

**THE
LOUDON
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

June, 1992

Change 10
July 15, 2019

CITY OF LOUDON, TENNESSEE

MAYOR

Jeff Harris

VICE MAYOR

Tim Dixon

COUNCILMEMBERS

Tammi Bivens
Tim Brewster
John D. James

RECORDER

Nicole Curtis

MANAGER

Ty Ross

Preface

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

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

Steve Lobertini
Codification Specialist

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

SECTION 12. Procedure for adopting ordinances. All ordinances shall begin with the clause, "Be it ordained by the Council of the City of Loudon, Tennessee." An ordinance may be introduced by any member of the Council. The body of ordinances may be omitted from the minutes on first reading, but reference therein shall be made to the ordinance by title and/or subject matter. Every ordinance shall be passed on two different days, at regular, special or adjourned meetings. Except in the ordinance adopting the budget, no material or substantial amendment may be made on final passage, unless such amendment be passed in the same manner as an amendment to an existing ordinance. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Every ordinance upon final passage shall be signed by the presiding officer of Council, and shall be immediately taken charge of by the Recorder and by him numbered, copied in an ordinance book and there authenticated by the signature of the Recorder, and filed and preserved in the Recorder's office.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. GOVERNING BODY.
2. CITY MANAGER.
3. RECORDER.
4. CODE OF ETHICS.

CHAPTER 1

GOVERNING BODY²

SECTION

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

1-101. Time and place of regular meetings. The governing body shall hold regular monthly meetings at 6:30 p.m. on the third Monday of each month at the city hall. (1976 Code, § 1-101, as amended by Ord. #2015-03, April 2015)

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Approval of minutes of the previous meeting.

¹Charter references

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

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter reference: art. IV.

Ord. #2001-07, June 2001 provides: "The mayor and members of the city council shall be paid a monthly salary of \$200.00.

- (4) Consideration of business according to agenda.
- (5) Adjournment. (1976 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the governing body at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1976 Code, § 1-103)

CHAPTER 2

CITY MANAGER¹

SECTION

1-201. To perform general administrative duties.

1-201. To perform general administrative duties. The city manager shall perform all administrative duties for the governing body and for the municipality which are not assigned by the charter, this code, or the governing body to another corporate officer. (1976 Code, § 1-201)

¹Charter reference: art. V.

CHAPTER 3

RECORDER¹

SECTION

1-301. To be bonded.

1-301. To be bonded. The recorder shall be bonded in such sum (not less than \$10,000.00) as may be fixed by, and with such surety as may be acceptable to, the governing body. (1976 Code, § 1-301)

¹Charter reference: art. VII.

CHAPTER 4

CODE OF ETHICS¹

SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in non-voting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations.

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

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

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

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

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

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

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

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

1-412. Notification.

1-413. Interlocal agreements.

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #2007-03, Feb. 2007)

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

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #2007-03, Feb. 2007)

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure. (as added by Ord. #2007-03, Feb. 2007)

1-404. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or

policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #2007-03, Feb. 2007)

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

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him/her for past action, in executing municipal business. (as added by Ord. #2007-03, Feb. 2007)

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

(2) An official or employee may not use or disclose information obtained in his/her official capacity or position of employment with the intent to result in financial gain for him/herself or any other person or entity. (as added by Ord. #2007-03, Feb. 2007)

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

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #2007-03, Feb. 2007)

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

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for him/herself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #2007-03, Feb. 2007)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #2007-03, Feb. 2007)

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

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #2007-03, Feb. 2007)

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #2007-03, Feb. 2007)

1-412. Notification. The city recorder is authorized and directed to notify in writing the Tennessee Ethics Commission that the City of Loudon has adopted the Municipal Technical Advisory Service's model code of ethics. (as added by Ord. #2007-03, Feb. 2007)

1-413. Interlocal agreements. The city manager is authorized and directed to notify the governmental entities that have entered into an interlocal agreement with the City of Loudon of the adoption of this ordinance and prepare in cooperation with appropriate representatives of those governmental entities the requisite amendments to the respective interlocal agreements. (as added by Ord. #2007-03, Feb. 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.¹

CHAPTER

1. LOUDON UTILITIES.
2. RECREATION ADVISORY COMMISSION.

CHAPTER 1

LOUDON UTILITIES

SECTION

- 2-101. Created.
- 2-102. Board members.
- 2-103. Jurisdiction.
- 2-104. Surface drainage in sewers.

2-101. Created. Pursuant to the provisions of chapter 15, title 6, Tennessee Code Annotated,² a "board of public utilities" is hereby created for the City of Loudon and shall be known as the "Loudon Utilities." The board of public utilities shall be appointed and organized and shall have such terms, powers, duties, responsibilities, obligations and limitations as are prescribed in the above referred to chapter of the Tennessee Code Annotated. (1976 Code, § 13-101)

2-102. Board members. Pursuant to the authority given to the mayor and city council under T.C.A. 7-52-107(b), the number of directors serving upon the Loudon Utility Board is increased from three (3) members to five (5) members, with the terms of office of the two new members to be appointed by the mayor with the concurrence of the city council to be set in compliance with T.C.A. 7-52-108. (Ord. # 742, July 1985)

¹Charter references: art. II; art. XII.

Municipal code references

Building, utility and housing codes: title 12.
Utilities: titles 18 and 19.

²These provisions are currently codified in Tennessee Code Annotated, title 7, chapter 52.

2-103. Jurisdiction. The Loudon Utilities shall have such jurisdiction over the city's electric, water, sewer, and gas systems as was previously vested in the board of commissioners of the city. (1976 Code, § 13-102)

2-104. Surface drainage in sewers. It shall be unlawful for any person to cause, allow or permit any surface drainage water to flow or drain into the sanitary sewer system of the city.

The city recorder is hereby required to give written notice to each property owner or occupant permitting or allowing drainage water from his premises to enter the city sanitary sewer system. The notice shall be served by a city policeman with a copy of the notice showing the date of service to be returned to the office of the city recorder. After the date such notice is given the said property owner or tenant shall have ninety (90) days therefrom in which to correct and prevent the flow or drainage of surface water from his premises into the city sanitary sewer system before prosecution for violation of this section may be had by the City of Loudon. (1976 Code, § 13-103)

CHAPTER 2

RECREATION ADVISORY COMMISSION¹

SECTION

2-201. Creation.

2-202. Membership; terms.

2-201. Creation. The Loudon Recreation Advisory Commission is hereby created as provided for in TCA 11-24-103 (1). (as added by Ord. #1994-8, § 1, Oct. 1994)

2-202. Membership; terms. Ord. (1) The recreation advisory commission shall consist of nine (9) members.

(2) One member of the commission shall be a member of the city council to be nominated by the mayor and approved by the city council. The term of the city council's representative on the recreation advisory commission shall expire with the term of office on the city council.

(3) Eight (8) members of the commission shall have terms of three (3) years. The current terms expire on June 30, 2008 (3 members); June 20, 2009 (2 members); and June 30, 2010 (3 members). The mayor shall appoint the eight (8) members to the commission subject to the approval of the city council. (as added by Ord. #1994-8, § 1, Oct. 1994, amended by Ord. # 1997-2, § 1, Jan. 1997, replaced by Ord. #2002-10, July 2002, and amended by Ord. #2007-14, Nov. 2007)

¹Ord. #2002-01, Feb. 2002, establishes a code of conduct for participants and spectators using City of Loudon recreation facilities and services. Ord. #2002-01 is of record in the recorder's office.

TITLE 3

MUNICIPAL COURT

CHAPTER

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

CHAPTER 1

CITY JUDGE¹

SECTION

3-101. City judge.

3-101. City judge. The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. (1976 Code, § 1-501)

¹Charter references

Appointment, compensation, etc.: art. XI, § 1.

Duties and powers: art. XI, § 4.

Term of office: art. XI, § 3.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

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

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

3-204. Disturbance of proceedings.

3-201. Maintenance of docket.¹ The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. (1976 Code, § 1-502)

3-202. Imposition of fines, penalties, and costs.² All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the sum of eighty dollars (\$80.00). (1976 Code, § 1-508, as amended by Ord. #2017-05, May 2017 *Ch10_7-15-19*)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the governing body a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1976 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1976 Code, § 1-512)

¹Charter reference: art. XI, § 6.

²Charter reference: art. XI, § 5.

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1976 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender 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 municipal code or 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. (1976 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1976 Code, § 1-505)

¹State law reference

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

TITLE 4

MUNICIPAL PERSONNEL¹

CHAPTER

1. SOCIAL SECURITY.
2. PERSONNEL REGULATIONS.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1

SOCIAL SECURITY²

SECTION

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1976 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1976 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations,

¹Charter reference

Civil service provisions: art. XII.

²See also Ord. # 499, of record in the recorder's office, which creates a retirement system for regular employees of the city.

and shall be paid over to the state or federal agency designated by said laws or regulations. (1976 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1976 Code, § 1-704)

4-105. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1976 Code, § 1-705)

CHAPTER 2

PERSONNEL REGULATIONS

SECTION

4-201. Regulations provided by ordinance.

4-201. Regulations provided by ordinance. All personnel of the city shall subject to such policies and regulations as are set forth in Ordinance Number 535 and any amendments thereto.¹ (1976 Code, § 1-801)

¹Ordinance No. 535, and any amendment thereto, are published as separate document and are of record in the office of the city recorder.

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-301. Basis of program.

4-302. Title.

4-303. Authority.

4-304. When effective.

4-301. Basis of program. In compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972 (title 50, chapter 3, T.C.A.), the City of Loudon hereby creates a safety and health program for employees of the City of Loudon, as follows. (1976 Code, § 1-901)

4-302. Title. This chapter shall be known as the "Occupational Safety and Health Program" for the employees of the City of Loudon. (1976 Code, § 1-902)

4-303. Authority. The City of Loudon hereby designates the city manager as "director" for all city departments, and the utility manager as "director" for all utility departments, to establish a safety and health program in compliance with the requirements of the Tennessee Occupational Safety and Health Act of 1972, and they are hereby given the authority to implement a plan for their respective departments which shall encompass the issues and standards which have been promulgated by applicable state standards.

This plan shall be at least as effective as the federal or state standards on the same issues and shall include the following:

(1) The director or his authorized representatives shall have the right to enter at any reasonable time any work area under the control of the City of Loudon, and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment, and materials therein, and to question privately any supervisor or employee.

(2) The director may require the attendance and testimony of witnesses and the production of evidence under oath for the purpose of confirming or supplementing his findings.

(3) The director shall provide for the education and training of personnel for the administration of the program, and he shall provide for the education and training of all employees of the city to the extent that same is necessary for said employees to recognize and report safety and health problems as defined in the applicable standards.

(4) All employees shall be informed of the policies and standards set forth by the Tennessee Occupational Safety and Health Act.

(5) All employees of the city shall be informed of safety hazards, exposure to toxic or harmful materials, and imminent danger situations that may occur in their jobs.

(6) The director or his authorized representative shall, upon any allegation of imminent danger, immediately ascertain whether there is a reasonable basis for the complaint. He shall make a preliminary determination of whether or not the complaint appears to have merit. If such is the case, he or his authorized representative shall immediately either eliminate the imminent danger or shall order the workers removed from the work place.

(7) Any employee shall be given the right to participate in any investigation or inspection which involves a safety and/ or health situation which concerns his work area.

(8) The director shall establish a safety and health training program designed to instruct city employees in the recognition and avoidance of unsafe conditions and the regulations applicable to their work environment.

(9) The director shall contact the Commissioner of Labor of the State of Tennessee in writing or by telephone in the event of the death of an employee involved in a work-related accident. This notification will be done as soon after the fatality as possible, but not to exceed forty-eight (48) hours.

(10) The director shall set up a procedure for requesting a variance from the Tennessee Department of Labor in the event an operation within the city does not meet the standards set by the Occupational Safety and Health Act and immediate action to alleviate the discrepancy is not possible.

(11) The director shall establish and maintain a system for collecting and reporting safety and health data required under the Tennessee Occupational Safety and Health Act.

(12) The director shall apply this program to employees of each administrative department, division or other agency of the City of Loudon.

(13) The director shall make an annual report to the Commissioner of Labor for the State of Tennessee, showing the accomplishments and progress of the City of Loudon in its occupational safety and health program.

(14) The director shall provide a means whereby any employee may submit a report of what he feels is a safety and/or health hazard to his immediate supervisor and the director without fear of jeopardizing his job or chances for future promotion. Such reports shall be preserved and the action thereon shall be noted on said reports and signed by the director or his designees.

(15) In implementing the plan, the director shall adopt therein all the words and phrases designated as "definitions" in the Tennessee Occupational Safety and Health Act, promulgated regulations, and standards thereunder.

(16) The director shall submit said plan to the Tennessee Department of Labor for approval on or before November 16, 1973. (1976 Code, § 1-903)

4-304. When effective. Said plan upon its approval by the Tennessee Department of Labor shall become effective in the City of Loudon and at that time shall become a part of this chapter as fully and completely as if set out herein in full, the same being here adopted by reference. (1976 Code, § 1-904)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. PURCHASING AND BIDDING PROCEDURES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 5-101. Payment of lost bonds or coupons.
 5-102. Co-signing checks.

5-101. Payment of lost bonds or coupons. No bond or coupon from any bond which the City of Loudon has or shall issue and for which the city is liable, when same shall have been lost, misplaced, or destroyed shall be paid to any person, firm, or corporation making application for such payment, unless such person, firm, or corporation shall first have executed and delivered to the City of Loudon a surety bond to indemnify the city against any claim, including expenses and attorney fees, which may accrue against the city by subsequent presentation of such lost, misplaced, or destroyed bond or coupon. (1976 Code, § 6-101)

5-102. Co-signing checks. (1) All checks executed by the City of Loudon shall be co-signed by two (2) position titles approved by resolution passed by city council.

(2) Persons authorized to co-sign checks shall be bonded in an amount to be determined by the city council. (as amended by Ord. #2018-13, Nov. 2018 *Ch10_7-15-19*)

¹Charter references

City manager

Advises city council: art. V, § 3(8).

Annual budget: art. V, § 3(5).

Report: art. V, § 3(6).

Recorder: art. VII.

CHAPTER 2

REAL PROPERTY TAXES¹

SECTION

5-201. When due and payable.

5-202. When delinquent--penalty and interest.

5-203. Partial payments.

5-201. When due and payable. Property taxes levied by the City of Loudon shall be payable on and after October 1st in the year for which assessed. (Ord. # 774, Dec. 1987)

5-202. When delinquent--penalty and interest. Property taxes shall become delinquent on March 1st of the year following. Taxes paid on or after March 1st shall have an additional delinquent charge of 1½ percent for each calendar month or portion of a calendar month beginning March 1st. (Ord. # 774, Dec. 1987)

5-203. Partial payments. (1) The city shall accept partial payments of annual real property taxes beginning after final passage of this section. Notwithstanding the following schedule, the entire amount of taxes due must be paid in full prior to the first day of March.

(2) Failure to pay the entire amount of the taxes prior to the delinquency date subjects unpaid taxes to the penalties and interest applicable to delinquent taxes and subjects the entire property on which there is a lien to a tax sale.

¹Charter reference: art. X.

Ordinance #2015-09, passed October 2015, provides:

Pursuant to Tennessee Code Annotated, § 67-5-701(j)(1) and (2):

(1) The city will provide matching funds for property tax relief; and

(2) In no event shall the total relief allowed by state and city exceed the total taxes paid; and

(3) Provide the appropriation of funds for the additional tax relief to eligible taxpayers that have previously applied for and obtained the relief authorized by Tennessee Code Annotated, §§ 67-5-702, 67-5-703, or 67-5-704; and

(4) The city recorder will determine how to administer the program in conjunction with the State of Tennessee Comptroller's Office Tax Relief Section of the Division of Property Assessment.

(3) Partial payments will be accepted in increments of no more than four (4) payments.

(4) Notwithstanding the schedule in subsection (3), no penalties, fines, interest or other fees shall be assessed against the taxpayer except as provided by § 5-202.

(5) Prior to the final reading of the ordinance comprising this section, the recorder shall transmit to the State Comptroller of the Treasury a copy of the ordinance, which shall serve as the plan required by Tennessee Code Annotated, § 6-56-152(b).¹ To fulfill the requirements of that section, the city hereby declares that:

(a) The city has the appropriate accounting technology to implement this program; and,

(b) The city can implement this program with existing resources. (as added by Ord. #2010-11, Oct. 2010)

¹State law reference

Tennessee Code Annotated, § 6-56-152 permits a municipality that collects its own property taxes to, via ordinance, accept partial payment of property taxes upon filing a plan for such with the comptroller of the treasury. The plan must indicate that the municipality has the appropriate accounting system technology. The plan must also indicate whether the program will be implemented with existing resources or indicate prior to approval of the governing body if additional resources are needed.

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701 et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city and the rates and in the manner prescribed by the act. (Ord. # 1991-20, Sept. 1991)

5-302. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant upon such applicant's payment of the appropriate privilege tax. Violations of this section shall be punished under the general penalty provisions of this code of ordinances. (Ord. # 1991-20, Sept. 1991)

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in chapter 6 of title 57, Tennessee Code Annotated. (1976 Code, § 6-401)

CHAPTER 5

PURCHASING AND BIDDING PROCEDURES

SECTION

5-501. Application.

5-502. Purchasing.

5-503. Limits on purchases.

5-504. Advertising and bidding.

5-501. Application. This chapter shall apply to all purchases by authorized officials in the City of Loudon using or encumbering municipal funds, except those exempted by state law in Tennessee Code Annotated, § 6-56-302. (as added by Ord. #2015-12, Nov. 2015)

5-502. Purchasing. (1) The city manager shall be responsible for all city purchasing but may delegate such duty to any subordinate appointed by the manager.

(2) Competitive prices for all purchases and public improvements shall be obtained whenever practicable and in accordance with this chapter, and the purchase made from or the contract awarded to the lowest responsible bidder, provided that the city shall have the power to reject any and all bids.

(3) Formal sealed bids shall be obtained in all transactions involving the expenditure of ten thousand dollars (\$10,000.00) or more, which shall automatically be increased if and when Tennessee Code Annotated, § 6-56-306 is amended to provide for a greater sum. The transaction shall be evidenced by written contract submitted to and approved by the council; provided that in cases where the council indicates by formal unanimous resolution of those present at the meeting, based upon the written recommendation of the manager that it is clearly to the advantage of the city not to contract with competitive bidding, it may authorize noncompetitive contracts.

(4) The council may also authorize the making of public improvements or the performing of any other city work by any city department or agency without competitive bidding. (as added by Ord. #2015-12, Nov. 2015)

5-503. Limits on purchases. All purchases made from funds subject to the authority of this chapter shall be made within the limits of the approved budget, when required, and the appropriations, when required, for the department, office or agency for which the purchase is made. (as added by Ord. #2015-12, Nov. 2015)

5-504. Advertising and bidding. (1) Exceptions. Except as hereinafter provided, all purchases and leases or lease-purchase agreements shall be made

or entered into only after public advertisement and competitive bid. Except as follows:

(a) Purchases costing less than ten thousand dollars (\$10,000.00); provided, that this exemption shall not apply to purchases of like items which individually cost less than ten thousand dollars (\$10,000.00), but which are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed ten thousand dollars (\$10,000.00) during any fiscal year, which shall automatically be increased if and when Tennessee Code Annotated, § 6-56-306 is amended to provide for a greater sum.

(b) Any goods or services which may not be procured by common means because of the existence of a single source of supply or being a proprietary product. A record of all such sole source or proprietary purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased and from whom the purchase was made. A report of such sole source or proprietary purchases shall be made as soon as possible to the city council and the city manager and shall include all items of information as required for the record.

(c) Purchases or leases of any supplies, materials or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work. A record of any such emergency purchase shall be made by the person or body authorizing such emergency purchases, and shall specify the amount paid, the items purchased, from whom the purchase was made and the nature of the emergency. A report of any emergency purchase shall be made as soon as possible to the city council and the city manager, and shall include all items of information as required by the record.

(d) Leases or lease-purchase agreements requiring total payments of less than ten thousand dollars (\$10,000.00) in each fiscal year the agreement is in effect; provided, that this exemption shall not apply to leases of like related items which individually may be leased or lease-purchased with total payments of less than ten thousand dollars (\$10,000.00) in any fiscal year, but which are customarily leased or lease-purchased in numbers of two (2) or more, if the total lease or lease-purchase payments for such items under a single agreement would be ten thousand dollars (\$10,000.00) or more in any fiscal year, which shall automatically be increased if and when Tennessee Code Annotated, § 6-56-306 is amended to provide for a greater sum.

