayor shall execute all contracts authorized by the board of mayor and aldermen. [1960 Code, § 1-203]



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1 For provisions in the charter with respect to the recorder and treasurer, see particularly § 2.08.

### CHAPTER 3

### ADMINISTRATOR, RECORDER, AND TREASURER 1

#### SECTION

1-301. Office of city administrator established.

1-302. To be bonded.

1-303. To keep an ordinance book.

1-301. Office of city administrator established. The office of city administrator is hereby established to see to the day-to-day operations of the city. The city administrator shall serve under the mayor and perform such duties as the mayor may assign him. The city administrator shall also serve in the capacity of city recorder and treasurer, which offices are combined pursuant to section 2.08 of the city's charter. [Ord. of July 21, 1975, modified]

1-302. To be bonded. The administrator, recorder, and treasurer shall be bonded in the sum of ten thousand dollars (\$10,000.00) before assuming the duties of his office. [1960 Code, § 1-301, modified]

1-303. To keep an ordinance book. The administrator, recorder, and treasurer shall keep an ordinance book in which he shall keep the original copy of all ordinances passed by the board of mayor and aldermen. [1960 Code, § 1-302]

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

#### CHAPTER 4

#### POLICE AND ARREST 1

#### SECTION

1-401. Policemen subject to mayor's orders.

1-402. Policemen to see that law and order is maintained, etc.

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1-407. Police department records.

1-408. Chief to be bonded.

1-409. Temporary police officers.

1-401. Policemen subject to mayor's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the mayor may officially issue. [1960 Code, § 1-501]

1-402. Policemen to see that law and order is maintained, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. [1960 Code, § 1-502]

1-403. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the mayor may prescribe and shall carry a service pistol and billy club at all times while on duty. [1960 Code, § 1-503]

1-404. When policemen to make arrests. Unless otherwise authorized or directed in this code or other applicable law, arrests of the person shall be made by policemen in the following cases:

(1) Whenever they are in possession of a warrant for the arrest of the person.

(2) Whenever an alleged offense has been committed in the officer's presence by the person.

(3) Whenever an offense has been in fact committed and the officer has reasonable and probable cause to believe the person has committed it. [1960 Code, § 1-504]

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1-405. Policemen may require assistance in making arrests. It shall be unlawful for any person willfully to refuse to aid a policeman in making a lawful arrest when such person's assistance is reasonably requested and necessary.

[1960 Code, § 1-505, modified]

1-406. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested for any offense, he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city court is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. [1960 code, § 1-506, modified]

1-407. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

(1) All 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. [1960 Code, § 1-507]

1-408. Chief to be bonded. The chief of police shall be bonded in the sum of five thousand dollars (\$5,000.00) before assuming the duties of his office.

[1960 Code, § 1-508]

1-409. Temporary police officers. The board of mayor and aldermen may appoint such temporary police officers as conditions may require. [1960 Code, § 1-509, modified]

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<sup>1</sup> For provisions in the charter with respect to the city court, see §§ 3.04 and 3.05.

For provisions requiring policemen to attend the city court and serve its process, etc., see chapter 4 in this title.

<sup>2</sup> See the Tennessee Code Annotated, title 40, chapter 5, for authority to issue search warrants.

## CHAPTER 5

### CITY COURT <sup>1</sup>

#### SECTION

1-501. Creation, jurisdiction, etc.

1-502. Maintenance of docket.

1-503. Issuance of arrest warrants.

1-504. Issuance of summonses.

1-505. Issuance of subpoenas.

1-506. Trial and disposition of cases.

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1-508. Imposition and remission of fines and costs.

1-509. Appeals.

1-510. Bond amounts, conditions, and forms.

1-511. Disposition and report of fines and costs.

1-512. Disturbance of proceedings.

1-501. Creation, jurisdiction, etc. The officer designated by the municipal charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. [1960 Code, § 1-601]

1-502. Maintenance of docket. The city judge shall keep a complete docket record of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name, action dates, warrant and summons numbers, alleged offense, disposition, fines and costs imposed and collected, etc. [1960 Code, § 1-602, modified]

1-503. Issuance of arrest warrants.<sup>2</sup> Only the city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. [1960 Code, § 1-603]

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1-504. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons, ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. [1960 Code, § 1-604]

1-505. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will enable him equitably to dispose of 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. [1960 Code, § 1-605]

1-506. 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 city court is in session or the city judge is reasonably available. In no event shall the trial of an alleged offender be delayed more than twenty-four (24) hours after his arrest unless he specifically requests such delay. Provided, however, that 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. [1960 Code, § 1-606]

1-507. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. [1960 Code, § 1-604]

1-508. Imposition and remission of fines and costs. All fines and costs shall be imposed and recorded by the city judge on the city court docket in open court. After any fine and costs have been so imposed and recorded, the city judge shall have no power to remit or release the same or any part thereof. [1960 Code, § 1-608]

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1 See section 27-501, Tennessee Code Annotated.

1-509. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within the ten (10) days next after such judgment is rendered, Sundays and legal holidays excepted, appeal to the next term of the circuit court upon posting a proper appeal bond. [1960 Code, § 1-609, modified]

1-510. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made (1) in the form of a cash deposit or (2) by any corporate surety company authorized to do business in Tennessee or (3) by two private persons who individually own real property of sufficient value which is located within the county. No other type bond shall be acceptable. [1960 Code, § 1-610 as amended by ord. of July 21, 1975]

1-511. Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the city. Then, at the end of each month, he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. [1960 Code, § 1-611]

1-512. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. [1960 Code, § 1-612]

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CHAPTER 6

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

1-601. Creation and title.

1-602. Purpose.

1-603. Coverage.

1-604. Standards authorized.

1-605. Variances from standards authorized.

1-606. Administration.

1-607. Funding the program.

1-601. Creation and title. There is hereby created an occupational safety and health program for the employees of the City of Middleton as follows. This chapter shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the City of Middleton. [Ord. of Sept. 20, 1976]

1-602. Purpose. The City of Middleton, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

(1) Provide a safe and healthful place and condition of employment.

(2) Make, keep, preserve, and make available to the Commissioner of Labor and/or the Commissioner of Public Health of the State of Tennessee, their designated representatives, or persons within the Tennessee Department of Labor and/or the Tennessee Department of Public Health to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

(3) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this program.

[Ord. of Sept. 20, 1976]

1-603. Coverage. The provisions of the Occupational Safety and Health Program for the employees of the City Middleton shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Middleton whether part-time or full-time, seasonal or permanent.

[Ord. of Sept. 20, 1976]

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1-604. Standards authorized. The occupational safety and, health standards adopted by the City of Middleton are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. title 50, chapter 5). [Ord. of Sept. 20, 1976]

1-605. Variances from standards authorized. The City of Middleton may, upon written application to the Commissioner of Labor or the Commissioner of Public Health of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with "Rules of Tennessee Department of Labor, Occupational Safety, Chapter 0800-1-2, as authorized by T.C.A., title 50, chapter 5. Prior to requesting such temporary variance, the City of Middleton shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the City of Middleton shall be deemed sufficient notice to employees. [Ord. of Sept. 20, 1976]

1-606. Administration. For the purposes of this chapter, the city administrator and recorder is designated as the Director of Occupational Safety and Health to perform duties and to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of the City of Middleton. The Director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. [Ord. of Sept. 20, 1976]

1-607. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the board of mayor and aldermen. [Ord. of Sept. 20, 1976]



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CHAPTER 7

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

1-701. Policy and purpose as to coverage.

1-702. Necessary agreements to be executed.

1-703. Withholdings from salaries or wages.

1-704. Appropriations for employer's contributions.

1-705. Records and reports to be made.

1-706. Personnel excluded from coverage.

1-701. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Middleton to provide for the employees and officials of the city, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old-age and survivors insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. [1960 Code, § 1-801]

1-702. 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. [1960 Code, § 1-802]

1-703. 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. [1960 Code, § 1-803]

1-704. 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. [1960 Code, § 1-804]

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1-705. Records and reports to be made. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. [1960 Code, § 1-805]

1-706. Personnel excluded from coverage. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city. [1960 Code, § 1-806]

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## CHAPTER 8

### VACATIONS AND SICK LEAVE

#### SECTION

1-801. Applicability of chapter.

1-802. Vacation leave.

1-803. Sick leave.

1-804. Leave records.