(e) Purchases, leases and lease-purchases of real property.

(f) Purchases, leases or lease-purchases from any federal, state or local governmental unit or agency of secondhand articles or equipment or other materials, supplies, commodities and equipment.

(g) The city council may exempt perishable commodities from requirements of public advertisement and competitive bidding when such items are purchased in the open market. Fuel and fuel products may be purchased in the open market without public advertisement, but shall whenever possible be based on at least three (3) competitive bids. Fuel and fuel products may be purchased from the department of general service contract where available.

(2) Expenditures of less than ten thousand dollars (\$10,000.00). All purchases, leases or lease-purchase arrangements with expenditures of less than ten thousand dollars (\$10,000.00) but more than four thousand dollars (\$4,000.00) in any fiscal year may be made in the open market without public advertisement, but shall, whenever possible, be based upon at least three (3) competitive bids. Purchases, leases and lease-purchases of four thousand dollars (\$4,000.00) or less in any fiscal year shall not require any public advertisement or competitive bidding. The sum of four thousand dollars (\$4,000.00) in this subsection shall automatically increase to forty percent (40%) of the sum set forth in Tennessee Code Annotated, § 6-56-306, if and when said statute is amended to provide for a greater sum.

(3) Other exempt purchases, leases and lease-purchase agreements. The foregoing requirements for advertising and competitive bids for city purchases, leases and/or lease-purchase agreements shall not apply to or restrict the city's ability to participate in any program for municipal purchases, leases and/or lease-purchase agreements by, through, from or with the State of Tennessee, the state department of general services, any state agency or any other local government entity, individually or cooperatively, whenever such purchase, lease or lease-purchase agreement is authorized by statute. (as added by Ord. #2015-12, Nov. 2015)

TITLE 6

LAW ENFORCEMENT¹

CHAPTER

1. POLICE DEPARTMENT.
2. ARREST PROCEDURES.

CHAPTER 1

POLICE DEPARTMENT

SECTION

- 6-101. Policemen subject to chief's orders.
6-102. Policemen to preserve law and order, etc.
6-103. Police department records.

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1976 Code, § 1-401)

6-102. Policemen to preserve law and order, 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. (1976 Code, § 6-102)

6-103. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals, convoys, fire calls answered, and other miscellaneous activities of the police department.

¹Municipal code reference

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

See ordinance #1997-6 (June 1997) of record in the office of the recorder for an ordinance approving interlocal cooperation and mutual aid agreement for Loudon County Metro Narcotics.

However, failure to keep such records shall not inure to the benefit of any person charged with an offense in the City of Loudon. (1976 Code, § 1-407)

CHAPTER 2

ARREST PROCEDURES

SECTION

6-201. When policemen to make arrests.

6-202. Disposition of persons arrested.

6-203. Policemen may require assistance.

6-201. When policemen to make arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1976 Code, § 1-404)

6-202. Disposition of persons arrested. For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinance, shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond. If the arrested person fails or refuses to post bond, he shall be confined pending his release by the city judge. (1976 Code, § 1-404)

6-203. Policemen may require assistance. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary. (1976 Code, § 1-405)

¹Municipal code reference

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

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. MISCELLANEOUS.
2. FIRE CODES.
3. FIRE DEPARTMENT.
4. FIREWORKS.
5. OPEN BURNING.

CHAPTER 1

MISCELLANEOUS

SECTION

7-101. Fire limits described.

7-101. Fire limits described.² The corporate fire limits shall be as follows:
Beginning at the corner of College Avenue and Atlanta Street; thence south on Atlanta Street to Church Street; thence east on Church Street to Poplar Street; thence north on Poplar Street to the Southern Railway main line; thence westerly with the railroad to the beginning point. (1976 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

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

CHAPTER 2

FIRE CODES¹

SECTION

- 7-201. Fire codes adopted.
7-202. Available in recorder's office.
7-203. Enforcement.
7-204. Violations and penalty.
7-205. – 7-208. Deleted.

7-201. Fire codes adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from fire, or for other purposes, the International Fire Code, 2012 edition; NFPA 101 Life Safety Code, 2012 edition, NFPA 13 Standards for Installation of Sprinkler Systems, 2012 edition; NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2012 edition; and NFPA 72 National Fire Alarm Code, 2012 edition, are hereby adopted and incorporated by reference as a part of this code and are hereinafter referred to as the fire codes. (1976 Code, § 7-201, as amended by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

7-202. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of these fire codes has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 7-202, as replaced by Ord. #2016-10, Oct. 2016)

7-203. Enforcement. The fire inspector shall be such person as the city council shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the fire prevention code as herein adopted by reference. He is authorized and directed to make such inspections 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. (1976 Code, § 7-203, as replaced by Ord. #2016-10, Oct. 2016)

7-204. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provisions of the fire codes as herein adopted by reference and modified. The violation of any section of this chapter shall be

¹Municipal code reference

Building, utility and housing codes: title 12.

punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1976 Code, § 7-204, as replaced by Ord. #2016-10, Oct. 2016)

7-205. -- 7-208. [Deleted.] (1976 Code, §§ 7-205–7-206, Ords. #2001-14, Sept. 2001 and 2008-12, Nov. 2008, as replaced by Ord. #2016-10, Oct. 2016)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Chief responsible for training and maintenance.
- 7-306. Equipment to be used only within corporate limits generally.
- 7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the city manager shall appoint. (1976 Code, § 7-301)

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

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1976 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1976 Code, § 7-303)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters at such times as required by the city manager. (1976 Code, § 7-304)

¹Municipal code reference

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

7-305. Chief responsible for training and maintenance. The chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1976 Code, § 7-305)

7-306. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless specifically authorized by the city council in writing or in response to a mutual aid agreement approved by the city council. (1976 Code, § 7-306, as amended by Ord. #2001-14, Sept. 2001)

7-307. Chief to be assistant to state officer. Pursuant to requirements of section 68-17-108 of the Tennessee Code Annotated, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by chapter 17 of title 68 of said Tennessee Code Annotated, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1976 Code, § 7-307)

CHAPTER 4

FIREWORKS

SECTION

7-401. Definition.

7-402. Manufacture, sale and discharge of fireworks.

7-403. Bond for fireworks display required.

7-404. Disposal of unfired fireworks.

7-405. Exceptions.

7-406. Seizure of fireworks.

7-401. Definition. "Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times. (1976 Code, § 7-401)

7-402. Manufacture, sale and discharge of fireworks. (1) The manufacture of fireworks is prohibited within the municipality.

(2) Except as hereinafter provided it shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the recorder shall have power to grant permits for supervised public displays of fireworks by the municipality, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the chief of the fire department of the municipality, and shall be of such a character, and be so located, discharged or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person.

(3) Applications for permits shall be made in writing in advance of the date of the display. After such privilege shall have been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (1976 Code, § 7-402, as amended by Ord. # 737, May 1985; and further amended by Ord. #1997-16, § 2, Nov. 1997)

7-403. Bond for fireworks display required. The permittee shall furnish a bond in an amount deemed adequate by the recorder for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors. (1976 Code, § 7-403)

7-404. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (1976 Code, § 7-404)

7-405. Exceptions. Nothing in this chapter shall be construed to prohibit any business from the sale of fireworks if that business is engaged in the sale of fireworks at the time it is annexed into the corporate limits of the city. Nothing in this chapter shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped directly out of the city; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. (1976 Code, § 7-405)

7-406. Seizure of fireworks. Policemen and firemen shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter. (1976 Code, § 7-406)

CHAPTER 5

OPEN BURNING

SECTION

7-501. Purpose.

7-502. Definition of terms.

7-503. Standards for open burning.

7-504. Permits.

7-501. Purpose. The purpose of this chapter is to regulate certain open burning in order to protect the public from the hazards of uncontrolled fires and pollution. This chapter will not relieve the person who will be burning from complying with Tennessee Code Annotated, §§ 39-14-304; 39-14-305; 39-14-401; 68-102-146; and 68-211-101, et seq.

The Loudon Fire Department is responsible for the enforcement of this policy. (as added by Ord. #2008-01, Jan. 2008)

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

(1) "Authority having jurisdiction" means the organization, agency, office, department or individual responsible for approval or enforcement.

(2) "Open burning" means the burning or causing to be burned of any flammable material in a method other than within an enclosure from which burning material cannot escape.

(3) "Permit" means the written authority of the City of Loudon issued under the authority of this chapter.

(4) "Person" means any individual, firm, partnership, corporation, association, public or private institution, political subdivision, or government agency. (as added by Ord. #2008-01, Jan. 2008)

7-503. Standards for open burning. It is unlawful for any person, as deemed herein, to conduct an open burn within the corporate limits of the City of Loudon without a permit.

(1) No person shall willfully start or cause to be started any open fire within the corporate limits of the City of Loudon without first obtaining a burn permit from the City of Loudon Fire Department.

(2) Prevailing winds at the time of ignition must be away from any dwelling, structure, highway, or other populated area, the ambient air of which may be significantly affected by smoke, fly ash, or other contaminants from burning.

(3) Burning is limited when it is determined by the fire chief or his designee, based on information supplied by the National Weather Service or

other competent authority, that stagnant air conditions or inversions exist, or that such conditions may occur during the duration of the burn.

(4) Burning shall not be initiated when it is determined and/or announced by the state fire marshal and/or the department of forestry that dry, drought, high wind, or other hazardous conditions exist to prohibit burning either statewide or in regions affecting the geographical or corporate limits of the City of Loudon.

(5) Burning shall not be initiated when it is determined and/or announced by the fire chief or his designee that dry, drought, high wind, or other hazardous conditions exist to prohibit burning within the corporate limits of the City of Loudon.

(6) Open burning is allowed only for clean wood waste, vegetation growth, or agricultural purposes (i.e. fence rows, pastures) on the responsible person's property.

(7) Burning of wood waste for land development is prohibited except where the use of an air curtain with a qualified operator or similar means to reduce excess PM-2.5 releases into the environment are used. The system used and qualified operator must be approved by the City of Loudon Fire Chief or his designee.

(8) Asphaltic material, PVC, treated lumber, or items containing natural or synthetic rubber, or materials made with hydrocarbons shall not be burned or used to ignite the material to be burned or to promote the burning of such material.

(9) No burning is permitted of any legal material that the City of Loudon provides a disposable means (i.e.: wood waste pickup, leaf collection, everyday trash, etc.)

(9) No burning is permitted within twenty-five (25) feet of any structure or dwelling.

(10) All fires must be attended to and under the direct supervision at all times of a person or persons that have sufficient capability and equipment to provide or complete extinguishment of the fire as needed.

(11) With the exception of bonfires and campfires, all fires shall be completely extinguished prior to sundown.

(12) If any problems arise the responsible person must immediately call 911. (as added by Ord. #2008-01, Jan. 2008)

7-504. Permits. Burn permits will be obtained from the fire chief or his designee. (1) No burn permit is required for cooking, recreational purposes, comfort heating on construction sites, or law enforcement burnings.

(2) Permits issued under this chapter shall require the person requesting the permit to complete the form in person. Burn permits are valid for one (1) day only.

(3) All permits issued under this chapter shall be in writing, on forms provided by the Loudon Fire Department, in the name of the person

undertaking the burning and with emergency contact information, and shall specify the specific address and area in which the burning is to occur, the type and amount of material to be burned, the duration of the permit, and such other factors as are necessary to identify the burning which is allowed under the permit.

(4) Burn sites anticipated to contain three (3) cubic yards or more of materials shall be inspected by the fire chief or his designee prior to the issuance of the permit.

(5) Permits shall not be issued when it is determined by the fire chief or his designee, based on information supplied by a competent authority, that stagnant air conditions or inversions exist, or that such conditions may occur during the duration of the burn.

(6) Permits shall not be issued when it is determined or announced by the state fire marshal and/or the department of forestry that dry, drought, or other conditions exist to prohibit burning either statewide or in regions affecting the geographical or corporate limits of the City of Loudon.

(7) Permits shall not be issued when it is determined or announced by the fire chief or his designee that dry, drought, or other hazardous conditions exist to prohibit burning within the corporate limits of the City of Loudon.

(8) Permits shall not be issued without the approval of the authority having jurisdiction when it has cited the person or designated the burn site as being in violation of federal, state, or municipal laws.

(9) The responsible person receiving the burn permit will be held responsible for any and all damages caused by the open burn.

(10) The responsible person receiving the burn permit will be held responsible for any and all charges accrued by the open burn.

(11) The City of Loudon through the Loudon Fire Department has the authority to revoke a permit and to extinguish a fire for any reason affecting the health, safety, or welfare of the City of Loudon. (as added by Ord. #2008-01, Jan. 2008)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. ALCOHOLIC BEVERAGES PROHIBITED IN SPECIFIED AREAS.
4. LIQUOR STORES.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Definition of "alcoholic beverages."
- 8-102. Consumption of alcoholic beverages on premises.
- 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-104. Annual privilege tax to be paid to the city recorder.

8-101. Definition of "alcoholic beverages." As used in this chapter, unless the context indicates otherwise: "alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (1976 Code, § 2-101, as replaced by Ord. #2005-11, Oct. 2005)

8-102. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Loudon, Tennessee. It is the intent of th city council that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Loudon, Tennessee, the same as if said code sections where copied herein verbatim. (as added by Ord. #2005-11, Oct. 2005)

¹Municipal code references

Driving under the influence: section 15-104.

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

State law reference

Tennessee Code Annotated, title 57.

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Loudon General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Loudon alcoholic beverages for consumption on the premises where sold. (as added by Ord. #2005-11, Oct. 2005)

8-104. Annual privilege tax to be paid to the city clerk. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Loudon shall remit annually to the city recorder the appropriate tax described in § 8-103. Such payment shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax to the city recorder. At the time of the passage of the ordinance comprising this chapter, any existing business subject to this tax shall pay the privilege tax on a prorated basis for each month, or portion thereof, remaining until the next payment date. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #2005-11, Oct. 2005)

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer business lawful but subject to regulations.
- 8-202. Beer board established.
- 8-203. Application requirements.
- 8-204. Permittees to have good character and reputation.
- 8-205. Interference with public health, safety, and morals prohibited.
- 8-206. Privilege licenses required.
- 8-207. Restrictions upon issuance of on premises beer permits.
- 8-208. Miscellaneous restrictions for on premises consumption permits.
- 8-209. Miscellaneous restrictions for off premise sales permits.
- 8-210. Enforcement.
- 8-211. Permit required for engaging in beer business.
- 8-212. Privilege tax.
- 8-213. Revocation or suspension of beer permits.
- 8-214. Civil penalty in lieu of revocation or suspension.
- 8-215. Loss of clerk's certification for sale to minor.

8-201. Beer business lawful but subject to regulations. It shall hereafter be lawful in this city to transport, store, sell, distribute, possess, receive, and/or manufacture beer of alcoholic content of not more than eight percent (8%) by weight, or any other beverage of like alcoholic content, subject to all applicable privilege taxes and the regulations hereinafter set out. No brewer or wholesaler of any such beverage or his agent shall be permitted to make any loan or furnish any fixture of any kind or have any interest, direct or indirect, in the business of any retailer of any such beverage, or in the premises occupied by such retailer. (1976 Code, § 2-201, as replaced by Ord. #2005-11, Oct. 2005, and amended by Ord. #2017-11, Dec. 2017 *Ch10_7-15-19*)

8-202. Beer board established. There is hereby created a beer board which shall be composed of three (3) city property owners appointed by the city council. It shall be the duty of the beer board to regulate and supervise the

¹Municipal code references

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

Tax provisions: title 5.

State law reference

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

issuance of permits to manufacture, distribute and/or sell beer and other beverages of an alcoholic content of not in excess of eight percent (8%) by weight to the persons and in the manner hereinafter provided. The board shall perform such other duties and have such other power and authority as herein provided.

The beer board members shall be appointed biennially by the city council at its regular July meeting in odd numbered years and shall serve until their successors are elected. They shall serve without compensation and may be removed without cause by the council.

Immediately after its appointment the beer board shall meet and its members shall take an oath of office and elect a chairman and a secretary from among its members.

The beer board may promulgate its own rules as to making applications for licenses and the procedure for hearings on the same. It shall consider the requests of all applicants and certify to the city recorder the names of all to whom permits are approved, and the city recorder shall sell licenses only to those whose applications are approved. (1976 Code, § 2-202, as replaced by Ord. #2005-11, Oct. 2005, and amended by Ord. #2017-11, Dec. 2017 *Ch10_7-15-19*)

8-203. Application requirements. Before any person, firm, corporation, joint stock company, syndicate, or association shall be authorized to sell, distribute, and/or manufacture beer, he or it shall make application to the beer board, upon a form prescribed by the board, for a permit so to do and shall pay such state, county, and city privilege taxes as are applicable. The application shall be accompanied by a two hundred fifty dollar (\$250.00) non-refundable applicant fee. All applications shall be sworn to and shall reflect the following:

(1) The name and residence of the applicant and how long applicant has resided there.

(2) The particular place for which a permit is desired, designating the same by street and number, if practicable, and, if not, by such other apt description as definitely locates it.

(3) The kind of permit desired.

(4) The name of the owner of the premises upon which the proposed business is to be carried on.

(5) That the applicant has not had a permit or license for the sale of alcoholic beverages in this state revoked within eight (8) years from the date of application.

(6) That neither the applicant, nor any one interested in said business, has submitted to or been convicted of possessing, transporting, or selling intoxicating liquors or beer within the past eight (8) years, nor submitted to or been convicted of any crime of moral turpitude or any crime which has rendered the applicant infamous.

(7) That no brewer, distiller, or distributor of beer or any other beverage of alcoholic content has any interest, financial or otherwise, in the

proposed retail beer business or in the premises upon or in which such business is to be carried on.

(8) That the applicant for a retailer's permit will not thereafter convey or grant to any brewer, distiller, or distributor of beer or any other beverage of alcoholic content any interest in either the said business which is permitted to be carried on, or in any other property at which said business may thereafter be carried on.

(9) That the applicant for a retailer's permit has, at the time of making such application, no indebtedness or other financial obligation to any brewer, distiller, or distributor of beer or other beverages of alcoholic content, and will not, during the period the said permit shall be in force, contract any financial obligation to any brewer, distiller, or distributor of beer or other beverage of alcoholic content other than for the purchase of beer or other beverage of like alcoholic content.

(10) Whether the person applying will conduct the business in person, or whether he is acting as agent for any other person, firm, corporation, syndicate, association, or joint stock company.

(11) Any other information which the beer board may reasonably require. (1976 Code, § 2-203, as amended by Ord. #2003-01, Feb. 2003, and replaced by Ord. #2005-11, Oct. 2005)

8-204. Permittees to have good character and reputation. No permit shall be issued to any applicant who does not have a good moral character and reputation. (1976 Code, § 2-205, as replaced by Ord. #2005-11, Oct. 2005)

8-205. Interference with public health, safety, and morals prohibited. No application for a beer permit shall be approved 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. (1976 Code, § 2-206, as amended by Ord. # 759, Sept. 1986; Ord. #1994-2, § 1, May 1994; and replaced by Ord. #2004-5, March 2004, and Ord. #2005-11, Oct. 2005)

8-206. Privilege licenses required. Permits shall be approved or disapproved by the beer board and if approved privilege licenses shall be issued by the recorder in a manner similar to the issuance of other privilege licenses upon the payment of all applicable privilege taxes. It shall be unlawful for any person to sell, distribute, and/or manufacture beer within the city without having first obtained and conspicuously displayed on his premises all applicable privilege licenses.

Permits and licenses shall not be transferable.

The beer board shall review all existing permits annually and shall require an application prior to this review which will assist in the verification

of all information required by this chapter. (1976 Code, § 2-207, as replaced by Ord. #2005-11, Oct. 2005)

8-207. Restrictions upon issuance of on premises beer permits. Permits for the on premise sale of beer shall be issued according to the following classes and limitations, except that this provision shall not be applicable to the renewal of any permit existing and outstanding as of December 1, 2005:

(1) On premises where beer is sold for consumption at a restaurant. Restaurant shall mean a business establishment that sells prepared food to be consumed on the premises. A restaurant as so defined shall a public place where meals are actually and regularly served, and such place being provided with adequate and sanitary kitchen and dining room equipment, serving five (5) days a week, unless a golf course, and the serving of such meals shall be the principal business conducted. There shall be no limitation on the number of beer permits issued to restaurants.

(2) On premise where beer is sold for consumption at a club. Club shall mean a business establishment whose primary business is or is to be the sale of beer to be consumed on the premises. There shall be one (1) permit issued to clubs for every three thousand (3,000) population or fraction thereof, according to the latest official census of the City of Loudon.

(3) On premise where beer is sold for consumption on a golf course. Golf course shall mean the entirety of a property where an eighteen (18) hole golf course is located where customers regularly and routinely pay for the privilege of playing the game of golf. The golf course shall further have a restaurant as defined in § 8-207, subsection (1), as part of its golf course operation in order to oversee and regulate the sale and consumption of beer on the golf course property.

(4) Special event/temporary beer permits. Special event/temporary beer permits must comply with all other regulations found in title 8, chapter 2 with the exception of §§ 8-205, 8-208(4) and 8-212. Special event/temporary beer permits are permissible in the City of Loudon with the following additional requirements:

(a) Permits are valid during city-sanctioned and/or sponsored festivals, celebrations, and events.

(b) Application may be made for a single event or multiple events occurring within six (6) months. All dates and times must be firm. Alternate rain dates may also be submitted. No change can be made after approval by the beer board. A new application and application fee must be submitted for any changes to previously approved events or additional events.

(c) Permit applications must be submitted thirty (30) days prior to the start of the event for which a permit is requested.

(d) In addition to the permit application requirements described in § 8-203, the following information must be submitted with an application for a special event permit:

(i) The organization applying for the special event permit, contact person, address and phone number.

(ii) Date(s) and time(s) of event(s).

(iii) The sponsors of the event(s) and the sponsor's contact person's address and phone number.

(iv) The specific location where beer is to be sold or served.

(v) The individual(s) with such organization responsible for supervising the sale and dispensing of the beer.

(vi) Plans for security and policing the area(s) where beer is sold.

(vii) A written statement of approval from the recreation director must accompany the special event application.

(viii) The name and address of proposed vendor(s) of beer.

(e) Permit applications are valid only for on-premises consumption inside an enclosed and/or fenced area with designated ingress/egress points.

(f) The sponsors of the proposed event and the applicant shall send a representative or representatives to such City of Loudon Beer Board meeting to address any questions or issues arising out of the proposed special event/temporary permit.

(g) If approved, in addition to the permit holder the special event/temporary permit shall have affixed on its face the name of the proposed vendor(s) of beer, and the date(s) where such vendor is permitted to sell beer under the special event permit.

(h) A unique single beverage container must be used for the serving of beer that is unique from containers used for other beverages. (1976 Code, § 2-208, as replaced by Ord. #2005-11, Oct. 2005, and amended by Ord. #2009-1, Jan. 2009, Ord. #2010-01, Jan. 2010, Ord. #2012-04, April 2012, and Ord. #2017-11, Dec. 2017 **Ch10_7-15-19**)

8-208. Miscellaneous restrictions for on premises consumption permits.

It shall be unlawful for any beer permit holder for on premises consumption to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor or beer or any crime involving moral turpitude within the past eight (8) years.

(2) Employ any person 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 3:00 A.M. and 6:00 A.M. Monday through Saturday or between 3:00 A.M. and 10:00 A.M. on Sunday.

- (4) Allow any loud, unusual or obnoxious noises to emanate from his premises.
- (5) Make or allow any sale of beer to a person under twenty-one (21) years of age.
- (6) Allow any person under eighteen (18) years of age to loiter in or about his place of business.
- (7) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (8) Allow drunk or disreputable persons to loiter about his premises.
- (9) Serve, sell, or allow the consumption on his premises of any beer or malt beverage with an alcoholic content of more than eight percent (8%) by weight.
- (10) Fail to provide and maintain separate sanitary toilet facilities for men and women.
- (11) Fail to call the police when any person comes upon his premises in a drunken or partly drunken condition.
- (12) Sell beer to motorists in automobiles or trucks parked at or near the place of business for consumption in said automobile or truck.
- (13) Maintain frosting or paint upon the doors or windows of his place of business so as to obstruct the view into such place. (1976 Code, § 2-209, as amended by Ord. # 760, Dec. 1986, and Ord. #2003-01, Feb. 2003, replaced by Ord. #2005-11, Oct. 2005, and amended by Ord. #2017-11, Dec. 2017 ***Ch10_7-15-19***)

8-209. Miscellaneous restrictions for off premise sales permits. It shall be unlawful for any beer permit holder for off premise consumption to:

- (1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor or beer or any crime involving moral turpitude within the past eight (8) years unless the business is an active participant in the Responsible Vendor Act of 2006.
- (2) Employ any person under eighteen (18) years of age to sell beer.
- (3) Make or allow any sale of beer between the hours of 3:00 A.M. and 6:00 A.M. during any night of the week, or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday.
- (4) Make or allow any sale of beer to a person under twenty-one (21) years of age.
- (5) Allow any person 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) Allow the consumption of beer on his premises. (1976 Code, § 2-210, as amended by Ord. # 760, Dec. 1986, and Ord. #2003-01, Feb. 2003, as replaced by Ord. #2005-11, Oct. 2005, and amended by Ord. #2009-01, Jan. 2009)

8-210. Enforcement. The police officers of the city shall have the right to inspect at any and all times the entire premises where beer is sold. (1976 Code, § 2-211, as replaced by Ord. #2005-11, Oct. 2005)

8-211. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. (1976 Code, § 2-212, as replaced by Ord. #1993-15, § 1, Oct. 1993, as replaced by Ord. #2005-11, Oct. 2005, and amended by Ord. #2017-11, Dec. 2017 *Ch10_7-15-19*)

8-212. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the City of Loudon, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (as added by Ord. #1993-15, § 1, Oct. 1993)

8-213. Revocation or suspension of beer permits. The beer board may revoke the beer permit or license of any person who makes a false statement in his application for a permit, who violates any provision of this chapter, or who is convicted for the possession, sale, manufacture, or transportation of intoxicating liquor or any crime involving moral turpitude. When any beer permit is revoked no new permit shall be approved by the beer board for the same person within the next ten (10) years or for the same location within the next twelve (12) months.

Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code

Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (1976 Code, § 2-212, as replaced by Ord. #1993-15, § 1, Oct. 1993, and replaced by Ord. #2005-11, Oct. 2005, and amended by Ord. #2009-01, Jan. 2009)

8-214. Civil penalty in lieu of revocation or suspension. (1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (as added by Ord. #1993-15, § 1, Oct. 1993, and replaced by Ord. #2005-11, Oct. 2005, and Ord. #2009-01, Jan. 2009)

8-215. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #2009-01, Jan. 2009)

CHAPTER 3

ALCOHOLIC BEVERAGES PROHIBITED IN SPECIFIED AREAS

SECTION

8-301. Public consumption of beer prohibited.

8-302. Penalty.

8-303. Signs to be posted.

8-301. Public consumption of beer prohibited. None of the beverages regulated by this chapter shall be consumed upon any public street, alley, boulevard, bridge, nor upon the grounds of any cemetery or school, whether public or private, nor upon any park or public grounds nor upon vacant lots within two hundred (200) feet of any public street, highway, avenue, or other public place except during special events with temporary special event beer permits as defined in § 8-207(4). (as added by Ord. #2004-12, June 2004, replaced by Ord. #2005-11, Oct. 2005, and amended by Ord. #2012-04, April 2012)

8-302. Penalty. Penalty for violation: violators of the provisions of this chapter shall be subject to a fine of fifty dollars (\$50.00) per violation per day. Violators may be barred from future use of parks and recreation facilities for a period of one (1) year from the date of violation as determined by the city recreation director when the consumption occurred in any facility owned by the City of Loudon or operated by the Loudon Recreation Department. (as added by Ord. #2004-12, June 2004, and replaced by Ord. #2005-11, Oct. 2005)

8-303. Signs to be posted. The main entrances of all such parks and recreation facilities shall have posted a sign that reads "No Alcoholic Beverages Permitted - violators subject to a \$50.00 fine and disbarment from future use of the facilities." During special events at which temporary special event beer permits are issued the signs shall be covered. (as added by Ord. #2004-12, June 2004, replaced by Ord. #2005-11, Oct. 2005, and amended by Ord. #2012-04, April 2012)

CHAPTER 4

LIQUOR STORES

SECTION

- 8-401. Definitions.
- 8-402. Selling and distributing generally.
- 8-403. Licenses required for sale of alcoholic beverages at retail.
- 8-404. Licensee responsible for officers and agents.
- 8-405. Location of liquor store.
- 8-406. Limitations on building containing liquor store.
- 8-407. Restrictions generally.
- 8-408. Fees.
- 8-409. Records kept by licensee.
- 8-410. Inspections generally.
- 8-411. Enforcement--violations--penalties.
- 8-412. Certificate of compliance.
- 8-413. Application.
- 8-414. Consideration.
- 8-415. Restrictions upon issuance.
- 8-416. License from city to operate liquor store.
- 8-417. Restrictions on local liquor retailer's licenses.
- 8-418. Restrictions upon licensees and employees.
- 8-419. Nature of license; suspension or revocation.

8-401. Definitions. Whenever used in this title, the following terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Alcoholic beverage." Alcoholic beverage means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, and wine capable of being consumed by a human being other than medicine or beer where the latter contains an alcohol content of five percent (5%) by weight or less. Alcoholic beverage also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol irrespective of alcoholic content. Products or beverages including beer containing less than one-half percent (1/2%) alcohol by volume, other than wine as defined in this section, shall not be considered alcoholic beverage and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided.

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

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

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

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

(6) "City." The city is the City of Loudon, Tennessee.

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

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

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

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

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

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

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

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

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

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

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

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

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

(20) "Wine." Wine means the product of normal alcoholic fermentation of juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climactic, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. (as added by Ord. #2009-02, Jan. 2009)

8-402 Selling and distributing generally. It shall be unlawful for any person to engage in the business of selling or distributing alcoholic beverages within the corporate limits of the city except as provided by Tennessee Code Annotated, title 57 and by the rules and regulations promulgated thereunder and as provided under this title. (as added by Ord. #2009-02, Jan. 2009)

8-403. Licenses required for sale of alcoholic beverages at retail. It shall be lawful for a licensee to sell alcoholic beverages at retail in a liquor store provided that such sales are made in strict compliance with all federal statutes, all state laws, rules and regulations, and all provisions of this chapter and provided that such licensee has a valid and duly issued state liquor retailer's license and a valid and duly issued local liquor store privilege license from the city permitting him or her to sell alcoholic beverages at retail. Transfer of ownership or possession of any alcoholic beverage by a licensee in any manner other than by retail sale is prohibited. (as added by Ord. #2009-02, Jan. 2009)

8-404. Licensee responsible for officers and agents. Each licensee shall be responsible for all acts of such licensee as well as the acts of a co-licensee, and acts of the licensee's officers, employees, agents and representatives so that any violation of this chapter by any colicensee, officer, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee. (as added by Ord. #2009-02, Jan. 2009)

8-405. Location of liquor store. It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the city unless at a location approved by city council. All such stores shall be located within the C-1, C-2, or C-4 zones as appears on the official zoning map of the City of Loudon on the date of application. Such liquor store shall not be located within two hundred feet (200') of any church or school as measured along a straight line from the nearest property line of any such establishment to the front door of the liquor store. No liquor store shall be located where the operation of a liquor store at the premises contemplated by an application would unreasonably interfere with public health, safety or morals. (as added by Ord. #2009-02, Jan. 2009)

8-406. Limitations on building containing liquor store. All liquor stores shall be a permanent type of construction in a material and design approved by city council. No liquor store shall be located in a manufactured or other movable or prefabricated type of building. All liquor stores shall have night light surrounding the outside of the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises. The minimum square footage of the liquor store display area shall be one thousand five hundred (1,500) square feet. Full, free and unobstructed vision shall be afforded to and from the street and public highway to the interior of the liquor store by way of large windows in the front and to the extent practical to the sides of the building containing the liquor store. All liquor stores shall be subject to applicable zoning, land use, building and life safety regulations, as adopted within the City of Loudon Municipal Code, unless specifically stated otherwise herein. (as added by Ord. #2009-02, Jan. 2009)

8-407. Restrictions generally. (1) Entertainment devices and seating forbidden. No form of entertainment, including pinball machines, music machines or similar devices shall be permitted in any liquor store. No seating facilities, other than for employees of the liquor store, shall be permitted in any liquor store.

(2) Time and days of operation. No liquor store shall be open and no licensee shall sell or give away any alcoholic beverage on any Sunday. On other days, no liquor store shall be open and no licensee shall sell or give away any alcoholic beverage before eight o'clock in the morning (8:00 A.M.) or after eleven o'clock at night (11:00 P.M.). No liquor store shall be open for business on Christmas, Thanksgiving, New Year's Day, Labor Day or the Fourth of July.

(3) Selling or furnishing to person(s) below the age of twenty-one (21) years, etc. It shall be unlawful for any licensee to sell, furnish or give away any alcoholic beverage to a person below the age of twenty-one (21) years or to a person visibly intoxicated. It shall be unlawful for such person to enter or remain in a liquor store (except that employees with appropriate employee permits issued pursuant to state law who are age eighteen (18) years and older

are permitted in a liquor store for the purpose of engaging in paid employment only) or to loiter in the immediate vicinity of a liquor store. It shall be unlawful for a person below the age of twenty-one (21) years to misrepresent his or her age in an attempt to gain admission to a liquor store or in an attempt to buy any alcoholic beverage from a licensee.

(4) Consumption on premises of liquor store. It shall be unlawful for any licensee to sell any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It shall be unlawful for any person to consume any alcoholic beverage in a liquor store or in the immediate vicinity of a liquor store.

(5) Advertising. There shall be no advertising signage of any kind whatsoever outside the building containing a liquor store either for the liquor store or to advertise any matter pertaining to alcoholic beverages sold at liquor stores except as set forth herein. The provisions of the City of Loudon Zoning and Land Use Control Regulations, chapter 6, and any other city ordinances or regulations addressing signs shall not apply to liquor stores unless any specific restrictions on signs or advertising in the zone where a liquor store is located are more restrictive than the restrictions contained herein, in which case the more restrictive provision shall apply. There may be placed on the front of a liquor store, but not extending therefrom over twelve inches (12"), a sign setting out the name of the liquor store. Such sign shall not exceed twenty (20) square feet in dimension. No such sign shall contain letters of neon or tube lighting so as to produce lighting within the letters themselves through signs lit by back lighting are permitted. No reader board or changeable copy signs shall be permitted. One (1) free-standing sign shall be allowed on the premises. No off-premises signs shall be allowed within the city. Regarding signage inside a liquor store, no banner or temporary or permanent signage shall be placed so that it obstructs free and clear vision of the interior of the liquor store from outside of the liquor store.

(6) Off premises business. All retail sales of alcoholic beverages shall be confined to the premises of the liquor store. No curb service is permitted, nor shall there be permitted drive-in windows. No licensee shall employ any canvasser, agent, solicitor, or other representative for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or place of business of such consumer nor shall any licensee receive or accept any such order which shall have been solicited and received at the residence or place of business of such consumer. This paragraph shall not be construed as to prohibit the solicitation by a state licensed wholesaler of any order from any licensed retailer at the licensed premises. (as added by Ord. #2009-02, Jan. 2009)

8-408. Fees. (1) Amounts generally. There is hereby levied on each licensee an inspection fee of five percent (5%) on the gross purchase price of any alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source.

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

(3) Reports. The city recorder shall prepare and make available to each wholesaler and other source vending alcoholic beverages to licensees sufficient forms for the monthly report of inspection fees payable by such licensee making purchases from such wholesaler or other source. Such wholesaler shall timely complete and return the forms and the required information and inspection fees within the time specified above.

(4) Failure to pay fees. The failure to pay the inspection fees and to make the required reports accurately and within the time required by this chapter shall, at the sole direction of the city manager, be cause for suspension of the offending licensee's local liquor store privilege license for as much as thirty (30) days and, at the sole discretion of the city council, be cause for revocation of such local liquor store privilege license. Each such action may be taken by giving written notice thereof to the licensee, no hearing with respect to such an offense being required. If a licensee has his or her license revoked, suspended or otherwise removed and owes the city inspection fees at the time of such suspension, revocation, or removal the city attorney may timely file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees. Further, each licensee who fails to pay or have paid on his or her behalf the inspection fees imposed hereunder shall be liable to the city for a penalty on the delinquent amount due in an amount of ten percent (10%) of the inspection fee.

(5) Use of fees. All funds derived from inspection fees imposed herein shall be used to defray expenses in connection with the enforcement of this title including particularly the payment and compensation of officers, employees, and other representatives of the city in investigating and inspecting licensees and applicants and in seeing that all provisions of this title are observed. The city council finds and declares that the amount of these inspection fees is reasonable, and that the funds expected to be derived from these inspection fees will be reasonably required for such purposes. (as added by Ord. #2009-02, Jan. 2009, and amended by Ord. #2009-07, Oct. 2009)

8-409. Records kept by licensee. In addition to any records specified in the state rules and regulations, each licensee shall keep on file, at such licensee's liquor store, the following records:

(1) The original invoices of all alcoholic beverages bought by the licensee;

(2) The original receipts for any alcoholic beverages returned by such licensee to any wholesaler;

(3) A current daily record of the gross sales by such licensee with evidence of cash register receipts for each day's sales; and

(4) An accurate record of all alcoholic beverages lost, damaged, or disposed of other than by sale and showing for each such transaction the date thereof, the quantity and brands of alcoholic beverages involved and the name of the person or persons receiving the same.

All such records shall be preserved for a period of at least fifteen (15) months unless the city recorder gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding a single license, one (1) set of records per liquor store satisfies the requirements of this part. (as added by Ord. #2009-02, Jan. 2009)

8-410. Inspections generally. The city manager, the city recorder, the city finance director, the chief of police or the authorized representatives or agents of any of them are authorized to examine the premises, books, papers and records of any liquor store at any time the liquor store is open for business for the purpose of determining whether the provisions of this chapter are being observed. Refusal to permit such examination shall be a violation of this chapter and shall constitute sufficient reason for revocation of the local liquor store privilege license of the offending licensee or for the refusal to renew the local liquor store privilege license of the offending licensee. (as added by Ord. #2009-02, Jan. 2009)

8-411. Enforcement - violations - penalties. Any violation of the provisions of this chapter shall constitute a misdemeanor and shall, upon conviction, be punishable by a fine of not less than fifty dollars (\$50.00). Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify said conviction, whether on appeal or not, directly to the Tennessee Alcoholic Beverage Commission, together with petition that all licenses be revoked, pursuant to the provisions of chapter 3 of title 57 of the Tennessee Code Annotated, and the rules and regulations of said commission. (as added by Ord. #2009-02, Jan. 2009)

8-412. Certificate of compliance. As a condition precedent to the issuance of a state liquor retailer's license by the state alcoholic beverage commission, city council may authorize the issuance of certificates of compliance by the city according to the terms contained herein. (as added by Ord. #2009-02, Jan. 2009)

8-413. Application. (1) Filing - content. An applicant or applicant group for a liquor store shall file with the city recorder a completed written application on a form to be provided by the city recorder which shall contain all of the following information and whatever additional information the city council or city manager may require:

(a) The name and street address of each person to have an interest, direct or indirect, in the liquor store as an owner, partner, stockholder or otherwise. In the event that a corporation, partnership, limited liability company or other legally recognized entity is an applicant or member of an applicant group, each person with an interest therein must be disclosed and must provide the information on the application provided by the city;

(b) The name of the liquor store proposed;

(c) The address of the liquor store proposed and its zoning designation;

(d) A statement that the persons receiving the requested license to the best of their knowledge if awarded the certificate of compliance could comply with all the requirements for obtaining the required licenses under state law and the provisions of this chapter for the operation of a liquor store in the city;

(e) The agreement of each applicant or each member of an applicant group, as appropriate, to comply with all applicable laws and ordinances and with the rules and regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages and the agreement of each applicant or each member of an applicant group as to the validity and the reasonableness of these regulations, inspection fees, and taxes provided in this title with reference to the sale of alcoholic beverages.

(2) Further documentation. The application form shall be accompanied by a copy of each questionnaire form and other material to be filled out by the applicant or each member of the applicant group with the Tennessee Alcoholic Beverage Commission in connection with the same application and shall be accompanied by five (5) copies of a scale plan drawn to a scale of not less than one inch equals twenty feet (1" - 20') giving the following information:

(a) The shape, size and location of the lot which the liquor store is to be operated under the license;

(b) The shape, size, height and location of all buildings whether they are to be erected, altered, moved or existing upon the lot;

(c) The off-street parking space and off-street loading and unloading space to be provided including the vehicular access to be provided from these areas to a public street; and

(d) The identification of every parcel of land within two hundred feet (200') of the lot upon which the liquor store is to be operated indicating ownership thereof and the location of any structures thereon and the use being made of every such parcel.