1-801. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. [1960 Code, § 1-901]

1-802. Vacation leave. All officers and employees shall be given a credit of one (1) working day of vacation leave with pay for each full calendar month of employment. Such vacation leave, up to the number of working days credited on this basis, shall be taken at a time approved by the mayor or such other officer as he may designate. At no time shall a person's total credit for vacation leave exceed twelve (12) working days. [1960 Code, § 1-902]

1-803. Sick leave. All officers and employees shall be given a credit of one (1) working day of sick leave with pay for each full calendar month of employment. Sick leave shall be taken only when approved by the mayor or by such other officer as he may designate. Sick leave, up to the number of days accrued, shall be approved for all officers and employees whose absence from duty is due to illness, bodily injury, exposure to contagious disease, or death in the immediate family of the officer or employee. However, the mayor may, in his discretion, require doctor's certificates or other satisfactory evidence that absences are properly chargeable as sick leave. The number of days which may be accrued as sick leave under the provisions of this section shall not be limited. [1960 Code, § 1-903]

1-804. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leave taken under this chapter. [1960 Code, § 1-904]

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

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

<sup>2</sup> See particularly title 39, chapter 25, of the Tennessee Code Annotated.

TITLE 2

ALCOHOLIC BEVERAGES <sup>1</sup>

CHAPTER

1. INTOXICATING LIQUORS.

2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

2-101. Prohibited generally.

2-101. Prohibited generally. Except as authorized by applicable laws <sup>2</sup> and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within the City of Middleton. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five per cent (5%) of alcohol by weight. [1960 Code, § 2-101]

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

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

## CHAPTER 2

### BEER <sup>1</sup>

#### SECTION

2-201. Beer board established.

2-202. Meetings of the beer board.

2-203. Record of beer board proceedings to be kept.

2-204. Requirements for beer board quorum and action.

2-205. Powers and duties of the beer board.

2-206. "Beer" defined.

2-207. Permit required for engaging in beer business.

2-208. Beer permits shall be restrictive.

2-209. Issuance of permits to aliens prohibited.

2-210. Interference with public health, safety, and morals prohibited.

2-211. Issuance of permits to persons convicted of certain crimes prohibited.

2-212. Prohibited conduct or activities by beer permit holders.

2-213. Revocation of beer permits.

2-201. Beer board established. There is hereby established a beer board to be composed of all the members of the board of mayor and aldermen. A chairman shall be elected annually by the board from among its members. All members of the beer board shall serve without additional compensation. [Ord. of Feb. 2, 1973, § 1]

2-202. 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 city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. the board may adjourn a meeting at any time to another time and place. [Ord. of Feb. 2, 1973, § 2]

2-203. 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

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shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc, before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board.

[Ord. of Feb. 2, 1973, § 3]

2-204. 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 a "nay" vote. [Ord. of Feb. 2, 1973, § 4]

2-205. 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 City of Middleton in accordance with the provisions of this chapter. [Ord. of Feb. 2, 1973, § 5]

2-206. "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. [Ord. of Feb. 2, 1973, § 6]

2-207. 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. [Ord. of Feb. 2, 1973, § 7, modified]

2-208. 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 shall be restricted 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 or all express restrictions or conditions which may be written into his permit by the beer board. [Ord. of Feb. 2, 1973, § 8]

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2-209. Issuance of permits to aliens prohibited. No permit to engage in the beer business shall be granted by the beer board of any person not a citizen of the United States nor to any syndicate or association unless all of the members thereof are citizens of the United States. [Ord. of Feb. 2, 1973, § 9]

2-210. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. [Ord. of Feb. 2, 1973, § 10]

2-211. 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 (10) years. [Ord. of Feb. 2, 1973, § 11]

2-212. 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 (10) years.

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

(3) Make or allow any sale of beer between the hours of 12:00 midnight and 6:00 a.m. during any night of the week and from 12:00 midnight Saturday until 12:00 noon on Sunday, or election days before and while the polls are lawfully open.

(4) Make or allow any sale of beer to a minor under nineteen (19) years of age.

(5) Allow any minor under eighteen (18) years of age to loiter in or about his place of business.

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

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

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

(9) Allow gambling on his premises.

(10) Allow dancing on his premises.

(11) Allow pool or billiard playing in the same room where beer is sold and/or consumed.

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(12) Fail to provide and maintain separate sanitary toilet facilities for men and women. [Ord. of Feb. 2, 1973, § 12, modified]

2-213. Revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentations in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the beer board. [Ord. of Feb. 2, 1973, § 13]



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TITLE 3

ANIMALS AND FOWLS

CHAPTER

1. IN GENERAL.

2. DOGS.

CHAPTER 1

IN GENERAL

SECTION

3-101. Running at large prohibited.

3-102. Keeping near a residence or business restricted.

3-103. Pen or enclosure to be kept clean.

3-104. Adequate food, water, and shelter, etc., to be provided.

3-105. Keeping in such manner as to become a nuisance prohibited.

3-106. Cruel treatment prohibited.

3-107. Seizure and disposition of animals running at large.

3-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. [1960 Code, § 3-101]

3-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence or place of business 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. Any person aggrieved by the health officer's decision in any such case may appeal the same to the board of mayor and aldermen. [1960 Code, § 3-102]

3-103. Pen or enclosure to be kept clean. When animals and/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. [1960 Code, § 3-103]

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3-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl of any kind shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended. [1960 Code, § 3-104]

3-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason. [1960 Code, § 3-105]

3-106. Cruel treatment prohibited. It shall be unlawful for any person unnecessarily to beat or otherwise inhumanely abuse or injure any dumb animal or fowl. [1960 Code, § 3-106]

3-107. Seizure and disposition of animals running at large. Any animal or fowl found running at large in violation of this chapter may be seized by the health officer or by any police officer and confined in a suitable place provided or designated by the board of mayor and aldermen. If the owner is known, he shall be notified by a postcard addressed to his last-known mailing address to appear within ten (10) days and redeem his animal or fowl by paying the pound costs or the same will be humanely destroyed or otherwise disposed of by the police.

If the owner is not known, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. The notice shall notify the owner to appear within ten (10) days and redeem his impounded animal or fowl by paying the pound costs or the same will be humanely destroyed or otherwise disposed of by the police. [1960 Code, § 3-107]

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<sup>1</sup> See sections 53-901 -- 53-914, Tennessee Code Annotated.

<sup>2</sup> See sections 44-1408, 53-908, and 53-909, Tennessee Code Annotated.

## CHAPTER 2

### DOGS

#### SECTION

3-201. Rabies vaccination and registration required.

3-202. Dogs to wear tags.

3-203. Running at large prohibited.

3-204. Certain dogs to be securely restrained.

3-205. Noisy dogs prohibited.

3-206. Shooting of dogs.

3-207. Seizure and disposition of dogs running at large.

3-208. Seizure and disposition of dogs suspected of being rabid.

3-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law"<sup>1</sup> or other applicable law. [1960 Code, § 3-201, modified]

3-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the registration and vaccination required in the preceding section. [1960 Code, § 3-202]

3-203. Running at large prohibited.<sup>2</sup> It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. [1960 Code, § 3-203]

3-204. Certain dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous or any female dog in heat unless such dog is so confined and/or otherwise securely restrained as reasonably to provide for the protection of other animals and persons. Any dog described in this section which is found to be running at large and which cannot be safely taken up and impounded may be killed on the spot by the health officer or any policeman. [1960 Code, § 3-204]

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

3-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys or disturbs the peace and quiet of any neighborhood. [1960 Code, § 3-205]

3-206. Shooting of dogs. In an emergency any dog found running at large or suspected of being rabid may be shot or otherwise killed immediately by any police officer when he is not able safely to seize and impound such dog.<sup>1</sup> [1960 Code, § 3-206]

3-207. Seizure and disposition of dogs running at large. Any dog found running at large may be seized by the health officer or by any police officer and confined in a suitable place provided or designated by the board of mayor and aldermen. If such dog is wearing a tag, the owner shall be notified by a postcard addressed to his last known mailing address or by a written notice posted in three or more conspicuous public places in the city to appear within six (6) days and redeem his dog or the same will be humanely destroyed or otherwise disposed of by the police. If the dog is not wearing a tag, it may be humanely destroyed or otherwise disposed of unless legally claimed by the owner within two (2) days. No dog shall be released in any event from a pound unless and until it has been registered, vaccinated, and had a tag placed on its collar. [1960 Code, § 3-207]

3-208. Seizure and disposition 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 marshal may cause such dog to be seized and/or confined or isolated for observation for up to two (2) weeks. If such dog is found to be rabid, it will be humanely disposed of. If such dog is found not to be rabid, it shall be released to its owner upon his payment of any expenses incurred by the city on his behalf. If upon reasonable notice the dog's owner refuses to pay such costs, the dog shall be humanely destroyed or otherwise disposed of. [1960 Code, § 3-208]

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<sup>1</sup> For related provisions with respect to fire protection, health and sanitation, street excavations, etc., and administration of utilities, see titles 7, 8, 12, and 13 respectively in this code.