(3) Signature. The application form shall be signed and verified by each person to have any interest in the liquor store either as an owner, partner, stockholder or otherwise.

(4) Misrepresentation - concealment of fact - duty to amend. If any applicant, member of an applicant group, or licensee misrepresents or conceals any material fact in any application form or as to any other information required to be disclosed by this chapter, such applicant, member of an applicant group, or licensee shall be deemed to have violated the provisions of this chapter and his or her application may be disregarded or his or her license restricted or revoked as deemed appropriate by city council. Further, no sale, transfer or gift of any interest of any nature, either financial or otherwise, in a liquor store shall be made without first obtaining a replacement license from the city upon the approval of the city council.

(5) Fees. Each application shall be accompanied by a non refundable three hundred dollar (\$300.00) investigation fee. One (1) application fee per applicant group is sufficient. (as added by Ord. #2009-02, Jan. 2009, and amended by Ord. #2017-04, Dec. 2017 *Ch10_7-15-19*)

8-414. Consideration. In issuing the initial certificates of compliance sufficient for the licensing of up to two (2) liquor stores in the city permitted by this chapter, the city council will consider all applications filed, before a closing date to be fixed by it and after publication of notices published in a newspaper of general circulation in Loudon County, Tennessee required by state law. City council will select from such applications the persons deemed by it in its sole discretion to have qualifications required by law and the most suitable circumstances for the lawful operation of a liquor store without regard to the order of time in which the applications are filed. Such persons and only such persons shall receive the initial certificates of compliance issued by the city. If, thereafter, an additional license becomes available due to the cancellation, revocation or otherwise of a previously issued license, city council will select from all pending applications the applicant or applicant group deemed by it to have the qualifications required by law and the most suitable circumstances for the lawful operation of a liquor store after a closing date to be fixed by it upon public notice of the availability of such license. Such person or persons and only such person or persons will receive certificates of compliance issued by the city sufficient to allow the operation of the liquor store contemplated by the chosen application. Applications shall be retained by the city until such time as all liquor stores for which certificates of compliance have been issued by the city are opened for business. At that time, all pending applications which did not result in the granting of certificates of compliance after consideration by city council will expire and be disposed of by the city. Applications can only be submitted to the city during the time frame the city council has set forth for receipt of such applications. Applications and all matters submitted with or as a part of such applications become at the time they are submitted the sole and exclusive property of the city and constitute public records open to public inspection. (as added by Ord. #2009-02, Jan. 2009)

8-415. Restrictions upon issuance. (1) Additional certificate of compliance. The city council shall not issue a certificate of compliance unless there is an available liquor store license that is pending approval by the Tennessee Alcoholic Beverage Commission.

(2) No violation of chapter. No certificate of compliance shall be issued unless a license issued on the basis thereof can be exercised without violating any provisions of this chapter.

(3) Prerequisites of issuance. The city manager upon approval of city council shall not sign any certificate of compliance for any applicant or applicant group until:

(a) Such application has been filed with the city recorder;

(b) The location stated in the certificate has been approved by the city council as a suitable location for the operation of a liquor store; and

(c) The application has been considered at a public meeting of the city council and approved by a vote of at least three (3) members thereof.

(4) Time period for action. Any applicant or applicant group who has obtained a certificate of compliance as provided herein must, unless an extension is granted by city council, within six (6) months open a liquor store in the city or said certificate will be revoked by the passage of this amount of time and a certification thereof will be sent to the alcoholic beverage commission of the State of Tennessee and the local liquor license issued pursuant to such application shall be considered canceled and revoked. (as added by Ord. #2009-02, Jan. 2009, and amended by Ord. #2014-07, June 2014)

8-416. License from city to operate liquor store. After an applicant or applicant group receives a license from the State of Tennessee to operate a retail liquor store pursuant to Tennessee Code Annotated, §§ 57-3101, et seq., he or she shall apply to the city recorder for a local liquor retailer's license to operate a retail liquor store pursuant to the following terms, conditions and restrictions. (as added by Ord. #2009-02, Jan. 2009)

8-417. Restrictions on local liquor retailer's licenses. (1) Maximum number of licenses. No more than two (2) local liquor retailers' licenses for the sale of alcoholic beverages at liquor stores shall be issued under this chapter representing no more than two (2) liquor stores in the city.

(2) Term renewal. Each license shall expire on December 31st of each year. A license shall be subject to renewal each year by compliance with all applicable federal statutes, state statutes, state rules and regulations and the provisions of this chapter.

(3) Display. A licensee shall display and post and keep displayed and posted his or her license in a conspicuous place in the licensee's liquor store at

all times when any activity or business authorized thereunder is being done by the licensee.

(4) Transfer. A licensee or co-licensee shall not sell, assign or transfer his or her license or any interest therein to any other person. No license shall be transferred from one location to another location without the express permission of city council.

(5) Fees. A license fee of five hundred dollars (\$500.00) is due at the time of application for a license and annually prior to January 1 each year thereafter. The initial license shall remain in effect for the remainder of the calendar year when it is first issued so that the first year may not be a full year period. The license fee shall be paid to the city recorder before any license shall issue.

(6) Sale of business. Upon compliance with all the requirements of §§ 8-412 and 8-413 by such individual or other legal entity, their heirs, successors, or assigns seeking to purchase or continue operation of an existing liquor store, city council may authorize a new certificate of compliance to said successor. The application for such new certificate of compliance shall be accompanied by a non-refundable three hundred dollar (\$300.00) investigation fee. (as added by Ord. #2009-02, Jan. 2009, and amended by Ord. #2010-12, Oct. 2010, and Ord. #2014-07, June 2014)

8-418. Restrictions upon licensees and employees. (1) Initial qualifications. To be eligible to apply for or to receive a license, an applicant or in the case of an applicant group, each member of the applicant group, must satisfy all of the requirements of the state statutes and of the state rules and regulations for the holder of a liquor retailer's license.

(2) Public officers and employees. No license shall be issued to a person who is a holder of a public office either appointed or elected or who is a public employee either national, state, city or county. It shall be unlawful for any such person to have any interest in such liquor store either directly or indirectly, either proprietary or by means of a loan or participation in the profits of any such business. This prohibition shall not apply however to uncompensated, appointed members of boards or commissions who have no duties covering the regulation of alcoholic beverages or beer.

(3) Felons. No licensee shall be a person who has been convicted of a felony within ten (10) years prior to the time he or she or the legal entity which he or she is connected shall receive a license; provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction. in case of such conviction occurring after a license has been issued and received, the license shall immediately be revoked if such convicted felon is an individual licensee and, if not, the partnership, corporation, limited liability company or association with which he or she is

connected shall immediately discharge him or her and he or she shall have no further interest therein or else such license shall be immediately revoked.

(4) Employee felons. No licensee shall employ in the storage, sale, or distribution of alcoholic beverages any person who within ten (10) years prior to the date of his or her employment shall have been convicted of a felony. In the case that an employee is convicted of a felony while he is employed by a licensee at a liquor store, he or she shall be immediately discharged after his or her conviction provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction.

(5) Liquor offenses. No license shall be issued to any person who within ten (10) years preceding application for such license or permit shall have been convicted of any offense under the laws of this state or any state or of the united states regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling of intoxicating liquors or beer who has during such period been engaged in business, alone or with others, in violation of any such laws or rules and regulations.

(6) Disclosure of interest. It shall be unlawful for any person to have ownership in or participate in, either directly or indirectly, the profits of any liquor store unless his or her interest in such business and the nature, extent and character thereof shall appear on the application or if the interest is acquired after the issuance of a license unless it be fully disclosed to the city manager and approved by him or her in a timely manner.

(7) Age. No licensee shall be a person under the age of twenty-one (21) years and it shall be unlawful for any licensee to employ any person under the age of eighteen (18) years for the physical storage, sale or distribution of alcoholic beverages or to permit any such person under such age in his or her place of business to engage in the storage, sale or distribution of alcoholic beverages.

(8) Interest in only one liquor store. A person shall have an interest, either direct or indirect, in no more than one (1) liquor store licensed under this title in the City of Loudon. (as added by Ord. #2009-02, Jan. 2009)

8-419. Nature of license: suspension or revocation. The issuance of a license does not vest a property right in the licensee but is a privilege subject to revocation or suspension. Any license shall be subject to suspension or revocation by city council for any violation of this title by the licensee or by any person for whose acts the licensee is responsible. The licensee shall be given reasonable notice and an opportunity to be heard before the city council suspends or revokes a license for any violation unless provided otherwise specifically herein. If the licensee is convicted of a violation of this title by a final judgment in any court and the operation of the judgment is not suspended by an appeal, upon written notice to the licensee, the city manager may immediately suspend the license for a period not to exceed sixty (60) days, and the city

council may revoke the license on the basis of such conviction thereafter. A license shall be subject to revocation or suspension without a hearing whenever such action is expressly authorized by other provisions of this chapter stating the effect of specific violations. (as added by Ord. #2009-02, Jan. 2009)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. POOL ROOMS.
6. MEMBERSHIP SOLICITORS.
7. VIDEOCASSETTES.
8. PINBALL MACHINES.
9. CATV AUTHORITY.
10. ADULT ORIENTED MATERIALS IN COMMERCIAL ESTABLISHMENTS.
11. YARD SALES.

CHAPTER 1

MISCELLANEOUS

SECTION

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

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely 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. (1976 Code, § 5-101)

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

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

9-201. Permit required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1976 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1976 Code, § 5-202)

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

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

¹Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: section 11-801.

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

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

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

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

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

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

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

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1976 Code, § 5-203)

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

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by section 9-206. The city recorder shall keep a permanent record of all permits issued. (1976 Code, § 5-204)

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

least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1976 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality 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 municipality 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 municipality 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. (1976 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1976 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1976 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1976 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1976 Code, § 5-210)

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

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1976 Code, § 5-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1976 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1976 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.
- 9-305. Provisions regarding solicitors for charitable purposes.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the police chief 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. (1976 Code, § 5-301, as amended by Ord. #2007-10, July 2007)

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

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

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

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

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

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1976 Code, § 5-302, as amended by Ord. #2007-10, July 2007)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the governing body if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1976 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1976 Code, § 5-304)

9-305. Provisions regarding solicitors for charitable purposes. No solicitor for charitable purposes shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk.

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

(3) Call attention to his solicitation efforts by crying out, by blowing the horn, by ringing a bell, or creating other noise that is disruptive to the public peace.

(4) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

(5) Solicit in vehicular traffic lanes or operate a "road block" of any kind unless the solicitation permit has specifically indicated it is for the purpose of conducting a road block and the following requirements have been met in seeking such permit:

(a) All persons in such road block must be eighteen (18) years of age or older;

(b) Such road block is only conducted during daylight hours;

(c) Signs that are a minimum size of 22"x28", are displayed for each lane of roadway occupied at the road block site clearly and boldly identifying the charity or cause for which funds are being raised in a type of font size that can be read by motorists from their vehicles;

(d) Orange, lime green, or yellow vests are worn by each participant so as to be clearly visible to motorists;

(e) Release of liability and assumption of the risk acknowledgments are executed on behalf of the organization seeking the permit and each adult participant in the road block activity;

(f) No more than two (2) such permits shall be available for any given calendar month on a first come, first served basis;

(g) No permit will be issued for any group more than once per calendar year;

(h) Such "road block" activity is allowed only at the intersection of Mulberry Street and Grove Street;

(i) No permit shall authorize more than one (1) event at a time and no permit may be sought more than one (1) year prior to the proposed date of the event. (as added by Ord. #2007-10, July 2007)

CHAPTER 4

TAXICABS¹

SECTION

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

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. All taxicab franchises within the City of Loudon shall expire on August 1, 1976, and applications must be submitted for renewal at least thirty (30) days prior to the above date. (1976 Code, § 5-401)

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

¹Municipal code reference
Privilege taxes: title 5.

either grant or refuse a franchise to the applicant. The governing body shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the governing body shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. (1976 Code, § 5-402, as amended by Ord. #2003-03, May 2003)

9-403. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of one hundred thirty thousand dollars (\$130,000.00) for bodily injury or death to any one person, three hundred fifty thousand dollars (\$350,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and fifty thousand dollars (\$50,000.00) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1976 Code, § 5-403)

9-404. Revocation or suspension of franchise. The governing body, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1976 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any taxicab to operate in the municipality unless it is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1976 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1976 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1976 Code, § 5-407)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1976 Code, § 5-408)

9-409. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (6) Is familiar with the state and local traffic laws. (1976 Code, § 5-409, as amended by Ord. #2003-03, May 2003)

9-410. Revocation or suspension of driver's permit. The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for traffic violations or violation of this chapter. (1976 Code, § 5-410)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1976 Code, § 5-411)

9-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that

taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to interfere unreasonably with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished.

Each taxicab owner operating and maintaining a stand or place of business on the street shall pay one hundred dollars (\$100.00) per year for each parking space used. Any owner requiring or using more than one cab shall pay \$100.00 for each space which he uses and for which it has made application to the City of Loudon. This annual fee for each space is payable in advance in installments of \$50.00 each on January 1 and July 1 of each year. No taxicab owner or operator maintaining a stand or place of business in the City of Loudon may make use of any street parking space for which he has not paid the above fee. (1976 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1976 Code, § 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1976 Code, § 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. It shall be unlawful for any taxicab driver, while on duty, to receive, possess, store, transport, sell, furnish or solicit orders for any intoxicating liquor within this municipality. (1976 Code, § 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1976 Code, § 5-416)

CHAPTER 5

POOL ROOMS¹

SECTION

9-501. Prohibited in residential areas.

9-502. Hours of operation regulated.

9-503. Minors to be kept out; exception.

9-501. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1976 Code, § 5-501)

9-502. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time between the hours of 12:00 midnight and 6:00 A.M. (1976 Code, § 5-502, as replaced by Ord. #1998-5, June 1998, and Ord. #2009-03, March 2009)

9-503. 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, mother or legal guardian of such minor, if living; if the father and mother are dead, then the guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1976 Code, § 5-503)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 6

MEMBERSHIP SOLICITORS

SECTION

9-601. Permit required.

9-602. Issuance and term of permit.

9-601. Permit required. It shall be unlawful for any person, without a city "membership solicitor's permit," to solicit, within the corporate limits of Loudon, Tennessee, membership for any organization requiring payment of membership fees or dues. Merely discussing the merits of, or making a speech in support of an organization, without more, shall not be deemed to be "soliciting" within the prohibition of this section, but any requests for joining such organization made to an individual, or group of individuals, shall be soliciting within the prohibitions of this section. (1976 Code, § 5-601)

9-602. Issuance and term of permit. The city recorder shall issue a "membership solicitor's permit" to any person making a sworn, written application therefor establishing his or her name and local and permanent addresses, the name and address of the organization which he or she represents, the name of his or her immediate superior, and his or her title or position with such organization.

The permit issued pursuant hereto shall expire twelve (12) months from the date of issue, and shall not be valid thereafter. (1976 Code, § 5-602)

CHAPTER 7

VIDEOCASSETTES

SECTION

9-701. Definitions.

9-702. Rental or sale of material to minor.

9-703. Display of material.

9-704. Violations.

9-701. Definitions. Definition of terms as used herein shall be as follows:

(1) "Minor" means any person who has not reached the age of eighteen (18) years;

(2) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering or the showing of the female breast with less than a full opaque covering or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state;

(3) "Person" shall include the singular and the plural and shall mean and include any individual, firm, partnership, co-partnership, association, corporation, or other organization or other legal entity, or any agent or servant thereof, but shall not include libraries or educational institutions;

(4) "Rating" means the rating standards promulgated by the Classification and Rating Administration of the Motion Picture Association of America;

(5) "Rental" means the loan for monetary consideration. (Ord. # 747, Oct. 1985)

9-702. Rental or sale of material to minor. It shall be unlawful for any person to rent or sell to a minor any "R" or "X" rated motion picture film or video cassette. (Ord. # 747, Oct. 1985)

9-703. Display of material. It shall be unlawful:

(1) To display for rental or sale any "X" rated motion picture film or video cassette in any area or by any method accessible to minors, or

(2) To display, cause, or permit to be displayed at a height less than five and one-half (5½) feet above the floor for rental or sale in any store, or similar place, any motion picture films package, box or container or video cassette package, box or container which exhibits nudity on said package, box or container.

(3) Each such motion picture film package, box, or container displaced in violation of this section shall constitute a separate offense. (Ord. # 747, Oct. 1985)

9-704. Violations. Violation of any of the provisions of this chapter shall be a misdemeanor and punished accordingly. (Ord. # 747, Oct. 1985)

CHAPTER 8

PINBALL MACHINES

SECTION

9-801. Defined.

9-802. Operation by minors prohibited.

9-803. Shuffle-boards not unlawful.

9-801. Defined. By pinball machine is meant a mechanically operated machine, either electrical or nonelectrical, using a ball or balls and a plunger to propel the same over a board so as to produce or make a score of points. (1976 Code, § 5-801)

9-802. Operation by minors prohibited. It shall be unlawful for any person or business concern of any type having in its possession pinball machines to permit anyone under the age of eighteen (18) years to play such machine or machines. (1976 Code, § 5-802)

9-803. Shuffle-boards not unlawful. Pinball machines shall not be meant to include shuffle-boards, and the use of shuffle-boards, either by the owner or operator, or by the participants, shall not be unlawful. (1976 Code, § 5-804)

CHAPTER 9

CATV AUTHORITY

SECTION

9-901. Created.

9-901. Created. The Loudon County Cable Television Authority is hereby established. The City of Loudon approves the agreement creating a CATV authority by Ord. #1993-21, § 1, December 1993. The agreement is attached to this ordinance and is available in the office of the recorder. (Ord. #1993-21, § 1, Dec. 1993)

CHAPTER 10

ADULT ORIENTED MATERIALS IN COMMERCIAL ESTABLISHMENTS

SECTION

9-1001. Regulation of the display of sexually oriented materials.

9-1002. Definition of "display."

9-1003. Penalty for violation.

9-1001. Regulation of the display of sexually oriented materials. It shall be unlawful for a person to display for sale or rental a visual depiction, including a videocassette tape or film, or a written representation, including a book, magazine or pamphlet, which contains material harmful to minors anywhere minors are lawfully admitted. (as added by Ord. #2000-19, Dec. 2000)

9-1002. Definition of "display." The burden shall be on the City of Loudon or its employees to prove that the material is displayed. Material is not considered displayed under this chapter if:

- (6) The material is:
 - (a) Placed in "binder racks" that cover the lower two thirds (2/3) of the material and the viewable one third (1/3) is not harmful to minors;
 - (b) Located at a height of not less than five and one half feet (5.5') from the floor; and
 - (c) Reasonable steps are taken to prevent minors from perusing the material;
- (7) The material is sealed, and, if it contains material on its cover which is harmful to minors, it must also be opaquely wrapped;
- (8) The material is placed out of sight underneath the counter; or
- (9) The material is located so that the material is not open to view by minors and is located in an area restricted to adults;
- (10) Unless its cover contains material which is harmful to minors, a video cassette tape or film is not considered displayed if it is in a form that cannot be viewed without electrical or mechanical equipment and such equipment is not being used to produce a visual depiction; or
- (11) In a situation if the minor is accompanied by the minor's parent or guardian, unless the area is restricted to adults as provided for in subdivision (4). (as added by Ord. #2000-19, Dec. 2000)

9-1003. Penalty for violation. Any person violating any of the provisions of this chapter may be punished by penalty not to exceed fifty dollars (\$50.00). Each such person is guilty of a separate offense for each and every day during which any violation of the provisions of this chapter is committed or continued. (as added by Ord. #2000-19, Dec. 2000)

CHAPTER 11

YARD SALES

SECTION

- 9-1101. Definitions.
- 9-1102. Property permitted to be sold.
- 9-1103. Hours of operation.
- 9-1104. Display of sale property.
- 9-1105. Advertising.
- 9-1106. Persons exempted from chapter.
- 9-1107. Enforcement.
- 9-1108. Violations and penalty.