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

#### TITLE 4

#### BUILDING, UTILITY, AND HOUSING CODES <sup>1</sup>

#### CHAPTER

1. BUILDING CODE.

2. PLUMBING CODE.

3. ELECTRICAL CODE.

#### CHAPTER 1

#### BUILDING CODE

#### SECTION

4-101. Building code adopted.

4-102. Modifications.

4-103. Available in recorder's office.

4-104. Violations.

4-101. Building code adopted. Pursuant to authority granted by sections 6-620 through 6-625 of the Tennessee Code Annotated and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal, and demolition, of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code,<sup>2</sup> 1979 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. [1960 Code, § 4-101, modified]

4-102. Modifications. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to Middleton's board of mayor and aldermen. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the

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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 schedule of recommended building permit fees in appendix "K" is amended so that building permit fees shall be one cent (1<sup>^</sup>) per square foot.

Section 114 is hereby deleted. [1960 Code, § 4-102, modified]

4-103. Available in recorder's office. Pursuant to the requirements of section 6-621 of the Tennessee Code Annotated, three (3) copies of the building code with the above modifications have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. [1960 Code, § 4-103]

4-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. [1960 Code, § 4-104]

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<sup>1</sup> See title 8, chapter 4, in this code for provisions relating to cross connections, etc.

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

## CHAPTER 2

### PLUMBING CODE <sup>1</sup>

#### SECTION

4-201. Plumbing code adopted.

4-202. Modifications.

4-203. Lateral sewer lines.

4-204. Available in recorder's office.

4-205. Violations.

4-201. Plumbing code adopted. Pursuant to authority granted by sections 6-620 through 6-625 of the Tennessee Code Annotated and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within and without the City of Middleton when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code,<sup>2</sup> 1979 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. [1960 Code, § 4-201, modified]

4-202. Modifications. Whenever 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 Middleton's board of mayor and aldermen.

When the "City Engineer" or "Engineering Department" is named or referred to, it shall mean the city recorder.

The "Plumbing Official" or "Inspector" shall be such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the plumbing code. Section 110 of the plumbing code is hereby deleted. [1960 Code, § 4-202]

4-203. Lateral sewer lines. In the construction of lateral sewer lines from the city collector line to the structure being sewerred, only cast iron, vitrified clay

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pipe with factory molded joints in accordance to ASTM C425, or PVC pipe in accordance to ASTM D3033 shall be permitted. All other material shall be prohibited. [Ord. of April 21, 1969, modified]

4-204. Available in recorder's office. Pursuant to the requirements of section 6-621 of the Tennessee Code Annotated, three (3) copies of the plumbing code with the above modifications have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. [1960 Code, § 4-203]

4-205. 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. [1960 Code, § 4-204]



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

### CHAPTER 3

### ELECTRICAL CODE

#### SECTION

4-301. Electrical code adopted.

4-302. Available in recorder's office.

4-303. Permit required for doing electrical work.

4-304. Violations.

4-305. Enforcement.

4-301. Electrical code adopted. Pursuant to authority granted by sections 6-620 through 6-625 of the Tennessee Code Annotated and for the purpose of providing a practical minimum standard for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, and for other purposes, the National Electrical Code,<sup>1</sup> 1978 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. [1960 Code, § 4-301, modified]

4-302. Available in recorder's office. Pursuant to the requirements of section 6-621 of the Tennessee Code Annotated, three (3) copies of the electrical code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. [1960 Code, § 4-302]

4-303. Permit required for doing electrical work. No electrical work shall be done within the City of Middleton until a permit therefor has been issued by the city recorder or electrical inspector. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. [1960 Code, § 4-303]

4-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. [1960 Code, § 4-304]

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4-305. Enforcement. The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. [1960 Code, § 4-305]

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1 For beer business regulations in this code, see title 2, chapter 2; for regulations relating to building, plumbing, and wiring, etc., see title 4; for privilege tax provisions, etc., see title 6; and for restrictions on posting notices or advertisements and making noise to attract attention, see title 10.

TITLE 5

BUSINESSES, PROFESSIONS, AND OCCUPATIONS 1

CHAPTER

1. MISCELLANEOUS.

2. PEDDLERS, CANVASSERS OR SOLICITORS, AND TRANSIENT MERCHANTS.

3. CHARITABLE SOLICITORS.

4. POOL ROOMS.

5. JUNK YARDS.

6. CARNIVALS, STREET FAIRS, ETC.

CHAPTER 1

MISCELLANEOUS

SECTION

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

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

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CHAPTER 2

PEDDLERS, CANVASSERS OR SOLICITORS, AND TRANSIENT  
MERCHANTS

SECTION

5-201. Permit required.

5-202. Exemptions.

5-203. Application for permit.

5-204. Issuance or refusal of permit.

5-205. Appeal.

5-206. Bond.

5-207. Loud noises and speaking devices.

5-208. Use of streets.

5-209. Exhibition of permit.

5-210. Policemen to enforce.

5-211. Revocation or suspension of permit.

5-212. Reapplication.

5-213. Expiration and renewal of permit.

5-201. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. [1960 Code, § 5-201]

5-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic, or philanthropic organizations. [1960 Code, § 5-202]

5-203. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

(1) Name and physical description of applicant.

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

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

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(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) The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery.

(7) A recent photograph of the applicant, which picture shall be approximately two (2) inches square showing the head and shoulders of the applicant in a clear and distinguishing manner.

(8) The names of at least two reputable local property owners who will certify as to the applicants'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.

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

(10) The last cities or towns, at least three (3) preferably, 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.

(11) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the city to cover the cost of investigating the facts stated therein. [1960 Code, § 5-203]

5-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation of the applicant's moral reputation and business responsibility, who shall report his findings to the city recorder within seventy-two (72) hours.

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

(3) If such investigation indicates that the moral reputation and business responsibility of the applicant are satisfactory, the city recorder shall deliver to the applicant a permit. The city recorder shall keep a permanent record of all permits issued. [1960 Code, § 5-204]

5-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with

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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 days prior to the date set for hearing. [ 1960 Code, § 5-205]

5-206. Bond. Every permittee shall file with the city recorder a surety bond running to the city in the amount of five hundred dollars (\$500.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the City of Middleton and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. [1960 Code, § 5-206]

5-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks, or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell. [1960 Code, § 5-207]

5-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. [1960 Code, § 5-208]

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5-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. [1960 Code, § 5-209]

5-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. [1960 Code, § 5-210]

5-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen, after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit.

(b) Fraud, misrepresentation, or incorrect statement made in the course of carrying on his business as solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.

(c) Any violation of this chapter.

(d) Conviction of any crime or misdemeanor.

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

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

(3) When it is reasonably necessary in the public interest, the mayor may suspend a permit pending the revocation hearing. [1960 Code, § 5-211]

5-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months shall have elapsed since the last revocation. [1960 Code, § 5-212]

5-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires but shall automatically 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 year. [1960 Code, § 5-213]

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## CHAPTER 3

### CHARITABLE SOLICITORS

#### SECTION

5-301. Permit required.

5-302. Prerequisites for a permit.

5-303. Denial of a permit.

5-304. Exhibition of permit.

5-305. Trespassing.

5-306. Violations.

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

5-302. 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.

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



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

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

5-306. Violations. Any person violating any provision of this chapter or making a false or fraudulent statement either in his application for a permit or in the process of making a solicitation shall be subject to the penalty provided 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.

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CHAPTER 4  
POOL ROOMS  
SECTION

5-401. Prohibited in residential areas.

5-402. Hours of operation regulated.

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

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

5-401. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty per cent (50%) or more of the land is used or zoned for residential purposes. [1960 Code, § 5-401]

5-402. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire within the corporate limits at any time on Sunday or between the hours of 11:00 p.m. and 6:00 a.m. on other nights. [1960 Code, § 5-402]

5-403. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to use of billiards, bagatelle, and pool tables kept by private persons and used in private families. [1960 Code, § 5-403, modified]

5-404. Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire to permit any gambling or other unlawful or immoral conduct on such premises. [1960 Code, § 5-404]

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CHAPTER 5  
JUNK YARDS  
SECTION

5-501. Restricted as to location.

5-501. Restricted as to location. It shall be unlawful for any person to operate or maintain a junk yard or to store or deposit any junk within one hundred and fifty (150) feet of any public street in the corporate limits without a permit from the board of mayor and aldermen. Such permit shall be issued only when in the judgment of the board of mayor and aldermen the general welfare, health, and safety of the persons and property of the city will not thereby be endangered and it appears that congested traffic will not result.  
[1960 Code, § 5-501]

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CHAPTER 6

CARNIVALS, STREET FAIRS, ETC.

SECTION

5-601. Permit required.

5-601. Permit required. It shall be unlawful for any carnival, street fair, circus, menagerie, or other similar show or exhibition to show or perform, operate, or otherwise to do business in the city without first having secured a permit from the city. [1960 Code, § 5-601]

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1 For provisions in the charter with respect to finance and taxation, see particularly Article IV.

TITLE 6

FINANCE AND TAXATION 1

CHAPTER

1. MISCELLANEOUS.

2. REAL PROPERTY TAXES.

3. WHOLESALE BEER TAX.

CHAPTER 1

MISCELLANEOUS

SECTION

6-101. Depository for city funds.

6-101. Depository for city funds. The depository for all city funds shall be the Bank of Middleton or such other bank as the board of mayor and aldermen may from time to time designate. [1960 Code, § 6-503]

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CHAPTER 2

REAL PROPERTY TAXES

SECTION

6-201. When due and payable.

6-202. When delinquent--penalty and interest.

6-201. When due and payable. Taxes levied by the city against real property shall become due and payable annually on the first day of October of the year for which levied. [1960 Code, § 6-101]

6-202. When delinquent--penalty and interest. All real property taxes shall become delinquent in accordance with section 4.11 of the city's charter and shall thereupon be subject to such penalty and interest as are prescribed by the city's charter in section 4.11. [1960 Code, § 4-102, modified]

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CHAPTER 3

WHOLESALE BEER TAX

SECTION

6-301. To be collected.

6-301. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in chapter 3 of title 57, Tennessee Code Annotated. [1960 Code, § 6-401]

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TITLE 7

FIRE PROTECTION, FIREWORKS, AND EXPLOSIVES

CHAPTER

1. GENERAL PROVISIONS.

2. FIRE CODE.

3. VOLUNTEER FIRE DEPARTMENT.

CHAPTER 1

GENERAL PROVISIONS

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be the area of the city zoned as the central business district. [1960 Code, § 7-101, modified]



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<sup>1</sup> See title 4 in this code for the building and utility codes.

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

## CHAPTER 2

### FIRE CODE <sup>1</sup>

#### SECTION

7-201. Fire code adopted.

7-202. Enforcement.

7-203. Definition of "municipality."

7-204. Storage of explosives, flammable liquids, etc.

7-205. Gasoline trucks.

7-206. Variances.

7-207. Appeals from decisions of the chief.

7-208. Violations.

7-201. Fire code adopted. Pursuant to authority granted by sections 6-620 through 6-625, Tennessee Code Annotated, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Fire Prevention Code,<sup>2</sup> 1976 edition, as recommended by the American Insurance Association is hereby adopted by reference and included herein as a part of this code. Pursuant to the requirement of section 6-621 of the Tennessee Code Annotated, three (3) copies of the fire prevention code herein adopted by reference have been filed with the city recorder and are available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. [1960 Code, § 7-201, modified]

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the volunteer fire department. He shall have the same powers as the state fire marshal. [1960 Code, § 7-202, modified]

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Middleton. [1960 Code, § 7-203]

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7-204. Storage of explosives, flammable liquids, etc. The limits referred to in section 12.5b of the fire prevention code, in which storage of explosives and blasting agents is prohibited, are hereby declared to be the fire limits as set out in section 7-101 of this code.

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

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

The limits referred to in section 21.6a of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in section 7-101 of this code. [1960 Code, § 7-204, modified]

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. [1960 Code, § 7-205]

7-206. Variances. The chief of the volunteer fire department shall have the power to recommend variances of any of 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 modifications when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. [1960 Code, § 7-206, modified]

7-207. Appeals from decisions of the chief. When any person feels that he has been wrongfully aggrieved by a decision of the chief in interpreting and applying the fire code or in recommending modifications of the same, he may, within thirty (30) days, appeal said decision to the board of mayor and aldermen. Said appeal shall be in writing. [1960 Code, § 7-207, modified]

7-208. Violations. Any person who shall violate any of the provisions of this chapter or the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall 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 who shall fail to comply with such an order as affirmed or modified by the board of mayor and aldermen of the city or by a

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court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor. 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. [1960 Code, § 7-208]

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

### CHAPTER 3

#### VOLUNTEER FIRE DEPARTMENT 1

##### SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Tenure of members.

7-306. Chief responsible for training and maintenance.

7-307. Use of equipment outside corporate limits.

7-308. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The volunteer 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 board shall appoint.

7-302. Objectives. The volunteer 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 make practicable.

7-303. Organization, rules, and regulations. The chief of the volunteer 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 volunteer fire department.

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7-304. Records and reports. The chief of the volunteer 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.

7-305. Tenure of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. So that adequate discipline may be maintained, the board of mayor and aldermen may suspend or discharge any other member of the volunteer fire department when it deems such action to be necessary for the good of the department. The chief may be suspended or dismissed by the board of mayor and aldermen.

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

7-307. Use of equipment outside corporate limits. No equipment of the volunteer fire department shall be used for fighting any fire outside the corporate limits except in the following circumstances:

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

(2) If the fire is on private property and the owner agrees to pay a service charge of one hundred and fifty dollars (\$150.00) to the city.

7-308. Chief to be assistant to state officer. Pursuant to requirements of section 53-2408 of the Tennessee Code Annotated, the chief of the volunteer fire department is designated as an assistant to the state commissioner of insurance and banking and is subject to all the duties and obligations imposed by chapter 24 of title 53 of said Tennessee Code Annotated, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof.

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

- (1) Animals and fowls. title 3.
- (2) Littering streets. etc., § 12-107.
- (3) Spitting. § 10-229.
- (4) Toilet facilities in beer places. § 2-212(12).

TITLE 8

HEALTH AND SANITATION 1

SECTION

1. MISCELLANEOUS.
2. REFUSE.
3. SEWAGE.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

MISCELLANEOUS

SECTION

- 8-101. Health officer.
- 8-102. Adulterated food, drugs, and cosmetics.
- 8-103. Communicable diseases.
- 8-104. House trailers.
- 8-105. Smoke, soot, cinders, etc.
- 8-106. Stagnant water.
- 8-107. Weeds.
- 8-108. Dead animals.
- 8-109. Health and sanitation nuisances.
- 8-101. 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 city.
- 8-102. Adulterated food, drugs, and cosmetics. It shall be unlawful and a violation of this section for any person to violate within this city any provisions of the state food, drug, and cosmetic laws.

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

8-104. 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 city and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code.

8-105. 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.

8-106. 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. [1960 Code, § 8-402, modified]

8-107. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. [1960 Code, § 8-401, modified]

8-108. 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.

8-109. 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

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therewith, or 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.



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## CHAPTER 2

### REFUSE

#### SECTION

8-201. Refuse defined.

8-202. Premises to be kept clean.

8-203. Storage.

8-204. Location of containers.

8-205. Disturbing containers.

8-206. Collection.

8-207. Collection vehicles.

8-208. Disposal.

8-201. Refuse defined. Refuse shall mean and include garbage, rubbish, 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. [1960 Code, § 8-101]

8-202. Premises to be kept clean. All persons within the city are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, except when the same is stored in such refuse containers as are described in this chapter. [1960 Code, § 8-102]

8-203. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate shall provide and keep covered an adequate number of metal refuse containers which are strong, durable, and rodent and insect proof, each having a capacity of not less than twenty (20), nor more than forty (40) gallons, except that the maximum capacity shall not apply to larger containers which the city is equipped to handle mechanically. No refuse shall be placed in a refuse container until it has been drained of all free liquids. Also, 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. [1960 Code, § 8-103]

8-204. Location of containers. Where alleys are used by the city refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where

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streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. [1960 Code, § 8-104]

8-205. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. [1960 Code, § 8-105]

8-206. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule. [1960 Code, § 8-106]

8-207. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the garbage 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. [1960 Code, § 8-107]

8-208. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. [1960 Code, § 8-108]

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<sup>1</sup> See title 4 of this code for plumbing regulations and title 13 for provisions relating to the administration and operation of the sewer system.