9-1101. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

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

(2) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (as added by Ord. #2014-10, Sept. 2014)

9-1102. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property. "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (as added by Ord. #2014-10, Sept. 2014)

9-1103. Hours of operation. Yard sales period shall be limited in time to no longer than 7:00 A.M. to 7:00 P.M. on a maximum of three (3) consecutive twenty-four (24) hour days or two (2) two (2) day weekends in a thirty (30) day period. (as added by Ord. #2014-10, Sept. 2014)

9-1104. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a yard sale shall be displayed in any public right-of-way. At completion of the sales period all display and sales property must be removed from view. (as added by Ord. #2014-10, Sept. 2014)

9-1105. Advertising. Signs are permitted. Signs can be put up three (3) days before yard sale and must be taken down within two (2) days after sale is complete. (as added by Ord. #2014-10, Sept. 2014)

9-1106. Persons exempted from chapter. The provisions of this chapter shall not apply to or affect the following:

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

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

(3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the City of Loudon, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances.

(4) The annual Highway 11 yard sale. (as added by Ord. #2014-10, Sept. 2014)

9-1107. Enforcement. Upon receiving a citizen complaint and/or a violation being viewed by law enforcement or codes enforcement it will be the duty of said enforcement agencies to investigate and determine if violations exist and penalize said violations. (as added by Ord. #2014-10, Sept. 2014)

9-1108. Violations and penalty. Any person violating the provisions of this chapter shall be subject to a civil penalty up to and including fifty dollars (\$50.00) plus costs for each violation. Each day of violation constitutes a separate offense. (as added by Ord. #2014-10, Sept. 2014)

TITLE 10

ANIMAL CONTROL¹

CHAPTER

1. IN GENERAL.
2. DOGS.
3. VICIOUS OR POTENTIALLY DANGEROUS ANIMALS.

CHAPTER 1

IN GENERAL

SECTION

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

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle or livestock, to knowingly or negligently permit any of them to run at large in any street, alley or unenclosed lot within the corporate limits. (1976 Code, § 3-101)

10-102. 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, place of business, or public street without a permit from the city recorder. The city recorder shall issue a permit only when the health officer certifies that in his sound judgment the keeping of such an animal or fowl in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1976 Code, § 3-102)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits the building, structure, corral, pen or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1976 Code, § 3-103)

¹Charter reference: art. II, § 1(27).

10-104. 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. (1976 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason. (1976 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1976 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized and disposed of in accordance with county provisions. (1976 Code, § 3-107, modified)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs running at large.
- 10-209. Prohibiting dogs from ball field areas in the municipal parks.

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

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1976 Code, § 3-204, modified)

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

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

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

¹State law reference

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

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

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1976 Code, § 3-209, modified)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized and disposed of in accordance with county provisions. (1976 Code, § 3-205, modified)

10-208. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer.¹ (1976 Code, § 3-208, modified)

10-209. Prohibiting dogs from ball field areas in the municipal parks. It shall be unlawful for any person to permit any dog to be within the ball field areas in any municipal park, except as provided under the Americans with Disabilities Act. (as added by Ord. #2002-15, Oct. 2002)

¹State law reference

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

CHAPTER 3

VICIOUS OR POTENTIALLY DANGEROUS ANIMALS

SECTION

- 10-301. Definitions.
- 10-302. Confinement.
- 10-303. Maintenance of pen area.
- 10-304. Leash and muzzle.
- 10-305. Signs.
- 10-306. Insurance.
- 10-307. Animal control officer.
- 10-308. Impoundment and destruction.

10-301. Definitions. (1) "Animal control officer." An individual designated by the Loudon Chief of Police as the person who has primary responsibility for the administration of this chapter. The animal control officer may be an employee of either the City of Loudon or Loudon County.

(2) "Owner." Any person, firm, corporation, organization or department possessing or harboring or having the care or custody of an animal.

(3) "Vicious animal." (a) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or

(b) Any animal which, because of its physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter; or

(c) Any animal which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal.

(4) "Unconfined." A vicious animal is unconfined if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the animal. The pen or structure must have secure sides and a secure top attached to the sides which shall be made of 11 gauge wire, or stronger and inspected and approved by the animal control officer. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. (as added by Ord. #2002-14, Sept. 2003)

10-302. Confinement. The owner of a vicious animal shall not permit the animal to go unconfined. (as added by Ord. #2002-14, Sept. 2003)

10-303. Maintenance of pen area. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. (as added by Ord. #2002-14, Sept. 2003)

10-304. Leash and muzzle. The owner of a vicious animal shall not permit the animal to go beyond the premises of the owner unless the animal is securely and appropriately muzzled and restrained by a chain or leash, and under the physical restraint of a responsible adult. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any human or animal. (as added by Ord. #2002-14, Sept. 2003)

10-305. Signs. The owner of a vicious animal shall display, in a prominent place on his or her premises, a clearly visible warning sign indicating that there is a vicious animal on the premises. A similar sign is required to be posted on the pen or kennel of the animal. (as added by Ord. #2002-14, Sept. 2003)

10-306. Insurance. Owners of vicious animals must provide proof to the finance director of liability insurance in the amount of at least \$100,000, insuring the owner for any personal injuries inflicted by his or her vicious animal. (as added by Ord. #2002-14, Sept. 2003)

10-307. Animal control officer. The animal control officer shall have the authority to enforce this chapter without a warrant if he or she observes a violation occurring in his or her presence. He or she shall also have the authority to impound animals as authorized in the municipal code. (as added by Ord. #2002-14, Sept. 2003)

10-308. Impoundment and destruction. The Loudon City Judge may order the impoundment and destruction of an animal where:

- (a) The animal has attacked, bitten or injured a human being or domestic animal or;
- (b) The animal is a vicious animal as defined herein and the owner has failed to comply with the requirements and conditions for keeping a vicious animal as defined herein, or;
- (c) All fines or costs imposed under this chapter have become final orders, and remain unpaid, or;
- (d) The animal poses a threat of serious harm to the public health or safety. (as added by Ord. #2002-14, Sept. 2003)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state adopted.² All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the Common Law to be misdemeanors are hereby designated and declared to be offenses against this city also. Any violation of any such law within the corporate limits is also a violation of this section. (1976 Code, § 10-101)

¹Municipal code references

Animal control: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

²State law reference

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

CHAPTER 2

ALCOHOL¹

SECTION

11-201. Public drunkenness.

11-202. Drinking alcoholic beverages in public, etc.

11-203. Minors in beer places.

11-201. Public drunkenness. See Tennessee Code Annotated, section 39-17-310; see also title 33, chapter 8. (1976 Code, § 10-228)

11-202. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1976 Code, § 10-229)

11-203. Minors in beer places. No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption. (1976 Code, § 10-222)

¹Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

CHAPTER 3

GAMBLING, FORTUNE TELLING, ETC.

SECTION

11-301. Gambling prohibited.

11-302. Fortune telling, etc.

11-301. Gambling prohibited. See Tennessee Code Annotated, section 39-17-501 et seq. (1976 Code, §§ 10-215 and 10-216, modified)

11-302. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1976 Code, § 10-234)

CHAPTER 4

OFFENSES AGAINST THE PERSON

SECTION

11-401. Assault and battery.

11-401. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon another person. (1976 Code, § 10-201)

CHAPTER 5

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-501. Disturbing the peace.

11-502. Anti-noise regulations.

11-501. 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. (1976 Code, § 10-202)

11-502. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

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

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

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

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

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

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

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

(h) 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.

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

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured

from the board of mayor and aldermen. Hours for the use of an amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1976 Code, § 10-233)

CHAPTER 6

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-601. Escape from custody or confinement.

11-602. Resisting or interfering with city personnel.

11-603. Impersonating a government officer or employee.

11-604. False emergency alarms.

11-601. 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. (1976 Code, § 10-209)

11-602. 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 performing or attempting to perform his municipal duties. (1976 Code, § 10-210)

11-603. 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 any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1976 Code, § 10-211)

11-604. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1976 Code, § 10-217)

CHAPTER 7

FIREARMS, WEAPONS AND MISSILES

SECTION

11-701. Air rifles, etc.

11-702. Throwing missiles.

11-703. Weapons and firearms generally.

11-701. Air rifles, etc. It shall be unlawful for any person to fire or discharge any air gun, air pistol, spring gun, or spring pistol, or other device which is calculated or intended to propel or project a bullet, pellet, hunting arrow or similar projectile, within the corporate limits of the City of Loudon, but this shall not apply to target bows and arrows.

If any person is arrested for violating any provision of this section, the police are hereby empowered, authorized, and directed to confiscate his air gun or pistol, or spring gun or pistol, or other device, and it shall be the duty of the police to turn the same into the city court for disposition by said court. (1976 Code, § 10-213)

11-702. Throwing of missiles. It shall be unlawful for any person to maliciously throw any stone, snowball, bottle or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1976 Code, § 10-214)

11-703. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument. 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 persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality,

Any weapon or firearm used in violation of this section shall be confiscated by the police department and surrendered to the city court for disposition. (1976 Code, § 10-212)

CHAPTER 8

TRESPASSING, MALICIOUS MISCHIEF AND
INTERFERENCE WITH TRAFFIC

SECTION

- 11-801. Trespassing.
 11-802. Trespassing on trains.
 11-803. Malicious mischief.
 11-804. Interference with traffic.

11-801. Trespassing.¹ (1) On premises open to the public.

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

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

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

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

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

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.² (1976 Code, § 10-226, modified)

¹State law reference

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

²Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

11-802. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1976 Code, § 10-221)

11-803. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1976 Code, § 10-225)

11-804. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1976 Code, § 10-232)

CHAPTER 9

OFFENSES AGAINST THE PUBLIC HEALTH, SAFETY, WELFARE

SECTION

11-901. Abandoned refrigerators, etc.

11-902. Caves, wells, cisterns, etc.

11-903. Posting notices, etc.

11-904. Curfew for minors.

11-905. Use of walking trails.

11-901. 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. (1976 Code, § 10-223)

11-902. 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. (1976 Code, § 10-231)

11-903. Posting notices, etc. No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. With the approval of the Loudon Utility Board, directional and information signs to the Loudon County Visitor's Center and Carmichael Inn located in the City of Loudon may be placed on utility poles owned by Loudon Utilities. (1976 Code, § 10-227, as amended by Ord. #1999-7, April 1999)

11-904. Curfew for minors. It shall be unlawful for any person 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 for or accompanied by a parent, guardian, or other adult person having lawful custody of such minor. (1976 Code, § 10-224)

11-905. Use of walking trails. No one shall ride a bicycle, skate boards, roller skates, or similar device on or within five (5) feet of a walking trail, provided, however, the city council may designate by resolution areas and times this type of activity may occur within the city's park system. No one shall permit a dog either leashed or unleashed, except for a registered "seeing eye" dog, to be on or within five (5) feet of a walking trail. (as added by Ord. #1997-17, § 1, Nov. 1997, and amended by Ord. #2001-11, Aug. 2001)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. RESIDENTIAL CODE.
3. PLUMBING CODE.
4. MECHANICAL CODE.
5. ELECTRICAL CODE.
6. FUEL GAS CODE.
7. ENERGY CONSERVATION CODE.
8. ADA STANDARDS FOR ACCESSIBLE DESIGN.
9. HOUSING CODE.
10. DANGEROUS BUILDINGS.
11. FAIR HOUSING ACTIVITY.

CHAPTER 1

BUILDING CODE¹

SECTION

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

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code,² 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (Ord.

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

1988-10, May 1988, as replaced by Ord. #1998-13, 1998, Ord. #2004-11, June 2004, Ord. #2008-12, Nov. 2008, and Ord. #2016-10, Oct. 2016)

12-102. Modifications. (1) Definitions. Whenever the building code refers to the "chief appointing authority" or the "chief administrator," it shall be deemed to be a reference to the city council. When the "building official" is named it shall, for the purposes of the building code, mean such person as the city council has appointed or designated to administer and enforce the provisions of the building code.

(2) Permit fees. The schedules of permit fees are as followed:

<u>Total Valuation</u>	<u>Fee</u>
\$1,000 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.
\$1,000 to \$50,000	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,000 to \$100,000	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,000 to \$500,000	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,000 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(3) Amendments. Amendments to the International Building Code (attachment B to Ord. #2016-10) are available in the office of the recorder. (1976 Code, § 4-102, as amended by Ord. # 1988-14, May 1988, and replaced by Ord. #2004-11, June 2004, Ord. #2008-12, Nov. 2008, and Ord. #2016-10, Oct. 2016)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and

inspection of the public. (1976 Code, § 4-103, as replaced by Ord. #2008-12, Nov. 2008, and Ord. #2016-10, Oct. 2016)

12-104. Violations and penalty. Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of violations on private property. If after such investigation the building inspector finds a violation on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear before the city court of the City of Loudon and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may:

- (1) Request the city judge to issue a summons, or
- (2) Request a police officer to witness the violation.

The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101 et seq., or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest.

The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed by any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105. (1976 Code, § 4-104, and replaced by Ord. #2008-2, Nov. 2008, and Ord. #2016-10, Oct. 2016)

CHAPTER 2

RESIDENTIAL CODE

SECTION

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

12-201. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Residential Code,¹ 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and are hereinafter referred to as the residential code. (Ord. #1988-11, May 1988, as amended by Ord. #1998-14, Oct. 1998, and Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-202. Modifications. (1) Definitions. Whenever the residential code refers to the "chief appointing authority" or the "chief administrator," it shall be deemed to be a reference to the city council. When the "building official" is named it shall, for the purposes of the building code, mean such person as the city council has appointed or designated to administer and enforce the provisions of the residential code.

(2) Permit fees. The schedules of permit fees are as followed:

<u>Total Valuation</u>	<u>Fee</u>
\$1,000 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.
\$1,000 to \$50,000	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.

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

\$50,000 to \$100,000	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,000 to \$500,000	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,000 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(3) Amendments. Amendments to the International Residential Code (attachment R to Ord. #2016-10) are available in the office of the recorder. (1976 Code, § 4-202, as replaced by Ord. #2016-10, Oct. 2016)

12-203. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502 one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 4-203, as replaced by Ord. #2016-10, Oct. 2016)

12-204. Violations and penalty. The penalty for violating this section shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense and/or the judge of the municipal court may punish a violation in the same manner as prescribed by any other city ordinance (Tennessee Code Annotated, § 6-54-306). Each day during which a violation continues to exist following the initial citation shall be considered a separate offense.

Failure of an offender to appear for trial in the city court after signing of the ordinance summons agreement shall cause the court having jurisdiction thereof to issue a warrant against the offender, as provided for in Tennessee Code Annotated, § 7-63-105. (1976 Code, § 4-204, as replaced by Ord. #2016-10, Oct. 2016)

CHAPTER 3

PLUMBING CODE¹

SECTION

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

12-301. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code,² 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference and is hereinafter referred to as the plumbing code. (Ord. # 1988-12, May 1988, as amended by Ord. #1999-1, Feb. 1999, and replaced by Ord. #2016-10, Oct. 2016)

12-302. Modifications. (1) Definitions. Wherever the plumbing code refers to the "chief appointing authority," the "administrative authority," or the "governing authority," it shall be deemed to be a reference to the city council.

Wherever "city engineer," "engineering department," "plumbing official," or "inspector" is named or referred to, it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the plumbing code.

(2) Permit fees. The schedules of permit fees are as followed:

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

<u>Total Valuation</u>	<u>Fee</u>
\$1,000 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.
\$1,000 to \$50,000	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,000 to \$100,000	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,000 to \$500,000	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,000 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(3) Amendments. Amendments to the International Plumbing Code (attachment P to Ord. #2016-10) are available in the office of the recorder. (1976 Code, § 4-302, as replaced by Ord. #2016-10, Oct. 2016)

12-303. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 4-303, as replaced by Ord. #2016-10, Oct. 2016)

12-304. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1976 Code, § 4-304, as replaced by Ord. #2016-10, Oct. 2016)

12-305. -- 12-306. [Deleted.] (as deleted by Ord. #2016-10, Oct. 2016)

CHAPTER 4

MECHANICAL CODE¹

SECTION

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

12-401. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing minimum requirements for safe mechanical installation, alterations or repairs to new equipment, replacement of equipment, appliances, fixtures, fittings, and the appurtenances thereto, so as to safeguard life, health, and public welfare and the protection of property, the International Mechanical Code,² 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as part of this code, and is hereinafter referred to as the mechanical code. (1976 Code, § 4-401, as replaced by Ord. #2016-10, Oct. 2016)

12-402. Modifications. The following modification to the above listed code is hereby adopted:

(1) Definitions. Whenever reference is made to the duties of a certain official named therein, that the designated official of the City of Loudon who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the codes.

(2) Permit fees. The schedule of permit fees are as followed:

<u>Total Valuation</u>	<u>Fee</u>
\$1,000 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.

¹Municipal code reference

Fire protection, fireworks and explosives: title 7.

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

\$1,000 to \$50,000	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,000 to \$100,000	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,000 to \$500,000	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,000 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(3) Amendments. Amendments to the International Mechanical Code (attachment Mto Ord. #2016-10) are available in the office of the recorder. (Ord. # 1988-13, May 1988, as amended by Ord. #1998-15, Oct. 1998, and Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-403. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 4-403, as replaced by Ord. #2016-10, Oct. 2016)

12-404. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (1976 Code, § 4-404, as replaced by Ord. #2016-10, Oct. 2016)

12-405. -- 12-412. [Deleted.] (as deleted by Ord. #2016-10, Oct. 2016)

CHAPTER 5

ELECTRICAL CODE

SECTION

- 12-501. Electrical code adopted.
- 12-502. Available in recorder's office.
- 12-503. Permit required for doing electrical work.
- 12-504. Enforcement.
- 12-505. Fees.
- 12-506. Violations and penalty.
- 12-507. -- 12-525. Deleted.

12-501. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,¹ 2008 edition, as prepared by the National Fire Protection Association, and/or any subsequent revisions of the National Electrical Code as approved and adopted by the State of Tennessee pursuant to the authority granted by Tennessee Code Annotated, §§ 68-17-113, 68-17-143, and 68-17-150 is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1976 Code, § 4-501, as replaced by Ord. #2016-10, Oct. 2016)

12-502. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1976 Code, § 4-502, as replaced by Ord. #2016-10, Oct. 2016)

12-503. Permit required for doing electrical work. No electrical work shall be done within the city until a permit therefor has been issued by the city. 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. (1976 Code, § 4-503, as replaced by Ord. #2016-10, Oct. 2016)

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

12-504. Enforcement. The electrical inspector shall be such person as the city council shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1976 Code, § 4-504, as replaced by Ord. #2016-10, Oct. 2016)

12-505. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-17-143 for electrical inspections by deputy inspectors of the state fire marshal. (1976 Code, § 4-505, as replaced by Ord. #2016-10, Oct. 2016)

12-506. Violations and penalty. 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. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (1976 Code, § 4-506, as replaced by Ord. #2016-10, Oct. 2016)

12-507. -- 12-525. [Deleted.] (as deleted by Ord. #2016-10, Oct. 2016)

CHAPTER 6

FUEL GAS CODE

SECTION

- 12-601. Title and definitions.
- 12-602. Purpose and scope.
- 12-603. Amendments.
- 12-604. Use of existing piping and appliances.
- 12-605. Bond and license.
- 12-606. Gas inspector and assistants.
- 12-607. Powers and duties of inspector.
- 12-608. Permits.
- 12-609. Inspections.
- 12-610. Certificates.
- 12-611. Fees.
- 12-612. Violations and penalty.

12-601. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the city. The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the city manager.

(2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1976 Code, § 4-601, as replaced by Ord. #2016-10, Oct. 2016)

12-602. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the International Fuel Gas

Code,¹ 2012 edition, which is hereby incorporated by reference along with the fuel gas code amendments (attachment G to Ord. #2016-10, which is available in the office of the recorder), and made a part of this chapter as if fully set forth herein. One (1) copy of the fuel gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1976 Code, § 4-602, as replaced by Ord. #2016-10, Oct. 2016)

12-603. Amendments. Amendments to the International Fuel Gas Code (attachment G to Ord. #2016-10) are available in the office of the recorder. (1976 Code, § 4-603, as replaced by Ord. #2016-10, Oct. 2016)

12-604. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1976 Code, § 4-604, as replaced by Ord. #2016-10, Oct. 2016)

12-605. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of ten thousand dollars (\$10,000.00), with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the city recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city recorder.