<sup>2</sup> See section 7-101 for a description of the fire limits.

### CHAPTER 3

#### SEWAGE <sup>1</sup>

#### SECTION

8-301. When sanitary sewage disposal facilities are required.

8-302. Responsibility for installation and maintenance of facilities.

8-303. When a connection to the sanitary sewer is required.

8-304. When a septic tank is required.

8-305. When a sanitary pit privy is required.

8-306. Use of other than prescribed facilities.

8-307. Depositing in streams, etc.

8-301. When sanitary sewage disposal facilities are required. Any building or structure wherein people live, are employed, or congregate must be equipped with such sanitary facilities for sewage disposal as are prescribed by this chapter. [1960 Code, § 8-201]

8-302. Responsibility for installation and maintenance of facilities. The owner of all property required by this chapter to have sanitary facilities for sewage disposal shall be responsible for the proper installation of such facilities. The occupant or person having immediate use and control of such property shall be responsible for maintaining the facilities in a sanitary and usable condition unless by contractual arrangement between the parties the owner expressly assumes to retain such responsibility. [1960 Code, § 8-202]

8-303. When a connection to the sanitary sewer is required. All property required to have sanitary sewage disposal facilities and abutting upon a street or other public way containing a sanitary sewer is required to have such facilities connected to the sanitary sewer. [1960 Code, § 8-203; Ord. of Nov. 18, 1968, § 2]

8-304. When a septic tank is required. All property located within the fire limits <sup>2</sup> and required to have sanitary sewage disposal facilities but which does not abut on a sanitary sewer is required to have such sewage disposal

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<sup>1</sup> See section 7-101 for a description of the fire limits.

facilities connected to a septic tank approved by the county health officer. [1960 Code, § 8-204]

8-305. When a sanitary pit privy is required. All property required to have sanitary sewage disposal facilities but which is located outside the fire limits <sup>1</sup> and does not abut a sanitary sewer and is not connected to a septic tank is required to have a sanitary pit privy approved by the county health officer. [1960 Code, § 8-205]

8-306. Use of other than prescribed facilities. Where this chapter requires a particular type of sewage disposal facility, the use of any other type, or disposal by any other means, is hereby expressly prohibited. [1960 Code, § 8-206; Ord. of Nov. 18, 1968, § 4]

8-307. Depositing in streams, etc. No person shall deposit any raw sewage in any stream, spring, well, or other water supply that may be used for drinking, bathing, or other domestic purposes. [1960 Code, § 8-207]

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<sup>1</sup> See title 4 for the plumbing code and title 13 for provisions relating to the administration of the water and sewer systems.

#### CHAPTER 4

#### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

8-401. Definitions.

8-402. Cross connections, etc., unlawful; exceptions.

8-403. Statement of non-existence of cross connections, etc.

8-404. Reasonable time to comply.

8-405. Violations.

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

(1) Public water supply. The water works system furnishing water to the City of Middleton for general use and which supply is recognized as the public water supply by the Tennessee Department of Public Health.

(2) Cross connection. Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back pressure valves, or because of any other arrangement.

(3) Auxiliary intake. Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) Bypass. Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) Interconnection. Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of importing contamination to the public water supply.

(6) Person. Any and all persons, natural or artificial, including any individual firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. [Ord. of Oct. 20, 1969, § 1]

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8-402. Cross connections, etc., unlawful; exceptions. It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Public Health, and the operation of such cross connection, auxiliary intake, bypass, or interconnection is at all times under the direct supervision of the water superintendent of the City of Middleton. [Ord. of Oct. 20, 1969, § 2]

8-403. Statement of non-existence of cross connections, etc. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or insanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the water superintendent of the City of Middleton a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises until the construction and operation of same have received the approval of the Tennessee Department of Public Health, and the operation and maintenance of same have been placed under the direct supervision of water superintendent of the City of Middleton. [Ord. of Oct. 20, 1969, § 3]

8-404. Reasonable time to comply. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the water superintendent of the City of Middleton. [Ord. of Oct. 20, 1969, § 4]

8-405. Violations. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor. In addition to the fine provided in the general penalty clause for this code, the water superintendent of the City of Middleton shall discontinue the public water supply service at 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 discontinued. [Ord. of Oct. 20, 1969, § 5]

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<sup>1</sup> For provisions relating to obstructing and/or excavating in public streets, alleys, sidewalks, and rights of way, see title 12 in this code.

TITLE 9

MOTOR VEHICLES AND TRAFFIC <sup>1</sup>

CHAPTER

1. MISCELLANEOUS PROVISIONS.

2. SPEED LIMITS.

3. TURNING MOVEMENTS.

4. STOPPING AND YIELDING.

5. PARKING.

6. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS PROVISIONS

SECTION

9-101. Motor vehicle requirements.

9-102. Authorized emergency vehicle defined.

9-103. Operation of authorized emergency vehicles.

9-104. Operation of other vehicles upon the approach of emergency vehicles.

9-105. Following emergency vehicles.

9-106. Running over fire hoses, etc.

9-107. Driving on streets closed for repairs.

9-108. Reckless driving.

9-109. One-way streets.

9-110. Unlaned streets.

9-111. Laned streets.

9-112. Yellow lines.

9-113. Miscellaneous traffic-control signs, etc.

9-114. General requirements for traffic-control signs, etc.

9-115. Unauthorized traffic-control signs, etc.

9-116. Presumption with respect to traffic-control signs, etc.

9-117. School safety patrols.

9-118. Driving through funerals or other processions.

9-119. Damaging pavements.

9-120. Clinging to vehicles in motion.

9-121. Riding on outside of vehicles.

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9-122. Backing vehicles.

9-123. Projections from the rear of vehicles.

9-124. Causing unnecessary noise.

9-125. Vehicles and operators to be licensed.

9-126. Passing.

9-127. Bicycle riders, etc.

9-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with such muffler, lights, brakes, horn, and other equipment as prescribed and required by chapter 9, title 59, of the Tennessee Code Annotated. [1960 Code, § 9-101]

9-102. Authorized emergency vehicle 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. [1960 Code, § 9-102]

9-103. Operation of authorized emergency vehicles. (1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this title.

(b) Proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear.

(c) Exceed the maximum speed limits so long as he does not endanger life or property.

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds such audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one 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



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safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. [1960 Code, § 9-103]

9-104. Operation of other vehicles upon the approach of emergency vehicles. Upon the approach of any authorized emergency vehicle, the operators of all other vehicles shall immediately drive to the right hand curb or edge of the roadway, stop, and remain parked until the emergency vehicle has passed. [1960 Code, § 9-104]

9-105. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. [1960 Code, § 9-105]

9-106. 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. [1960 Code, § 9-106]

9-107. Driving on streets closed for repairs. No motor vehicle shall be driven upon any street that is barricaded or closed in any way for the purpose of repairs. [1960 Code, § 9-107]

9-108. Reckless driving. No person shall drive any vehicle in willful or wanton disregard for the safety of persons or property. [1960 Code, § 9-108]

9-109. One-way streets. Where the city has designated certain streets for one-way traffic and has posted signs indicating the authorized direction of travel at all intersections offering access to such one-way streets, no person shall operate any vehicle except in the indicated direction. [1960 Code, § 9-110]

9-110. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction;
- (b) When the right half of a roadway is closed to traffic while under construction or repair;
- (c) Upon a roadway designated and sign posted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as

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<sup>1</sup> This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.

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. [1960 Code, § 9-111]

9-111. Laned streets. Where the city has had 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 right hand lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement. [1960 Code, § 9-112]

9-112. Yellow lines. Where the city has had a yellow line placed to the right of any lane line or center line of any street, it 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 left turn to enter another street, alley, or driveway. [1960 Code, § 9-113]

9-113. Miscellaneous traffic-control signs, etc. It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any self explanatory traffic control sign, signal, marking, or device placed or erected by the state or city unless otherwise directed by a police officer. It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. [1960 Code, § 9-114, modified]

9-114. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices required hereunder for a particular purpose shall conform to the Manual on Uniform Traffic Control Devices for Streets and Highways,<sup>1</sup> as published by the U.S. Department of Transportation, Federal Highway Administration, and shall so far as practicable, be uniform as to type and location throughout the city. This section is merely directive and not mandatory. [1960 Code, § 9-115, modified]

9-115. 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 device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the

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effectiveness of any official traffic-control device or any railroad sign or signal. [1960 Code, § 9-116]

9-116. 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. [1960 Code, § 9-117, modified]

9-117. 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. [1960 Code, § 9-118]

9-118. 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. [1960 Code, § 9-119]

9-119. Damaging pavements. No person shall operate upon any street of the city any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels is likely to damage the surface or foundation of the street. [1960 Code, § 9-120]

9-120. 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.

9-121. 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. [1960 Code, § 10-222, modified]

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9-122. 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.

9-123. 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 ( ) hour after sunset and one-half ( ) 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.

9-124. 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.

9-125. 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."

9-126. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle 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 overtaken 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.

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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.

9-127. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

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

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

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

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

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

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

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CHAPTER 2  
SPEED LIMITS  
SECTION

9-201. In general.

9-202. At intersections.

9-203. In school zones.

9-204. In congested areas.

9-201. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street of the city at a rate of speed in excess of thirty (30) miles per hour except where the city has erected or authorized official signs indicating a greater lawful speed limit. [1960 Code, § 9-201]

9-202. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection within the city 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. [1960 Code, § 9-202]

9-203. In school zones. Generally, pursuant to section 59-853, Tennessee Code Annotated, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph. When the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. [1960 Code, § 9-203, modified]

9-204. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area within the city at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the city. [1960 Code, § 9-204]

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<sup>1</sup> See section 59-843, Tennessee Code Annotated.

## CHAPTER 3

### TURNING MOVEMENTS

#### SECTION

9-301. Signals.

9-302. Right turns.

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

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

9-305. U-turns.

9-301. Signals. No person operating a motor vehicle shall make a turning movement which might affect the operation of any other vehicle without first signaling his intention in accordance with the requirements of the state law.<sup>1</sup> [1960 Code, § 9-301]

9-302. 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. [1960 Code, § 9-302]

9-303. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line of the roadway being entered. [1960 Code, § 9-303]

9-304. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. [1960 Code, § 9-304]

9-305. U-turns. U-turns are prohibited. [1960 Code, § 9-305]

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1 See section 9-102 of this code.

#### CHAPTER 4

#### STOPPING AND YIELDING

#### SECTION

9-401. Upon approach of authorized emergency vehicles.

9-402. When emerging from alleys, driveways, or buildings.

9-403. To prevent obstructing an intersection.

9-404. At railroad crossings.

9-405. At "stop" signs.

9-406. At "yield" signs.

9-407. At traffic-control signals generally.

9-408. At flashing traffic-control signals.

9-409. Stops to be signaled.

9-401. Upon approach of authorized emergency vehicles. Upon the immediate approach of an authorized emergency vehicle 1 making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and 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. [1960 Code, § 9-401]

9-402. When emerging from alleys, driveways, or buildings. The drivers of all vehicles emerging from alleys, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or the sidewalk area extending across any alleyway or driveway. They shall not proceed to drive onto the street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. [1960 Code, § 9-402]

9-403. 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. [1960 Code, § 9-403]



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9-404. At railroad crossings. Whenever any driver of a vehicle approaches a railroad grade crossing under any of the following circumstances, he shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad and shall not proceed until he can do so safely. The circumstances requiring stops shall be when:

- (1) A clearly visible electrical or mechanical signal device gives warning of the immediate 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 approaching within approximately fifteen hundred (1,500) feet of the highway crossing emits an audible signal indicating its approach; or
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. [1960 Code, § 9-404]

9-405. At "stop" signs. The drivers of all vehicles shall stop their vehicles and yield to approaching traffic before proceeding at all places within the corporate limits where "stop" signs have been placed by the city. [1960 Code, § 9-405]

9-406. At "yield" signs. The drivers of all vehicles shall yield to approaching traffic before proceeding at all places within the corporate limits where "yield" signs have been placed by the city. [1960 Code, § 9-406]

9-407. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

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

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(b) No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone.

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

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

(b) Pedestrians facing such signal shall not enter the roadway until green or "Go" is shown alone.

(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) No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone.

(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 at the signal. [1960 Code, § 9-407, modified]

9-408. 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 city, it shall require obedience by vehicular traffic as follows:

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

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<sup>1</sup> See section 59-843, Tennessee Code Annotated.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(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 as set forth in section 9-404 of this title. [1960 Code, § 9-408] 9-409. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. [1960 Code, § 9-410]

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## CHAPTER 5

### PARKING

#### SECTION

9-501. Generally.

9-502. Angle parking.

9-503. Occupancy of more than one space.

9-504. Where prohibited.

9-505. Loading and unloading zones.

9-506. Presumption with respect to illegal parking.

9-501. Generally. Except as hereinafter provided, every vehicle parked upon a street within the city shall be so parked that its right wheels are parallel to and within eighteen (18) inches of the right edge or curb of the street. On one way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases, the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street. [1960 Code, § 9-501]

9-502. Angle parking. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. Furthermore, 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. [1960 Code, § 9-502]

9-503. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. [1960 Code, § 9-503]

9-504. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city nor:

(1) On a sidewalk.

(2) In front of a public or private driveway.

(3) Within an intersection or within fifteen (15) feet thereof.

(4) Within fifteen (15) feet of a fire hydrant.

(5) Within a pedestrian crosswalk.

(6) Within fifty (50) feet of a railroad crossing.

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(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 which the city has had painted yellow or red.

[1960 Code, § 9-504, modified]

9-505. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. [1960 Code, § 9-505]

9-506. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. [1960 Code, § 9-513]

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CHAPTER 6  
ENFORCEMENT  
SECTION

9-601. Impoundment of vehicles.

9-602. Issuance of traffic citations.

9-603. Failure to obey citation.

9-604. Citations for illegal parking.

9-605. Failure to comply with parking citations.

9-606. Deposit of operator's or chauffeur's license in lieu of bail.

9-601. Impoundment of vehicles. The chief of police or any policeman is hereby authorized to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, apparently abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be five dollars (\$5.00) and a storage cost of one dollar (\$1.00) per day shall also be charged. [1960 Code, § 9-601]

9-602. Issuance of traffic citations. When a police officer halts a traffic violator other than for the purpose of giving a warning and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. [1960 Code, § 9-602]

9-603. 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. [1960 Code, § 9-603]

9-604. Citations for 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 traffic

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citation for the driver and/or owner to answer to the charge against him within five (5) days during the hours and at a place specified in the citation. [1960 Code, § 9-604]

9-605. Failure to comply with parking citations. If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five (5) days, the chief of police shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter reminding him of his prima facie responsibility for the violation and warning him that in the event such letter is disregarded for a period of five (5) days a warrant of arrest will be secured. [1960 Code, § 9-605]

9-606. Deposit of operator's or chauffeur's license in lieu of bail.

Pursuant to section 59-730, Tennessee Code Annotated, whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Department of Safety, State of Tennessee, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with a violation of any municipal ordinance regulating traffic, except those ordinances which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, said person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court in answer to any such charge before said court.

All city officers and employees shall comply fully with the requirements of section 59-730, Tennessee Code Annotated, and any implementing orders of the Department of Safety, State of Tennessee. [Ord. of Aug. 23, 1973, modified]

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<sup>1</sup> See sections 39-103 and 39-106 of the Tennessee Code Annotated for definition of "misdemeanor."

TITLE 10

OFFENSES--MISCELLANEOUS

CHAPTER

1. GENERALLY.

2. ENUMERATED.

CHAPTER 1

GENERALLY

SECTION

10-101. Misdemeanors of the state adopted.