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing,

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

extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1976 Code, § 4-605, as replaced by Ord. #2016-10, Oct. 2016)

12-606. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the city council. (1976 Code, § 4-606, as replaced by Ord. #2016-10, Oct. 2016)

12-607. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector, and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1976 Code, § 4-607, as replaced by Ord. #2016-10, Oct. 2016)

12-608. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the

consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1976 Code, § 4-608, as replaced by Ord. #2016-10, Oct. 2016)

12-609. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six inches (6") in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1976 Code, § 4-609, as replaced by Ord. #2016-10, Oct. 2016)

12-610. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1976 Code, § 4-610, as replaced by Ord. #2016-10, Oct. 2016)

12-611. Fees. (1) The permit fee schedule (as adopted by ordinance) is available in the recorder's office. (1976 Code, § 4-611, as replaced by Ord. #2016-10, Oct. 2016)

12-612. Violations and penalty. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be subject to a penalty of up to fifty dollars (\$50.00) for each offense, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1976 Code, § 4-612, as replaced by Ord. #2016-10, Oct. 2016)

CHAPTER 7

ENERGY CONSERVATION CODE

RESERVED FOR FUTURE USE

CHAPTER 8

ADA STANDARDS FOR ACCESSIBLE DESIGN

SECTION

- 12-801. Accessibility code adopted.
12-802. Available in administrator's office.
12-803. Violations and penalty.

12-801. Accessibility code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of making all public buildings accessible to and functional for persons who are physically handicapped, the 2010 ADA Standards for Accessible Design, Tennessee Code Annotated, §§ 68-120-201-204(a)(1), is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the accessibility code. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-802. Available in administrator's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the accessibility code has been placed on file in the administrator's office and shall be kept there for the use and inspection of the public. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-803. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the accessibility code as herein adopted by reference. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

CHAPTER 9

HOUSING CODE

SECTION

- 12-901. Scope and application.
- 12-902. Definitions.
- 12-903. Minimum standards for lighting.
- 12-904. Minimum standards for ventilation.
- 12-905. Minimum standards for heating.
- 12-906. Minimum standards for basic equipment and facilities.
- 12-907. Basements and cellars.
- 12-908. Space requirements.
- 12-909. Egress.
- 12-910. Infestation.
- 12-911. Responsibilities of the occupant.
- 12-912. Responsibilities of the owner.
- 12-913. Conditions of structure.
- 12-914. Minimum standards for rooming houses.
- 12-915. Duties of the inspector.
- 12-916. Rules and regulations.
- 12-917. Emergency powers.
- 12-918. Service of notices and orders.
- 12-919. Board of housing appeals.
- 12-920. Hearings.
- 12-921. Appeal to court.
- 12-922. Violations.
- 12-923. Separation of clauses; partial invalidity.
- 12-924. Conflict with other provisions.
- 12-925. Effective date.

12-901. Scope and application. Every building used in whole or in part as a dwelling unit or as two (2) or more dwelling units shall conform to the requirements of this housing code irrespective of the class to which such buildings may otherwise belong, and irrespective of when such buildings may have been constructed, altered or repaired. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the requirements of §§ 12-903 through 12-913. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-902. Definitions. The following definitions shall apply to the interpretation and enforcement of this housing code:

(1) "Approved" shall mean constructed, installed and maintained in accordance with the provisions of this housing code and other pertinent ordinances of the City of Loudon and with rules and regulations adopted pursuant thereto.

(2) "Basement" shall mean a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

(3) "Board of housing appeals" shall mean the board established by § 12-919 of this code.

(4) "Collar" shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

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

(6) "Dwelling unit" shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

(7) "Extermination" shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the inspector.

(8) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(9) "Habitable room" shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets or storage spaces.

(10) "Household" shall mean all persons who occupy a dwelling unit. A person living alone or any group of persons sharing a dwelling unit is a household.

(11) "Infestation" shall mean the presence within or around a dwelling of any insects, rodents, or other pests.

(12) "Inspector" shall mean the person designated by the city manager to carry out the duties of inspector as stated in §§ 12-915 through 12-919.

(13) "Multiple dwelling" shall mean any dwelling containing more than two (2) dwelling units.

(14) "Occupant" shall mean any person, over one (1) year of age, living, sleeping, cooking, or eating in or having actual possession of, a dwelling unit or rooming unit.

(15) "Ordinary minimum winter conditions" shall mean a temperature of zero degrees Fahrenheit (0°F).

(16) "Owner" is deemed to mean and include a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

(17) "Parties in interest" shall mean all individuals, associations, partnerships, corporations, and others who have any interest in a dwelling and any who are in possession or control thereof as agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the owner or owners shall be bound to comply with the provisions of this housing code and of the rules and regulations adopted pursuant hereto, to the same extent as if he were the owner, and upon failure to comply therewith shall be subject to the same penalties hereinafter set out in § 12-922.

(18) "Plumbing" shall mean and include all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

(19) "Premises" shall mean a platted lot or part thereof or unplatted lot or parcel of land or plot of land either occupied or unoccupied by any dwelling or non-dwelling structure.

(20) "Public hall" shall mean any hall, corridor or passageway not within the exclusive control of one (1) family.

(21) "Rooming unit" shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

(22) "Rooming house" shall mean any dwelling, or that part of dwelling containing one (1) or more rooming units, in which space is let by the occupant to three (3) or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the occupant.

(23) "Rubbish" shall mean all waste materials except garbage. The term shall include the residue from the burning of wood, coal, coke, and other combustible material; paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust.

(24) "Single unit dwelling" shall mean a dwelling occupied by one (1) family alone.

(25) "Supplied" shall mean paid for, furnished, or provided by, or under the control of, the owner or operator, their agents and/or representatives.

(26) "Water closet" shall mean a toilet, with a bowl and trap made in one (1) piece, which is connected to the city water and sewer system or other approved water supply and sewer system.

(27) "Workmanlike state of maintenance and repair" shall mean in such a state as to comply with all codes and ordinances pertaining to construction of buildings and installation of utilities.

(28) "Meaning of certain words." Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this housing code, they shall be construed as though they were followed by the words "or any part thereof." (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-903. Minimum standards for lighting. (1) Where there is electric service available from power lines which are not more than three hundred feet (300') away from a dwelling, every habitable room in such dwelling shall contain at least two (2) separate wall type electric outlets, or one (1) such outlet and one (1) supplied ceiling type electric light fixture, and every bathroom, laundry room, furnace room and public hall shall contain at least one (1) ceiling or wall type electric light fixture. Every such outlet and fixture shall be in working condition and installed in accordance with the requirements of the electric code.

(2) Every habitable room shall have at least one (1) window or skylight facing directly to the outside or other means of lighting which is approved as adequate by the inspector. The minimum total window area for every habitable room shall be ten percent (10%) of the total floor area of such room; if the only window in a room is the skylight type, the minimum total window area shall be fifteen percent (15%) of the total floor area of such room, except where other means of artificial lighting are approved.

(3) Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in a structure containing not more than four (4) dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.

(4) Bathrooms shall conform to the lighting requirements for habitable rooms. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-904. Minimum standards for ventilation. (1) Every habitable room shall have at least one (1) window or skylight opening directly to the outdoors which can easily be opened, or such other device as will adequately ventilate the room. The minimum total openable window area in every habitable room shall be equal to one-half (1/2) of the minimum total window area required in § 12-903(1), except where there is supplied some other device affording adequate ventilation and approved by the inspector.

(2) Every bathroom shall have ventilation equal to four (4) square feet or such other device as will adequately ventilate the room and which is approved by the inspector. (as added by Ord. #2016-10, Oct. 2016)

12-905. Minimum standards for heating. Every dwelling shall have heating facilities which are properly installed, maintained in a safe and good working condition and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least seventy degrees Fahrenheit (70°F) at a distance of three feet (3') above floor level when the outside temperature is zero degrees Fahrenheit (0°F). (as added by Ord. #2016-10, Oct. 2016)

12-906. Minimum standards for basic equipment and facilities. (1) Water supply. There shall be a potable supply of running water piped into each dwelling unit.

(2) Sewerage. In every dwelling, plumbing fixtures shall be properly installed, properly connected to the water supply and sewer systems and maintained in good working order.

(3) Sanitary equipment. Every dwelling unit shall contain a sink, tub, or shower, lavatory and water closet.

(4) Sink. Every dwelling unit shall contain a kitchen sink therein which is properly connected to the hot water supply and sewer system.

(5) Tub or shower and lavatory. Every dwelling unit shall contain therein, in a room affording privacy, a tub or shower and a lavatory properly connected to the hot water supply and sewer systems. This tub or shower and lavatory may be shared by two (2) dwelling units if:

(a) The habitable area of each of such dwelling units shall equal not more than two hundred fifty (250) square feet of floor area; and if

(b) The fixtures are placed in a room used for toilet purposes only and such room is accessible without passing through the other dwelling unit or outside the dwelling; and if

(c) A person is designated to clean and does clean the room every twenty-four (24) hours.

(6) Water closets. Every dwelling unit shall have a flush type water closet located therein in a room affording privacy and properly connected to the water supply and sewer system. This water closet may be shared by two (2) dwelling units if (a), (b) and (c) above are satisfied.

(7) Hopper type water closets, water closets outside the dwelling and privies are hereby declared to be public nuisances and shall be eliminated upon notice after failure to maintain in a sanitary condition, but in any case not later than twelve (12) months after the effective date of this chapter.

(8) Water heating facilities. Every dwelling shall have water heating facilities properly connected to the water piping system, and such facilities shall have a capacity to supply a sufficient quantity of water to each fixture connected at a minimum temperature of one hundred twenty degrees Fahrenheit (120°F). (as added by Ord. #2016-10, Oct. 2016)

12-907. Basements and cellars. (1) No cellar space shall be used as a habitable room.

(2) Basement space may be used as a habitable room if:

(a) The windows are sufficiently above the lot's ground level so as to allow the room to meet the requirements for habitable rooms as to light and ventilation; and if

(b) The floors below grade level of the lot are impervious to water and free from dampness at all times; and if

(c) The clear inner height is at least six feet eight inches (6' 8"), and no pipes or beams are below six feet (6') from floor level. (as added by Ord. #2016-10, Oct. 2016)

12-908. Space requirements. The number of persons occupying any dwelling unit shall be limited by the following requirements:

(1) Sleeping rooms. Every sleeping room for one (1) occupant shall have at least seventy (70) square feet of floor space, or if occupied by more than one (1) person, at least fifty (50) square feet per occupant.

(2) Size of dwelling unit. The total of all habitable rooms in dwelling unit shall be such as to provide at least one hundred fifty (150) square feet of floor space for the first occupant and one hundred (100) square feet of floor space per each additional occupant.

(3) Minimum height of habitable rooms. Every habitable room shall be not less than seven feet (7') in height from the floor to the ceiling throughout one-half (1/2) of the area of such room. Any portion of a room having a ceiling height of less than five feet (5') shall not be considered in computing the total floor area for such room.

(4) Minimum size of habitable rooms. No habitable room shall contain less than seventy (70) square feet of floor area, nor shall the least horizontal dimension of such room be less than seven feet (7'). (as added by Ord. #2016-10, Oct. 2016)

12-909. Egress. (1) Every dwelling unit shall have a safe, unobstructed means of egress to a safe and open space at ground level. All structures of three (3) or more stories with a dwelling unit occupying the third or higher story shall be provided with two (2) separate usable, unobstructed means of egress for each dwelling unit located above the second story. The exit facilities from such dwelling units shall lead to a public thoroughfare either directly or through a court or yard, and passage to such exits shall not lead through any other dwelling unit or through a space that might reasonably be locked by anyone who is not a member of the household. An escape hatch or scuttle to a flat roof for escape through adjoining buildings may be considered as a usable means of egress for the dwelling unit occupying the top floor.

(2) Dual egress will not be required of structures that are of fully fireproof construction. (as added by Ord. #2016-10, Oct. 2016)

12-910. Infestation. (1) During that portion of each year extending from May 1st through September 30th and as protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device; and every window or other device with openings to outdoor space used or intended to be used for ventilation shall likewise be equipped with screens or other insect deterrents.

(2) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be permanently equipped with screens or such other device as will effectively prevent their entrance.

(3) During the summer months, there shall be no standing pools of water which might provide a breeding place for mosquitoes.

(4) Dwellings should be free from rodents and other vermin at all times; responsibility for extermination rests with the occupant or owner as set forth in §§ 12-911(5) and 12-912(4). (as added by Ord. #2016-10, Oct. 2016)

12-911. Responsibilities of the occupant. The responsibilities of the occupant are as follows:

(1) To keep the dwelling and premises he controls and occupies in a clean and sanitary condition.

(2) To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by city regulation.

(3) To hang and remove screens provided by the owner except where the owner has agreed to supply such services.

(4) To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof.

(5) To exterminate in the following cases:

(a) The occupant of a single dwelling is responsible for the extermination of any insects, rodents or other pests therein or on the premises.

(b) The occupant of a dwelling unit in a multiple-unit structure is responsible for the extermination of any insects, rodents, or other pests if his unit is the only unit infested.

Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a ratproof or reasonably insectproof condition, the occupant is not responsible for the extermination of any insects, rodents, or other pests therein. (as added by Ord. #2016-10, Oct. 2016)

12-912. Responsibilities of the owner. The responsibilities of the owner are as follows:

(1) To let no dwelling to anyone for occupancy unless it meets the minimum standards set forth in §§ 12-903 through 12-913.

(2) To have the dwelling in a clean, sanitary, habitable condition, free from infestation before renting; to paint walls and ceilings and to clean, repair and exterminate if needed to meet aforesaid requirements before offering for rent.

(3) To provide screens to be hung.

(4) To exterminate in the following cases:

(a) When infestation exists in two (2) or more units of a multiple-unit structure.

(b) When infestation exists in shared or public areas of a multiple-unit structure.

(c) When infestation exists in a single unit of a multiple-unit structure or in a single-unit structure when infestation is due to failure of the owner to maintain the dwelling in a ratproof and reasonably insectproof condition. (as added by Ord. #2016-10, Oct. 2016)

12-913. Conditions of structure. (1) All dwelling structures shall be watertight, weatherproof, rodent and insectproof and in good repair.

(2) Every foundation, exterior wall and roof shall be reasonably watertight, weathertight and rodentproof, shall adequately support the building at all times, and shall be kept in a workmanlike state of maintenance and repair.

(3) Every interior partition, wall, floor and ceiling shall be reasonably tight, capable of affording privacy and shall be maintained in a workmanlike state of repair and in a clean and sanitary condition.

(4) All rainwater shall be so drained and conveyed from every roof, and the lot shall be so graded and drained as not to cause dampness in the walls, ceilings, floor or basement of any dwelling.

(5) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof, and shall be maintained in sound condition and repair.

(6) Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and they shall be maintained in sound condition and repair.

(7) Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in a sanitary working condition, free from defects, leaks and obstructions.

(8) Every toilet, bathroom and kitchen floor shall be constructed and maintained so as to be reasonably impervious to water, and such floor shall be kept in a clean and sanitary condition.

(9) Every supplied facility, piece of equipment or utility which is required under this housing code shall be so constructed and installed that it will function safely and effectively, and shall be maintained in good working condition. (as added by Ord. #2016-10, Oct. 2016)

12-914. Minimum standards for rooming houses. No person shall operate a rooming house or let to another for occupancy any room unless such rooming house or room complies with the following requirements:

(1) Every rooming house and room shall be in compliance with the minimum standards set forth in §§ 12-903, 12-904, 12-905 and 12-908 as to light, ventilation, heating and space requirements.

(2) Every rooming house shall be equipped with at least one (1) flush water closet, one (1) lavatory and one (1) tub or shower for each eight (8) persons or fraction thereof within the rooming house, including members of the family if they are to share the use of the facilities. In rooming houses in which rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) of the required number of water closets. All such facilities shall be properly connected to the water supply and sewer system.

(3) Every flush water closet, flush urinal, lavatory, tub or shower required above shall be located within the rooming house in a room, or rooms, which:

(a) Affords privacy.

(b) Is accessible by a common hall without going outside the rooming house.

(c) Is accessible from a common hall without going through the sleeping quarters of others.

(d) Is not more than one (1) story removed from the room of an occupant intended to share the facilities.

(4) Where bedding, bed linen or towels are supplied, the operator shall maintain the bedding in a clean and sanitary manner, shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to an occupant. (as added by Ord. #2016-10, Oct. 2016)

12-915. Duties of the inspector. The inspector or his duly authorized representative is hereby authorized, upon showing proper identification, to enter, examine, and survey at any reasonable time all dwellings, dwelling units, rooming units, and their premises located within the city. The occupant of every dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give the inspector or his representative free access to such dwellings, dwelling units, rooming units, and their premises at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purposes of making such repairs or alterations as are necessary to effect compliance with the provisions of this code or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this code. (as added by Ord. #2016-10, Oct. 2016)

12-916. Rules and regulations. The inspector is hereby authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this housing code provided that such rules and regulations shall not be in conflict with the provisions hereof. The inspector shall file a certified copy of all rules and regulations which he may adopt in the office of the city recorder. Such rules and regulations shall have the same force and effect as the provisions of this code and the penalty for a violation thereof shall be the same as the penalty for a violation of the provisions of this code. (as added by Ord. #2016-10, Oct. 2016)

12-917. Emergency powers. The inspector is hereby granted certain emergency powers. Whenever the inspector finds that a condition exists which requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this housing code, such order shall be effective immediately. Any person on whom such an order is directed shall comply therewith immediately, but upon a petition shall be afforded a hearing by the board of housing appeals as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this code have been complied with, the board shall continue such order in effect, or modify it, or revoke it. (as added by Ord. #2016-10, Oct. 2016)

12-918. Service of notices and orders. (1) Whenever at least five (5) residents of the city charge that any dwelling is unfit for human habitation, or whenever the inspector determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation of any provision of this housing code or of any rule or regulation adopted pursuant hereto, he shall give notice to the person or persons responsible therefor. Such notice shall:

- (a) Be put in writing.
- (b) Include a description of the real estate sufficient for identification.
- (c) Include a statement of the reason or reasons for the notice being issued.
- (d) Inform the violator of his right to petition for a hearing before the board of housing appeals, and specify that this petition must be received within twenty (20) days after the notice was served.
- (e) Be served upon the owner, or the occupant, as the case may require, provided, that such notice shall be deemed to be properly served upon such violator if a copy thereof is delivered to him personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the inspector in the exercise of reasonable diligence, and the inspector shall make an affidavit to that

effect, then the serving of such notice or order may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the municipality, or in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the dwelling is located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the notice or order. A copy of such notice or order shall also be filed for record in the register's office of the county in which the dwelling is located, and such filing of notice or order shall have the same force and effect as other lis pendens notices provided by law.

(2) Such notice may include an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant hereto. (as added by Ord. #2016-10, Oct. 2016)

12-919. Board of housing appeals. (1) There is hereby created and established a board of housing appeals, hereinafter referred to as the board, which shall consist of the inspector and five (5) members appointed by the mayor and approved by a majority vote of the city council. All appointed members shall be registered voters of the city and they shall not receive any remuneration for their services. Two (2) members shall be appointed initially for two (2) year terms, and three (3) for three (3) year terms, and they may be reappointed at the expiration of their terms. All future appointments shall be for two (2) year terms. The appointed members shall not be candidates for public office at the time of their appointment and if later they become such they must retire from the board. A vacancy shall be filled by the mayor for the unexpired term of the member whose term becomes vacant. The members shall be removable for cause by the appointing authority upon written charges and after a public hearing.

(2) The board shall meet within ten (10) days after its appointment and shall elect a chairman from among its membership. The elected member shall be chairman until the expiration of his term. A vice-chairman shall also be elected. His duties are to assume the responsibility of the chairman in the latter's absence. The duties of the chairman are to preside over the hearings and to question the petitioners. The chairman may vote on all matters. The rules of evidence prevailing in courts of law and equity shall not be controlling on hearings. The inspector shall serve as the permanent secretary of the board, but he shall not vote on any matter. The board shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter.

(3) The inspector shall call meetings and shall notify board members. The board shall hear appeals in open meetings. The presence of three (3) members shall constitute a quorum and the concurring vote of three (3) members shall be necessary to reverse or modify any order or notice of the

inspector. The proceedings of such hearings, including the findings and decisions of the board shall be summarized, reduced to writing, and entered as a matter of public record in the office of the city recorder.

(4) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or of any rule or regulation adopted pursuant hereto, may request and shall be granted a hearing on the matter before the board; provided that such person shall file in the office of the city recorder a written petition requesting such hearing and setting forth a statement of the grounds therefor within twenty (20) days after the date the notice was served. Within ten (10) days after receipt of the petition the inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing before the board shall be commenced not later than thirty (30) days after the date on which the petition was filed; provided that, upon written application of the petitioner to the board, the date of the hearing may be postponed beyond the thirty (30) day period if the petitioner shows good and sufficient reason why it should be postponed. Any notice served automatically becomes an order if a written petition for hearing is not filed in the office of the city clerk within twenty (20) days after the notice is served. (as added by Ord. #2016-10, Oct. 2016)

12-920. Hearings. After such hearings, the board shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant hereto have been complied with. The board may also modify any notice so as to authorize a variance from the provisions of this housing code when, because of special conditions, a literal enforcement of the provisions hereof will result in practical difficulty or unnecessary hardship; provided, that the spirit of this housing code will be observed, public health and welfare secured, and substantial justice done. The board may also extend the time specified for compliance if the case warrants. If the board sustains or modifies such notice, it shall be deemed to be an order and the violator shall comply with the decisions of such order within the aforespecified length of time. (as added by Ord. #2016-10, Oct. 2016)

12-921. Appeal to court. Any person or persons, jointly or severally, aggrieved by the decision of the board, or any taxpayer, or any officer, department, board or bureau of the municipality, may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the state. (as added by Ord. #2016-10, Oct. 2016)

12-922. Violations. If a person upon whom a notice has been served does not:

- (1) Within the specified period after the notice was served, commence compliance with the directives thereof, or
- (2) Within the specified time, petition the board, or
- (3) After the board's hearing, does not comply with the decision thereof, such person shall be guilty of a misdemeanor. (as added by Ord. #2016-10, Oct. 2016)

12-923. Separation of clauses; partial invalidity. If any section, subsection, sentence, clause or phrase of this housing code or any rule or regulation which may be adopted pursuant hereto, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of this code shall not be affected thereby, it being the intent in adopting this code that no portion thereof or provisions or regulations contained therein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any other portion or provision or regulation. (as added by Ord. #2016-10, Oct. 2016)

12-924. Conflict with other provisions. In any case where a provision of this housing code is found to be in conflict with any other provision in this code of ordinances, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. (as added by Ord. #2016-10, Oct. 2016)

12-925. Effective date. This housing code shall be effective from and after the effective date of the Loudon Municipal Code, 1965 (June 16, 1965). (as added by Ord. #2016-10, Oct. 2016)

CHAPTER 10

DANGEROUS BUILDINGS

SECTION

- 12-1001. Dangerous buildings defined.
- 12-1002. Standards for repair, vacation, or demolition.
- 12-1003. Dangerous buildings--nuisances.
- 12-1004. Duties of building inspector.
- 12-1005. Duties of city council.
- 12-1006. Violations--penalty for disregarding notices or orders.
- 12-1007. Duties of the city attorney.
- 12-1008. Emergency cases.
- 12-1009. Where owner absent from the city.
- 12-1010. Administrative liability.
- 12-1011. Duties of fire department.
- 12-1012. Duties of police department.

12-1001. Dangerous buildings defined. All buildings or structures which have any or all of the following defects shall be deemed to be "dangerous buildings:"

(1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(2) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the City of Loudon.

(5) Those which have become or are so dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein.

(6) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(9) Those which because of their condition are unsafe, insanitary, or dangerous to the health, morals, safety or general welfare of the people of this city.

(10) Those buildings existing in violation of any provision of the building code of this city, or any provisions of the fire prevention code, or other ordinances of this city. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-1002. Standards for repair, vacation, or demolition. The following standards shall be followed in substance by the building inspector and the city council in ordering repair, vacation, or demolition:

(1) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter it shall be ordered repaired.

(2) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered to be vacated.

(3) In any case where a "dangerous building" is fifty percent (50%) damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the city or statute of the State of Tennessee, it shall be demolished. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-1003. Dangerous buildings--nuisances. All "dangerous buildings" within the terms of § 12-1001 of this code are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided. (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-1004. Duties of building inspector. The building inspector shall:

(1) Inspect or cause to be inspected semi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of § 12-1001 of this code.

(2) Inspect any building, wall or structure about which a complaint is filed by any person to the effect that a building, wall or structure is or may be existing in violation of this chapter.

(3) Inspect any building, wall or structure reported (as hereinafter provided for) by the fire or police departments of this city as probably existing in violation of the terms of this chapter.

(4) Inspect annually buildings in all sections of this city, to determine whether they are "dangerous buildings" within the terms of § 12-1001.

(5) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon, of any building found by him to be a "dangerous building" within the standards set forth in § 12-1001 of this code, that:

(a) The owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this chapter;

(b) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;

(c) The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon may at his own risk repair, vacate, or demolish said building or have such work or act done; provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(6) Set forth in the notice provided for in subsection (5) hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding thirty (30) days, as is reasonable.

(7) Report to the city council any non-compliance with the "notice" provided for in subsections (5) and (6) hereof.

(8) Appear at all hearings conducted by the city council, and testify as to the condition of "dangerous buildings."

(9) Place a notice on all "dangerous buildings" reading as follows:

"This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon. It is unlawful to remove this notice until such notice is complied

with." (as added by Ord. #2008-12, Nov. 2008, and replaced by Ord. #2016-10, Oct. 2016)

12-1005. Duties of city council. The city council shall:

(1) Upon receipt of a report of the building inspector as provided for in § 12-1004(7), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon to appear before it on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for herein in § 12-1004(6).

(2) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon shall offer relative to the "dangerous building."

(3) Make written findings of fact from the testimony offered pursuant to subsection (2) as to whether or not the building in question is a "dangerous building" within the terms of § 12-1001.

(4) Issue an order based upon findings of fact made pursuant to subsection (3) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon to repair, vacate, or demolish any building found to be a "dangerous building" within the terms of this chapter and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "dangerous building;" or any person not the owner of said "dangerous building" but having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Loudon may demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the city as provided in subsection (5).

(5) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) within ten (10) days, the city council shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in § 12-1002, and shall with the assistance of the city attorney cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this city. The city council shall notify the city attorney

to take legal action to force the owner to make all necessary repairs or demolish the building.

(6) Report to the city attorney the names of all persons not complying with the order provided for in § 12-1005(4). (as added by Ord. #2016-10, Oct. 2016)

12-1006. Violations--penalty for disregarding notices or orders. The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate or demolish said building given by any person authorized by this chapter to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause for this code.

The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause for this code.

Any person removing the notice provided for in § 12-1004(9) shall be guilty of a misdemeanor and upon conviction shall be fined under the general penalty clause for this code. (as added by Ord. #2016-10, Oct. 2016)

12-1007. Duties of the city attorney. The city attorney shall:

(1) Prosecute all persons failing to comply with the terms of the notices provided for herein in § 12-1004(5) and (6) and the order provided for in § 12-1005(4).

(2) Appear at all hearings before the city council in regard to "dangerous buildings."

(3) Bring suit to collect all municipal liens, assessments, or costs incurred by the city council in repairing or causing to be vacated or demolished "dangerous buildings."

(4) Take such other legal action as is necessary to carry out the terms and provisions of this chapter. (as added by Ord. #2016-10, Oct. 2016)

12-1008. Emergency cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated, or demolished, the building inspector shall report such facts to the city council and it shall cause the immediate repair, vacation, or demolition of such "dangerous building." The costs of such emergency repair, vacation, or demolition of such "dangerous building" shall be collected in the same manner as provided in § 12-1005(5). (as added by Ord. #2016-10, Oct. 2016)

12-1009. Where owner absent from the city. In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the city all notices or orders provided for herein shall be sent by registered mail to the

owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds for the County of Loudon to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service. (as added by Ord. #2016-10, Oct. 2016)

12-1010. Administrative liability. No officer, agent, or employee of the City of Loudon shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent, or employee of the City of Loudon as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the city attorney until the final determination of the proceedings therein. (as added by Ord. #2016-10, Oct. 2016)

12-1011. Duties of fire department. The employees of the fire department shall make a report in writing to the building inspector of all buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this chapter. Such reports must be delivered to the building inspector within twenty-four (24) hours of the discovery of such buildings by any employee of the fire department. (as added by Ord. #2016-10, Oct. 2016)

12-1012. Duties of police department. All employees of the police department shall make a report in writing to the building inspector of any buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this chapter. Such reports must be delivered to the building inspector within twenty-four (24) hours of the discovery of such buildings by any employee of the police department. (as added by Ord. #2016-10, Oct. 2016)

CHAPTER 11

FAIR HOUSING ACTIVITY

SECTION

- 12-1101. Definitions.
- 12-1102. Purposes of law, construction; effect.
- 12-1103. Unlawful housing practices.
- 12-1104. Blockbusting.
- 12-1105. Exemptions from housing provisions.
- 12-1106. Provisions for enforcement.
- 12-1107. Establishment of procedures for conciliation.
- 12-1108. Findings of hearing board; nature of affirmative action.
- 12-1109. Investigations, powers, records.
- 12-1110. Conspiracy to violate this chapter unlawful.

12-1101. Definitions. Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

(1) "Hearing board" means that body of citizens duly appointed by the city council to hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

(2) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

(3) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin or sex, familial status, disability or the aiding, abetting, inciting, coercing or compelling thereof.

(5) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence of one (1) or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trust, unincorporated organizations, trustees in bankruptcy,

receivers or other legal or commercial entity, the city or county or any of its agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of others, for a fee, commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these.

(9) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (as added by Ord. #2016-10, Oct. 2016)

12-1102. Purposes of law, construction; effect. The general purposes of this chapter are:

(1) To provide for execution within the City of Loudon of the policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended.

(2) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, familial status, disability or sex; thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

Nothing contained in this chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin, familial status, disability or sex. (as added by Ord. #2016-10, Oct. 2016)

12-1103. Unlawful housing practices. It is an unlawful practice for a real estate owner or operator or for a real estate broker, real estate salesman, or any other individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent or lease or otherwise deny to or

withhold real property from an individual because of his or her race, color, religion, national origin, familial status, disability or sex;

(2) To discriminate against an individual because of his or her race, color, religion, national origin, familial status, disability or sex;

(3) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his or her race, color, religion, national origin, familial status, disability or sex;

(4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, national origin, familial status, disability or sex;

(5) To represent to an individual that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin, familial status, disability or sex;

(6) To print, circulate, post, or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property, which indicates, directly or indirectly, a limitation, specification or discrimination as to race, color, religion, national origin, familial status, disability or sex or an intent to make such a limitation, specification, or discrimination;

(7) To offer, solicit, accept, use or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin, familial status, disability or sex; or

(8) To otherwise deny to or withhold real property from any individual because of race, color, religion, national origin, familial status, disability or sex. (as added by Ord. #2016-10, Oct. 2016)

12-1104. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, familial status, disability, sex or national origin of the owners or occupants in the block, neighborhood, or areas in which the real property is located; or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located. (as added by Ord. #2016-10, Oct. 2016)

12-1105. Exemptions from housing provisions. Nothing in § 12-1103 shall apply:

(1) To the rental of housing accommodations in a building which contains housing accommodations for not more than four (4) families living independently of each other, if the owner or member of his family resides in one of the housing accommodations;

(2) To the rental of one (1) room or one (1) rooming unit in a housing accommodation by an individual if he or a member of his family resides therein;

(3) To a landlord who refuses to rent to an unmarried male-female couple.

A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, familial status, disability or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (as added by Ord. #2016-10, Oct. 2016)

12-1106. Provisions for enforcement. (1) The city may sue in a civil act through the chancery court for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibitory injunctions.

(2) In addition to appropriate civil and/or equitable remedies for enforcement of this chapter, a violation of this chapter shall be subject to the general penalty clause under this municipal code. (as added by Ord. #2016-10, Oct. 2016)

12-1107. Establishment of procedures for conciliation. (1) The city's agent to investigate, make determinations of probable cause, and seek to conciliate apparent violations of this chapter shall be the city manager. Conciliation efforts may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

(2) The city's agent shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.

(3) The city council hereby establishes a hearing board which shall adopt formal rules and procedures to hear complaints and make appropriate

findings. Such procedures shall be made known to all parties of a given charge of discrimination. The Loudon Housing Board of Appeals shall sit as the hearing board. Hearings by the board shall commence whenever the agent acting on behalf of the city decides a conciliation failure has occurred and the respondent agrees to participate in the hearing board proceedings. Hearings open to the public may be initiated by the responding party at any time during the conciliation process. (as added by Ord. #2016-10, Oct. 2016)

12-1108. Findings of hearing board; nature of affirmative action. (1) If the hearing board determines that the respondent has not engaged in an unlawful practice, the board shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officers and persons as the board deems proper.

(2) If the hearing board determines that the respondent has engaged in an unlawful practice, it shall state its findings of fact and conclusions of law and shall negotiate such affirmative action as in its judgment will carry out the purposes of this chapter. A copy of the findings shall be delivered to the respondent, the complainant, the city attorney and such other public officials, officers and persons as the board deems proper.

(3) Affirmative action negotiated under this section may include, but not be limited to:

- (a) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent;
- (b) Reporting as to the manner of compliance;
- (c) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing board.
- (d) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual;
- (e) Payment to the complainant of damages for injury caused by an unlawful practice including compensation for humiliation and embarrassment, and expenses incurred by the complainant in obtaining alternative housing accommodation and for other costs actually incurred by the complainant as a direct result of such unlawful practice.

(4) The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (as added by Ord. #2016-10, Oct. 2016)

12-1109. Investigations, powers, records. (1) In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records and documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

(2) Every person subject to this chapter shall make, keep and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.

(3) A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the hearing board for an exemption from the application of the regulational order. If the board finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (as added by Ord. #2016-10, Oct. 2016)

12-1110. Conspiracy to violate this chapter unlawful. It shall be an unlawful practice for a person, or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this chapter; or

(2) To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this chapter; or

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder; or

(4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing board, or any of its members or representatives in the lawful performance of duty under this chapter. (as added by Ord. #2016-10, Oct. 2016)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
 13-102. House trailers.
 13-103. Smoke, soot, cinders, etc.
 13-104. Stagnant water.
 13-105. Weeds.
 13-106. Dead animals.
 13-107. Health and sanitation nuisances.
 13-108. Overgrown and dirty lots.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1976 Code, § 8-101)

13-102. 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 municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1976 Code, § 8-104)

13-103. 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

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: section 16-107.

Wastewater treatment: title 18, chapter 1.

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. (1976 Code, § 8-105)

13-104. 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. (1976 Code, § 8-106)

13-105. 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 health officer or chief of police to cut such vegetation within five (5) days when it has reached a height of over eight (8) inches. (1976 Code, § 8-107)

13-106. 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. (1976 Code, § 8-108)

13-107. 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 of occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity.

When the city council shall resolve that a condition constitutes a public nuisance the property owner or tenant responsible therefor shall be furnished a copy of the resolution and ordered to remedy the situation within five (5) days.

If the order is not obeyed the city may abate the nuisance at the expense of the property owner or tenant responsible therefore and shall have a lien against the property for the reasonable value of such service. (1976 Code, § 8-109)

13-108. Overgrown and dirty lots.¹ (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, section 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Limitation on application. The provisions of this section shall not apply to any parcel of property upon which an owner-occupied residence is located.

(3) Designation of public officer or department. The city council shall designate an appropriate department or person to enforce the provisions of this section.

(4) Notice to property owner. It shall be the duty of the department or person designated by the city council to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of section 13-108 of the Loudon Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, section 6-54-113, and that the property of such owner may be cleaned-up at the expense of the owner or a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

¹Municipal code reference

Section 13-103 applies to cases where the city wishes to prosecute the offender in city court. Section 13-104 can be used when the city seeks to clean up the lot at the owner's expense and place a lien against the property for the cost of the clean-up but not to prosecute the owner in city court.

This title, chapter 2.

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(5) Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the city council to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. The City of Loudon may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. A lien may be placed upon the property for the cost of the lot clean up after charges for remediation equal or exceed five hundred dollars (\$500.00). A 10% charge will be added to cover administrative expenses. Upon the filing of the notice with the office of the register of deeds in Loudon County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of commissioners. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of city council under subsection (5) above may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be

maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (as amended by Ord. #2008-03, May 2008)

CHAPTER 2

SLUM CLEARANCE¹

SECTION

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

13-201. Findings of board. Pursuant to Tennessee Code Annotated, section 13-21-101 et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

13-202. Definitions. (1) "Municipality" shall mean the City of Loudon, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, section 13-21-101 et seq.

(4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

state relating to health, fire, building regulations, or other activities concerning structures in the city.

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

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

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

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector.

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

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order: (a) if the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or (b) if the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed

fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful."

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished.

13-208. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall, upon the filing of the notice with the office of the register of deeds of Loudon County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed upon the tax rolls of the City of Loudon as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Loudon County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Loudon to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other

residents of the City of Loudon; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness.

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

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

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

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

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

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

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

CHAPTER 3

JUNKYARDS¹

SECTION

- 13-301. Storage of junk.
13-302. Yards to be fenced.
13-303. Maintenance.
13-304. New junkyards or transfer of junkyards prohibited.

13-301. Storage of junk. All junk stored or kept in junkyards shall be so kept as that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated. (1976 Code, § 5-701)

13-302. Yards to be fenced. All junkyards shall be enclosed within close fitting plank or metal fences touching the ground on the bottom and being not less than eight (8) feet in height, such fences to be so built as that it will be impossible for stray cats and/or stray dogs to have access to such junkyards. (1976 Code, § 5-702)

13-303. Maintenance. Junkyards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1976 Code, § 5-703)

13-304. New junkyards or transfer of junkyards prohibited. No new junkyards shall hereafter be established or maintained nor shall any existing junkyard be transferred as such to any new, additional, or other owner.

For the purposes of this chapter a junkyard is any enclosed or unenclosed, roofed or unroofed, area or place, in or upon which is stored or kept for sale scrap metal, rope, paper, rags, used automobile parts, wrecked automobiles or other refuse or waste material. (1976 Code, § 5-704)

¹State law reference

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

TITLE 14

ZONING AND LAND USE CONTROL¹

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. PROPERTY NUMBERING.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of ten (10) members; one (1) of whom shall be the mayor or a person designated by the mayor, and one (1) of these shall be a member of the Loudon City Council selected by the council members. The remaining eight (8) members of the planning commission shall be appointed by the mayor and two (2) of those members shall be residents of the urban growth boundary. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the members appointed by the mayor shall be for five (5) years each. The original seven (7) members appointed were appointed for terms of one, two, three, four, five, six, and seven years respectively so that the terms of one member expired each year. The terms of the mayor and the member selected by the governing body shall run concurrently with their terms of office. Any vacancy in a appointive membership shall be filled for the unexpired term by the mayor. (1976 Code, § 11-101, as amended by Ord. #2007-15, Dec. 2007)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions and duties in

¹See Ord. #1993-20 (Dec. 1993) of record in the office of the recorder for an ordinance approving an Intergovernmental Agreement establishing a full time planning department.

accordance with title 13 of the Tennessee Code Annotated.¹ (1976 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1976 Code, § 11-103)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the City of Loudon shall be governed by Ordinance Number 580, titles "Zoning Ordinance, City of Loudon, Tennessee," and any amendments thereto.¹

¹Ordinance No. 580, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

PROPERTY NUMBERING

SECTION

- 14-301. Property numbering map.
- 14-302. Applicable to all buildings.
- 14-303. Requirements.
- 14-304. Exemptions.
- 14-305. Maintenance of system.
- 14-306. Posting of numbers.
- 14-307. Penalties.

14-301. Property numbering map. A uniform system of property numbering, as depicted on the "Property Numbering Map of Loudon, Tennessee," is hereby adopted and made a part of this chapter. (Ord. # 773, Nov. 1987)

14-302. Applicable to all buildings. All buildings within the corporate limits of the City of Loudon, Tennessee, shall hereafter be identified by reference to the uniform numbering system adopted herein, provided; all existing numbers of buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within two months from the date this chapter is adopted. (Ord. # 773, Nov. 1987)

14-303. Requirements. The requirements of the property numbering system are as follows:

(1) A separate number shall be assigned according to each fifty (50) foot interval as depicted on the "Property Numbering Map of Loudon, Tennessee."

(2) Each principal building shall bear the number assigned to the frontage in which it is located. Buildings which contain one use and cover more than one frontage shall bear the number which most of the building fronts.

(3) Buildings which contain more than one use but have one frontage shall bear the number assigned to the frontage in which it is located. Each use shall bear a letter to identify the individual use in the building.