10-101. Misdemeanors of the state adopted.<sup>1</sup> All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the common law to be misdemeanors are hereby designated and declared to be offenses against the City of Middleton also. It is hereby ordained that any violation of any such laws is also a violation of this section. [1960 Code, § 10-101]



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CHAPTER 2  
ENUMERATED  
SECTION

- 10-201. Assault and battery.
- 10-202. Disturbing the peace.
- 10-203. Disorderly houses.
- 10-204. Immoral conduct.
- 10-205. Obscene literature.
- 10-206. Indecent or improper exposure or dress.
- 10-207. Window peeping.
- 10-208. Profanity, etc.
- 10-209. Abandoned refrigerators, etc.
- 10-210. Caves, wells, cisterns, etc.
- 10-211. Escape from custody or confinement.
- 10-212. Resisting or interfering with city personnel.
- 10-213. Impersonating a government officer or employee.
- 10-214. Weapons and firearms generally.
- 10-215. Air rifles, etc.
- 10-216. Throwing of missiles.
- 10-217. Gambling.
- 10-218. Promotion of gambling.
- 10-219. Coercing people not to work.
- 10-220. False emergency alarms.
- 10-221. Loitering.
- 10-222. Prowling.
- 10-223. Vagrancy.
- 10-224. Trespassing on trains.
- 10-225. Minors in beer places.
- 10-226. Curfew for minors.
- 10-227. Malicious mischief.
- 10-228. Posting notices, etc.
- 10-229. Spitting.
- 10-230. Drinking beer, etc., on streets, etc.
- 10-231. Establishment of burial places.
- 10-232. Anti-noise regulations.
- 10-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person. [1960 Code, § 10-201]

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10-202. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. [1960 Code, § 10-202]

10-203. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarrelling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person knowingly to visit any such house for the purpose of engaging in such activities. [1960 Code, § 10-203, modified]

10-204. Immoral conduct. No person shall commit or offer or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose. [1960 Code, § 10-204]

10-205. Obscene literature. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of lending, selling, or otherwise circulating or exhibiting, any book, pamphlet, ballad, or other written or printed paper containing obscene language, prints, pictures, or descriptions manifestly intended to corrupt the morals. [1960 Code, § 10-205]

10-206. Indecent or improper exposure of dress. It shall be unlawful for any person publicly to appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or otherwise to make any indecent exposure of his or her person. [1960 Code, § 10-206]

10-207. Window peeping. No person in the city shall look, peer, or peep into or be found loitering around or within view of, any window not on his own property with the intent of watching or looking through said window. [1960 Code, § 10-207]

10-208. Profanity, etc. No person shall use any profane, vulgar, or indecent language in or near any public street or other public place or in or

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around any place of business open to the use of the public in general. [1960 Code, § 10-208]

10-209. 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.

10-210. 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.

10-211. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. [1960 Code, § 10-212]

10-212. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is in the discharge or apparent discharge of his duty. [1960 Code, § 10-213]

10-213. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry the identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. [1960 Code, § 10-214, modified]

10-214. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brassknucks, pistol, revolver, or any other dangerous weapon except the army or navy pistol which shall be carried openly on the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations, nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting criminals. Furthermore, the prohibition shall not apply to persons who may

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have been summoned by such officer or policeman in the discharge of his said duties and in arresting criminals and transporting and turning them over to the proper authorities nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the city. [1960 Code, § 10-215]

10-215. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, or "BB" gun, capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. [1960 Code, § 10-216]

10-216. Throwing of missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person in any public or private way or place. [1960 Code, § 10-217]

10-217. Gambling. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. [1960 Code, § 10-218]

10-218. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager for money or other valuable thing, or to keep or exhibit any gaming table, device, ticket, or any other gambling paraphernalia. [1960 Code, § 10-219, modified]

10-219. Coercing people not to work. It shall be unlawful for any person in association or agreement with one or more persons to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside, or upon the streets, approaches, or places adjacent thereto, for the purpose of inducing any such other person, by compulsion, threats, coercion, intimidation, act of violence, or by otherwise putting such person in fear, to quit his employment, or to refrain from seeking or freely entering into any lawful employment. It expressly is not the purpose of this section to prohibit peaceful picketing. [1960 Code, § 10-221, modified]

10-220. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such an act. [1960 Code, § 10-223]

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10-221. Loitering. It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, or idle in, upon, or about any way or place customarily open to the use of the public in general. [1960 Code, § 10-224]

10-222. Prowling. It shall be unlawful for any person to prowl or wander about the streets, alleys, or other public or private ways or places, or be found abroad at night between the hours of midnight and 6:00 a.m. without any visible or lawful business and when unable to give a satisfactory account of himself. [1960 Code, § 10-225, modified]

10-223. Vagrancy. It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, willfully to neglect to apply himself to some honest occupation. [1960 Code, § 10-226, modified]

10-224. Trespassing on trains. It shall be unlawful for any minor or other person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. [1960 Code, § 10-227]

10-225. Minors in beer places. No minor under eighteen (18) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. [1960 Code, § 10-228]

10-226. Curfew for minors. It shall be unlawful for any minor under the age of eighteen (18) years to be abroad at night between 11:00 p.m. and 5:00 a.m. unless upon a legitimate errand or accompanied by a parent or other adult person having lawful custody of such minor. [1960 Code, § 10-229, modified]

10-227. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, wantonly, or negligently to damage, deface, destroy, conceal, or remove any real or personal property which does not belong to him. [1960 Code, § 10-230]

10-228. Posting notices, etc. No person shall fasten, in any way, any show card, poster, or other advertising device upon any public or private property within the corporate limits unless legally authorized to do so. [1960 Code, § 10-231]

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10-229. Spitting. It shall be unlawful for any person to spit or expectorate upon the floors or walks of any public building within the city.

[1960 Code, § 10-232]

10-230. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place within the city unless the place has an appropriate permit and/or license. [1960 Code, § 10-234, modified]

10-231. Establishment of burial places. It shall be unlawful for any person to establish or maintain any cemetery or burial place, or to sell or give away any lot to be used for burial purposes within 600 feet of any residence within the city. [1960 Code, § 10-236]

10-232. Antinoise 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.

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(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 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

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vehicle or the opening and destruction of bales, boxes, crates, and other containers.

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. [1960 Code, § 10-235, modified]



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1 The zoning ordinance is published as a separate publication and is available in the recorder's office.

TITLE 11

PLANNING AND ZONING 1

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

11-101. Creation and membership.

11-102. Organization, powers, duties, etc.

11-101. Creation and membership. Pursuant to the provisions of section 13-501 of the Tennessee Code Annotated, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members. One member shall be the mayor of the city and one member shall be an alderman 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) appointive members of the planning commission shall be for three (3) years each. Two of the five (5) members first appointed shall be appointed for a term of three years, two for a term of two years, and one for a term of one year so that the term of at least one member expires each year. The terms of the mayor and the member selected from the board of mayor and aldermen shall run concurrently with their membership on the board. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor who shall also have authority to remove any appointive member at his pleasure.

[1960 Code, § 11-101; Ord. of Feb. 17, 1969, § 1, modified]

11-102. Organization, powers, duties, etc. The planning commission shall have such organization, rules, staff, powers, functions, duties, and responsibilities as are prescribed in the general law relating to municipal planning commissions in title 13 of the Tennessee Code Annotated. [1960 Code, § 11- 102; Ord. of Feb. 17, 1969, §§ 2 and 3, modified]

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TITLE 12

STREETS AND OTHER PUBLIC WAYS AND PLACES

CHAPTER

1. MISCELLANEOUS.

2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

12-101. Obstructing streets, alleys, or sidewalks prohibited.

12-102. Trees projecting over streets, etc., regulated.

12-103. Trees, etc., obstructing view at intersections prohibited.

12-104. Projecting signs and awnings, etc., restricted.

12-105. Banners and signs across streets and alleys prohibited.

12-106. Gates opening over streets, alleys, or sidewalks prohibited.

12-107. Littering streets, alleys, or sidewalks prohibited.

12-108. Abutting occupants to keep sidewalks clean, etc.

12-109. Parades, etc., regulated.

12-110. Operation of trains at crossings regulated.

12-111. Animals and vehicles on sidewalks.

12-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. [1960 Code, § 12-201]

12-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street, alley, or sidewalk at a height of less than fourteen (14) feet. [1960 Code, § 12-202]

12-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. [1960 Code, § 12-203]

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12-104. Projecting signs and awnings, etc., restricted. No person shall erect or maintain signs, awnings, or other projections which shall project from any building or structure over any sidewalk more than the width of the sidewalk. Furthermore, a clear space of not less than eight (8) feet shall be provided below all parts of such signs, awnings, or other projections. [1960 Code, § 12-204]

12-105. Banners and signs across streets and alleys prohibited. 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. [1960 Code, § 12-205]

12-106. Gates opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate thereon to swing open upon or over any street, alley, or sidewalk. [1960 Code, § 12-206]

12-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to place, throw, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, or other objects which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. [1960 Code, § 12-207]

12-108. 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, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. [1960 Code, § 12-209]

12-109. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets of the city without some responsible representative first securing a permit from the city recorder. No permit shall be issued by the city 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. [1960 Code, § 12-210, modified]

12-110. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley at a speed in excess of twenty-five (25) miles per hour. It shall also be unlawful for any person

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operating a railroad train to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. [1960 Code, § 12-211]

12-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such a manner as unreasonable to interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. [1960 Code, § 12-212]

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## CHAPTER 2

### EXCAVATIONS AND CUTS

#### SECTION

12-201. Prohibited by individuals generally.

12-202. Who to make.

12-203. Application for.

12-204. Costs.

12-205. Barricades and lights.

12-206. Driveway curb cuts.

12-201. Prohibited by individuals generally. It shall be unlawful for any private person, firm, or corporation to make any excavation in any public street, alley, sidewalk, or right of way unless specific authority is granted by the board of mayor and aldermen. [1960 Code, § 12-101]

12-202. Who to make. Excavations in public streets, alleys, sidewalks, and rights of way shall be made only by the city and franchised utility companies having public liability insurance of not less than \$100,000.00 for one person, \$300,000.00 for one accident, and property damage insurance of not less than \$50,000.00. [1960 Code, § 12-102]

12-203. Application for. When any person needs an excavation in a public street, alley, sidewalk, or right of way, he shall make application to the city recorder therefor. Such application shall state thereon the name of the applicant, the location of the intended excavation, the size thereof, and the purpose thereof. The application shall be accompanied by a deposit of such sum of money as the city recorder reasonably estimates will be adequate to cover the cost to be incurred by the city in making such excavation and thereafter restoring the public street, alley, sidewalk, or right of way to its former condition. [1960 Code, § 12-103]

12-204. Costs. The city recorder shall keep an accurate record of all expenses incurred in making and properly closing each requested excavation in a public street, alley, sidewalk, or right of way and shall charge such expenses to the person applying for the work. [1960 Code, § 12-104]

12-205. Barricades and lights. When any excavation is made in any public street, alley, sidewalk, or right of way, such barricades and warning lights shall be placed and maintained thereabout as will reasonably protect

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persons and property from injury or damage by or because of the opening. [1960 Code, § 12-105]

12-206. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge, and when two (2) or more adjoining driveways are provided for the same property, a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend into the street. [1960 Code, § 12-106]

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<sup>1</sup> See title 4 in this code for the building and utility codes.

Electricity is currently furnished to the city by the Bolivar Electric Department and the Tippah Electric Power Association.

<sup>2</sup> See also titles 4 and 8 and chapter 2 in this title for related provisions.

## TITLE 13

### UTILITIES AND SERVICES <sup>1</sup>

#### CHAPTER

1. WATER AND SEWERS.

2. SUPPLEMENTARY SEWER REGULATIONS.

#### CHAPTER 1

### WATER AND SEWERS <sup>2</sup>

#### SECTION

13-101. Application and scope.

13-102. Definitions.

13-103. Obtaining service.

13-104. Application and contract for service.

13-105. Service charges for temporary service.

13-106. Connection charges.

13-107. (Reserved for future use.)

13-108. Water and sewer main extensions.

13-109. Variances from and effect of preceding section as to extensions.

13-110. Meters.

13-111. Meter test.

13-112. Schedule of rates.

13-113. Multiple services through a single meter.

13-114. Billing.

13-115. Discontinuance or refusal of service.

13-116. Re-connection charge.

13-117. Termination of service by customer.

13-118. Access to customers' premises.

13-119. Inspections.

13-120. Customer's responsibility for system's property.

13-121. Customer's responsibility for violations.

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13-122. Supply and resale of water.

13-123. Unauthorized use of or interference with water supply.

13-124. Limited use of unmetered private fire line.

13-125. Damages to property due to water pressure.

13-126. Liability for cutoff failures.

13-127. Restricted use of water.

13-128. Interruption of service.

13-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

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

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

(3) "Service line" shall consist of the pipe line extending from any water or sewer main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water 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.

13-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the city before connection or meter installation orders will be issued and work performed.

13-104. 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 city for the expense incurred by reason of its endeavor to furnish said service.



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The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the city to the applicant shall be limited to the return of any deposit made by such applicant.

13-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service.

13-106. Connection charges. Service lines will be laid by the city 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 city.

Before a new water or sewer service line will be laid by the city, 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 city 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 city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer.

13-107. (Reserved for future use.)

13-108. Water and sewer main extensions. Persons desiring water and/or sewer main extensions 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

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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 city forces or by other forces working directly under the supervision of the city 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 city, such water and/or sewer mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the 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.

13-109. 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 city 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 city to make such extensions or to furnish service to any person or persons.

13-110. Meters. All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter.

13-111. Meter tests. The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be

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

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 city will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

Meter Size Test Charge

5/6", 3/4", 1" \$ 2.00

1-1/2", 2" 5.00

3" 8.00

4" 12.00

6" and over 20.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city.

13-112. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.1

13-113. 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 city.

Where the city allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the

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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 city's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied.

13-114. 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 city.

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 city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date-stamped on or before the final date for payment of the net amount.

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

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

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

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

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. [Ord. of June 19, 1961, § 5]

13-116. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of five dollars (\$10.00) shall be collected by the city before service is restored.

13-117. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

- (1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

- (2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service.

13-118. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customer's

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premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations.

13-119. Inspections. The city 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 city 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 city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made.

13-120. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property, arising from the neglect of a customer properly to care for same, the cost of necessary repairs or replacements shall be paid by the customer.

13-121. Customer's responsibility for violations. Where the city furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

13-122. Supply and resale of water. All water shall be supplied within the city exclusively by the city and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the city. [Ord. of June 2, 1961, § 1, modified]

13-123. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. [Ord. of June 19, 1961, § 6]

13-124. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire

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hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence.

13-125. Damages to property due to water pressure. The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains.

13-126. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off a water service, the city has failed to cut off such service.

(2) The city has attempted to cut off a service but such service has not been completely cut off.

(3) The city has completely cut off a service, but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off.

13-127. Restricted use of water. In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use.

13-128. Interruption of service. The city will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off

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without notice when necessary or desirable and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.



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The regulations in this chapter are recommended to cities by the Tennessee Department of Public Health, Division of Sanitary Engineering. See title 8, chapter 3 for additional regulations relating to sewers. See title 4 for plumbing regulations.

## CHAPTER 2

### SUPPLEMENTARY SEWER REGULATIONS

#### SECTION

13-201. Definitions.

13-202. Use of public sewers required.

13-203. Private sewage disposal.

13-204. Building sewers and connections.

13-205. Use of the public sewers.

13-206. Protection from damage.

13-207. Powers and authority of inspectors.

13-208. Penalties.

13-201. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20`C. expressed in milligrams per liter.

(2) Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) Combined sewer shall mean a sewer receiving both surface runoff and sewage.

(5) Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(6) Industrial wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

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(7) Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(8) Person shall mean any individual, firm, company, association, society, corporation, or group.

(9) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) Properly shredded garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ( ) inch (1.27 centimeters) in any dimension.

(11) Public sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(12) Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(13) Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(14) Sewage treatment plant shall mean any arrangement of devices and structures used for treating sewage.

(15) Sewage works shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(16) Sewer shall mean a pipe or conduit for carrying sewage.

(17) Shall is mandatory; may is permissive.

(18) Slug shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(19) Storm drain (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) Superintendent shall mean the superintendent of Sewage Works and/or of Water Pollution Control of the City of Middleton or his authorized deputy, agent, or representative.

(21) Suspended solids shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently. [Ord. of Dec. 19, 1969, Art. 1]

13-202. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on

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public or private property within the City of Middleton, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Middleton, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line. [Ord. of Dec. 19, 1969, art. 2]

13-203. Private sewage disposal. The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local, county, and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available. [Ord. of Dec. 19, 1969, art. 3]

13-204. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

(3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on

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an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(10) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. [Ord. of Dec. 19, 1969, art. 4]

13-205. Use of the public sewers. (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff,

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subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater 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 Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration of such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) °F (65°C).

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(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)° F (0 and 65° C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Public Health, for such materials.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of (9.5).

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD (above 300 mg/l), chemical oxygen demand, or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment

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processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of 300 mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4) of this section, and which in the judgment of the superintendent, and/or the Division of Sanitary Engineering, Tennessee Department of Public Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) of this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and the Tennessee Department of Public Health, and subject to the requirements of all applicable codes, ordinances, and laws.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the

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superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr. composites of all outfalls whereas pH's are determined from periodic grab samples.

(10) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern. [Ord. of Dec. 19, 1969, art. 5]

13-206. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. [Ord. of Dec. 19, 1969, art. 6]

13-207. Powers and authority of inspectors. (1) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1) above, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by



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the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 13-205, subsection (8).

(3) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. [Ord. of Dec. 19, 1969, art. 7]

13-208. Penalties. (1) Any person found to be violating any provision of this chapter except section 13-206 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) shall be guilty of a misdemeanor.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. [Ord. of Dec. 19, 1969, art. 8]