(4) When several uses are contained in one building which has more than one frontage, each use shall bear the number assigned to the frontage in which it is located. If two or more uses have one frontage, the individual uses will bear a letter for identification. (Ord. # 773, Nov. 1987)

14-304. Exemptions. The housing projects of the Loudon Housing Authority shall be numbered independently from the rest of the city. (Ord. # 773, Nov. 1987)

14-305. Maintenance of system. The city council shall be responsible for maintaining the numbering system. In the performance of this responsibility the city council shall be guided by the provisions of section 14-703 of this chapter. (Ord. # 773, Nov. 1987)

14-306. Posting of numbers. Numbers or letters indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. (Ord. # 773, Nov. 1987)

14-307. Penalties. Violations of the provisions of this chapter shall be deemed a misdemeanor and may be punished by a fine of \$1.00 to \$5.00. Each separate day such violation is continued shall constitute a separate offense. (Ord. # 773, Nov. 1987)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS²

SECTION

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

¹Municipal code reference

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

²State law references

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

- 15-113. School safety patrols.
- 15-114. Driving through funerals or other processions.
- 15-115. Clinging to vehicles in motion.
- 15-116. Riding on outside of vehicles.
- 15-117. Backing vehicles.
- 15-118. Projections from the rear of vehicles.
- 15-119. Causing unnecessary noise.
- 15-120. Vehicles and operators to be licensed.
- 15-121. Passing.
- 15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-123. Drag racing.
- 15-124. Leaving the scene of an accident.
- 15-125. Moving wide loads across Tennessee River Bridge.
- 15-126. Truck traffic restricted on certain streets.
- 15-127. Vehicles in city parks.
- 15-128. Damaging pavements.
- 15-129. Compliance with financial responsibility required.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1976 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1976 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1976 Code, § 9-107)

15-104. Driving under the influence. (See Tennessee Code Annotated, sections 55-10-401, 55-10-303, and 55-10-307). (1976 Code, § 9-108, modified)

15-105. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1976 Code, § 9-109)

15-106. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the 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 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. (1976 Code, § 9-110)

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

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1976 Code, § 9-111)

15-108. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1976 Code, § 9-112)

15-109. Miscellaneous traffic control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the city.

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. (1976 Code, § 9-113)

¹Municipal code references

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

15-110. General requirements for traffic control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,¹ 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 shall not be construed as being mandatory but is merely directive. (1976 Code, § 9-114)

15-111. Unauthorized traffic control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal. (1976 Code, § 9-115)

15-112. 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 city authority. All presently installed traffic control signs, signals, markings, and devices are hereby expressly authorized, ratified, approved, and made official. (1976 Code, § 9-116)

15-113. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1976 Code, § 9-117)

15-114. 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. (1976 Code, § 9-118)

15-115. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any

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

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. (1976 Code, § 9-120)

15-116. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1976 Code, § 9-121)

15-117. 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. (1976 Code, § 9-122)

15-118. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1976 Code, § 9-123)

15-119. 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. (1976 Code, § 9-124)

15-120. 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." (1976 Code, § 9-125)

15-121. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

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

Notwithstanding any of the foregoing, no person operating a tandem truck or tractor-trailer truck shall overtake or pass any other moving motor vehicle proceeding in the same direction as the truck. (1976 Code, § 9-126)

15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.

(1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor capacity that does not exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the 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, motor driven cycles, or motorized bicycles.

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

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

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

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

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

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section. (1976 Code, § 9-129, modified)

15-123. Drag racing. Drag racing as defined and prohibited in sections 55-10-501 through 55-10-503, Tennessee Code Annotated, is hereby prohibited within the corporate limits and made a municipal offense also. (1976 code, § 9-127)

15-124. Leaving the scene of an accident. The driver of any vehicle involved in an accident resulting in injury to or death of any person, or damages to any property, including automobiles, shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until the same shall have been reported to the police department and a police officer has reached the scene of said accident and made an investigation thereof. (1976 Code, § 9-128)

15-125. Moving wide loads across Tennessee River Bridge. No motor vehicle whose width including any part of the load, exceeds eight (8) feet (that is, four (4) feet on each side of the center line of the vehicle) shall be moved across the Tennessee River Bridge in the City of Loudon without a permit from the state's commissioner of highways and a city police department escort. The

escort service shall be furnished by the city police department upon request and as expeditiously as possible consistent with not unreasonable interfering with rush-hour traffic using the bridge around the time of shift changes at local mills and plants. (1976 Code, § 9-130)

15-126. Truck traffic restricted on certain streets. Except when necessary to make a pickup or delivery, it shall be unlawful for any person to operate any motor vehicle larger than a one-half ton pickup truck on the following streets when appropriate signs have been posted:

(1) Roberson Road between State Highway No. 11 and the city limits to the west.

(2) Upper Street between its intersections with Main Street on the east and Freedman Street on the West.

(3) Ward Avenue between State Highway No. 11 and Steekee Street. (1976 Code, § 9-131)

15-127. Vehicles in city parks. It shall be unlawful for any person to operate or drive any motorized vehicle, bicycle, or other similar vehicle in any city park on any area other than entranceways and parking lots provided. (1976 Code, § 9-132)

15-128. Damaging pavements. No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1976 Code, § 9-119)

15-129. Compliance with financial responsibility required. (1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision of this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106 the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued; or

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee, or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #2002-04, March 2002)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

- 15-201. Authorized emergency vehicles defined.
15-202. Operation of authorized emergency vehicles.
15-203. Following emergency vehicles.
15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1976 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

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

(3) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1976 Code, § 9-103)

¹Municipal code reference

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

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1976 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1976 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1976 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1976 Code, § 9-202)

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

In school zones where the 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. (1976 Code, § 9-203, modified)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1976 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1976 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1976 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1976 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1976 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1976 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, section 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic control signals generally.
- 15-508. At flashing traffic control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1976 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1976 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1976 Code, § 9-403)

¹Municipal code reference

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

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1976 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1976 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1976 Code, § 9-406)

15-507. At traffic control signals generally. Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

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

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

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

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(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 generally 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 shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the 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 unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1976 Code, § 9-407, modified)

15-508. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

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

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in section 15-504 of this code. (1976 Code, § 9-408)

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1976 Code, § 9-409)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1976 Code, § 9-410)

¹State law reference

Tennessee Code Annotated, section 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by parking meters.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. Municipal parking lot.
- 15-613. Presumption with respect to illegal parking.
- 15-614. Unlawful parking of trucks in residential areas.

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

Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the 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.

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1976 Code, § 9-501)

15-602. 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. 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. (1976 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1976 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

(1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic.

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

(3) Within an intersection;

(4) Within fifteen feet (15') of a fire hydrant;

(5) Within a pedestrian crosswalk;

(6) Within twenty feet (20') of a crosswalk at an intersection;

(7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;

(8) Within fifty feet (50') of the nearest rail of a railroad crossing;

(9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;

(10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, title 55, chapter 21. (1976 Code, § 9-504, modified)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (1976 Code, § 9-505)

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the city, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the governing body, parking shall be regulated by parking meters where the same have been installed by the city. The presumption shall be that all installed parking meters were lawfully installed by the city. (1976 Code, § 9-506)

15-607. Lawful parking in parking meter spaces. Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (1976 Code, § 9-507)

15-608. Unlawful parking in parking meter spaces. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one time. Insertion of additional coin or coins in the meter to purchase additional time is unlawful.

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (1976 Code, § 9-508)

15-609. Unlawful to occupy more than one parking meter space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (1976 Code, § 9-509)

15-610. Unlawful to deface or tamper with meters. It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1976 Code, § 9-510)

15-611. Unlawful to deposit slugs in meters. It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1976 Code, § 9-511)

15-612. Municipal parking lot. In any area designated by the governing body for free off-street parking it shall be unlawful for any person to leave a vehicle parked for more than two (2) consecutive hours. (1976 Code, § 9-512)

15-613. 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. (1976 Code, § 9-513)

15-614. Unlawful parking of trucks in residential areas. Except when necessary to make a pickup or delivery, it shall be unlawful for the owner or operator of any truck over a one ton load capacity to park or allow his vehicle to be parked on the following streets: Highland, Mason Lane, Carding Machine, Lake View Drive, Harper, Pine Top, Blair, Cedar, Church, Ferry, Commerce, River Bend Rd., Collins, Pathkiller, Coffee, Circle, Lakeview Heights, Vale, Summer, Huffland, Rosedale, Pecan, Park, Walnut, West, Atlanta, College Wharf, Shubert, McCollister, Ingram, Webster, Fort Hill McQueen, Kingston, Overlook Drive, Georgia Street, Gail Street, Terrace Drive and Oak Street. (1976 Code, § 9-514, as amended by Ord. # 768, Aug. 1987)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1976 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1976 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation.

If the offense is a parking meter parking violation, the offender may, within seven (7) days, have the charge against him disposed of by paying to the city recorder a fine of fifty cents (.50¢) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after seven (7)

¹State law reference

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

days, but before a warrant for his arrest is issued, his fine shall be two dollars (\$2.00). (1976 Code, § 9-603)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1976 Code, § 9-604)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, section 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, sections 55-16-103 through 55-16-109. (1976 Code, § 9-605)

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. RIVERFRONT FACILITIES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Acceptance of streets.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, materials, or services. (1976 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1976 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his

¹Municipal code reference

See title 9 in this code for related motor vehicle and traffic regulations.

property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1976 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1976 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley unless the lowest part of the sign or banner is at least fifteen feet above the street. (1976 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1976 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, grass clippings, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1976 Code, § 12-107, as amended by Ord. #2010-02, Feb. 2010)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way.

On streets, roads, and alleys where there are no curbs and gutters, but storm drainage is by means of ditches, the following policy is hereby adopted with respect to private driveways whenever the city determines that such drainage ditches shall be cleaned out, deepened or otherwise improved. Where a ditch is of such depth as to make necessary the installation of a pipe or tile at a private driveway for storm drainage, the superintendent of streets shall determine the size and specification of pipe or tile sufficient to carry storm water and insure easy cleaning. The abutting property owner, after being given notice by the superintendent of streets, shall purchase the specified tile or pipe and the city shall install such pipe or tile and establish the grade of the driveway to the property line of the abutting owner.

¹Municipal code reference

Building code: title 12, chapter 1.

Any property owner before constructing a driveway shall first obtain a permit from the superintendent of streets for such construction, and such construction shall be in accordance with specifications of the superintendent of streets to insure there shall be adequate drainage of storm water and easy cleaning and that the traveled way shall not be obstructed.

In those cases where the tiles or drains are insufficient to carry the flow of drainage water through them, the property owner shall install new and sufficient tiles or drains, under direction of the superintendent of streets, so as to remedy this situation. Upon notice to any property owner by the superintendent of streets that the drain or tile under his private driveway is insufficient to carry the drainage water and afford easy cleaning of said drain or tile, the property owner shall within thirty days after such notice correct the drain or tile so as to comply with the specifications of the superintendent of streets. (1976 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow or ice from the abutting sidewalk. (1976 Code, § 12-109)

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1976 Code, § 12-110)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1976 Code, § 12-111)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead or tie any animal, or ride, push, pull or place any vehicle across or upon any sidewalk in such a manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1976 Code, § 12-112)

16-113. Acceptance of streets. No street, road or way shall henceforth be accepted as a public street by the City of Loudon, Tennessee, unless its location and the width of its right of way has been approved by the Loudon Planning Commission and unless its condition meets the standards established by the planning commission for all new streets within the corporate limits.

No department or board of the city shall lay or permit to be laid or connected any water, sewer, gas, or electric line in any street, road or way not accepted as a public street by the city.

No building permit for the construction of any structure shall be issued by the city for any lot not abutting a street accepted as a public street by the city.

No department or board of the city shall lay or permit to be laid or connected to the public utilities of Loudon any water, sewer, gas or electric line in any street, road or way henceforth opened outside the corporate limits of the City of Loudon which has not been designated as an approved street by the Loudon Planning Commission. In determining the designation of an approved street, the standards established by the Loudon Planning Commission for streets outside the corporate limits shall apply. (1976 Code, § 12-113)

CHAPTER 2

EXCAVATIONS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Certified check or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (1976 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the superintendent of streets, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

laws relating to the work to be done. The application shall be rejected or approved by the superintendent within twenty-four (24) hours of its filing. (1976 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$0.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1976 Code, § 12-203)

16-204. Certified check or bond. No such permit shall be issued unless and until the applicant, therefore, has deposited with the superintendent of streets or such person as he may designate, a certified check, bond, or other acceptable means of security in the amount sufficient to cover the cost of the proper restoration of the ground and laying of the pavement, if any.

The amount of the certified check, bond, or other acceptable means of security shall be determined by the superintendent of streets. From this sum shall be deducted the expense to the municipality of relaying the surface of the ground or pavement and of making the refill if this is done by the municipality or at its expense. Any balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is properly restored.

In lieu of a deposit the applicant may deposit with the city recorder a surety bond in such form and amount as the city recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1976 Code, § 12-204)

16-205. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1976 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the

superintendent of streets shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1976 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1976 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city recorder. (1976 Code, § 12-208)

16-209. Supervision. The person designated by the board of mayor and aldermen shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1976 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the superintendent of streets. Such a permit will not be issued when the

contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1976 Code, § 12-210)

CHAPTER 3

RIVERFRONT FACILITIES

SECTION

- 16-301. Permit required.
- 16-302. Applications.
- 16-303. Fee.
- 16-304. Manner of construction.
- 16-305. Supervision.
- 16-306. Demolition and restoration.
- 16-307. Use of facilities.

16-301. Permit required. It shall be unlawful for any person, firm, corporation, association, or others to moor a boat, houseboat, or other watercraft, or construct any dock, platform, walkway, steps, or other facility within or adjacent to the boundaries of lands leased by the city from the Tennessee Valley Authority without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate or vary from, the terms of any such permit. A permit shall be required for each boat, houseboat, or watercraft and a separate permit shall be required for each dock, platform, walkway, steps, or other facility. A mooring permit shall be valid for one (1) year from date of issue. However, a permit for construction of a dock or related facility shall be valid perpetually but subject to revocation upon ten (10) days notice by the city council. (1976 Code, § 12-301)

16-302. Applications. Applications for such permits shall be made to the city recorder or such person as he may designate, and shall state thereon the location of the intended use by diagram, the name of the applicant, a description of the watercraft or, where pertinent, the size of the dock or related facility, and certification by the building inspector that he has reviewed and approved the plans for the proposed facility. (1976 Code, § 12-302)

16-303. Fee. The fee for a mooring permit shall be \$17.50 per year. The fee for a permit to construct a dock or related facility shall also be \$17.50. However, when an applicant applies for and is granted at the same time a mooring permit and a construction permit only a single fee of \$17.50 shall be levied. (1976 Code, § 12-303)

16-304. Manner of construction. Any person, firm, corporation, association, or others obstructing any dock or related facility shall do so according to the terms and conditions of the application and permit authorizing the work to be done. The type, manner, or method of construction must be

approved by the building inspector. The building inspector shall certify that the facility is constructed so as to be safe for public use upon completion of the work to be done. However, any person, firm, corporation, association, or others who construct any dock or related facility shall be responsible for keeping the facility in a good and safe state of repair. (1976 Code, § 12-304)

16-305. Supervision. The building inspector shall, from time to time, inspect all docks and related facilities and see to the enforcement of the provisions of this chapter. When and if the building inspector shall determine that a facility is not being maintained in a good and safe state of repair he shall inform the city recorder who shall revoke the permit for said facility. (1976 Code, § 12-305)

16-306. Demolition and restoration. Any person, firm, corporation, association, or others whose permit has been revoked for any reason shall restore the site of the facility to its original condition. In case of unreasonable delay in restoring the site, the city recorder shall give notice to said person, firm, corporation, association, or others that if demolition and restoration is not completed within a specified reasonable period of time, the municipality will do the work and charge the expense of doing same to such person, firm, corporation, or others. (1976 Code, § 12-306)

16-307. Use of facilities. A permit for construction of a dock or related facility merely gives the holder of said permit the right to construct said facility. It does not give the holder of said permit an exclusive right of use, and it is expressly understood that the facility is built on public property and may be used by the public in general. All facilities are to be used for waterrelated recreation purposes, and when used for any other purpose so as to become a public nuisance, a permit may be revoked under the provisions of this chapter. (1976 Code, § 12-307)

TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Powers of the director of public works.
- 17-102. Premises to be kept clean.
- 17-103. Definitions.
- 17-104. Accumulation and storage of refuse.
- 17-105. Containers.
- 17-106. Refuse not to be collected unless properly stored.
- 17-107. Refuse from construction, demolition, or repairs.
- 17-108. Dumping in streams, sewers, and drains prohibited.
- 17-109. Disposal of refuse by city.
- 17-110. Disposal of refuse other than by city.

17-101. Powers of the director of public works. The services, rules and regulations described in this chapter are intended to include the conditions that are normally encountered. It shall be the responsibility of the director of public works (DPW) to provide these services as prescribed in this chapter. The DPW shall file with the city manager a set of standards describing the level of service, schedules and procedures that will be provided to all residences and commercial establishments. These standards will become effective only after the DPW has filed such standards, or any amendments thereto, with the city manager; and such standards shall continue in full force and effect until amended or rescinded by the DPW. However, recognizing that it is impossible to anticipate every circumstance or problem that may arise the DPW is authorized to make exceptions that are not covered in this chapter. These exceptions will be made only under extreme conditions, i.e. physical disability, terrain or existing nonconforming structures. (1976 Code, § 8-201)

17-102. Premises to be kept clean. The provisions of this chapter are intended to establish rules and regulations to control the handling, storing, collection, transporting and disposal of refuse. Each occupant is responsible to maintain the requirements as provided by this chapter. If the property is not occupied, then the owner shall be responsible. (1976 Code, § 8-202)

17-103. Definitions. The term "refuse" shall mean and include garbage, rubbish, ashes, leaves, grass clippings and brush as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, recognizable industrial by-products, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1976 Code, § 8-203, as amended by Ord. #2010-02, Feb. 2010)

17-104. Accumulation and storage of refuse. (1) Each occupant shall provide an adequate number of approved containers for the storage of refuse except business and industrial establishments using city owned receptacles as described in section 17-105(4).

(2) All refuse shall be drained free of liquids before disposal.

(3) "Leaves" will be collected each year by the city using a vacuum collection machine. Leaves may be placed at the curb or near the edge of the pavement in windrows. Rules, regulations and schedules will be published well in advance stating specific areas and times when city crews will be working. Leaves not collected during this period must be put in bags and placed at the curb for collection by the regular residential refuse collection crew.

(4) "Brush" collection will be provided by the city subject to a telephone request for service. Brush will be collected as personnel and equipment are available. The collection schedule will be prepared by the DPW. Brush shall be placed at the curb or edge of the pavement with the cut ends facing the street. The stacks of brush shall be placed so as not to block the public sidewalk. Tree limbs shall not exceed four (4) inches in diameter nor be of such length or weight that they can not be fed into a conventional brush chipper by one person.

(5) "Ashes" that have been exposed to the weather and are completely free of fire or smoke may be placed in regular containers.

(6) "Grass clippings" will be collected by the city provided that they are placed in trash bags or garbage cans thirty-two (32) gallons or less with weight not to exceed forty (40) pounds. Containers shall be placed at the curb or edge of pavement. (1976 Code, § 8-204, as amended by Ord. #2010-02, Feb. 2010)

17-105. Containers. (1) Residential refuse containers shall be constructed of strong and durable material, shall be rodent and insect proof, and shall not be readily corrodible. They shall have a capacity of not more than thirty-two gallons and not less than twenty gallons and, when filled, shall weigh not more than fifty (50) pounds. Residential refuse containers shall be equipped with handles on both sides to facilitate emptying. They shall be equipped with tight fitting lids or covers to preclude the free access of flies and insects and to prevent the containers from collecting water during rain or snow. The lids or covers shall be kept in place at all times except when refuse is being deposited thereto or removed therefrom by the collector.

(2) Refuse containers shall be maintained in good order and repair. Any container that may have a ragged or sharp edge or other defects liable to

injure the persons collecting the contents thereof shall be replaced. The city sanitation department will affix to any defective container a tag identifying such defects and giving the owner proper notice that the container must be replaced. When a person fails to repair or replace containers after notice has been given, further collection will be discontinued until proper containers have been provided. The collectors will exercise every effort to protect the container from damage as a result of unloading or loading, but the city will not be held liable for such damages.

(3) Plastic bags may be used in lieu of or in conjunction with standard refuse containers. Plastic bags shall be the type manufactured for this use. They shall be of sufficient thickness and strength to support the contents during handling and loading into the packer trucks by the sanitation workers. All plastic bags shall be securely tied at the top.

(4) The city manager and the public works director have identified some areas that must purchase ninety-six (96) gallon refuse containers from the City of Loudon. If a resident outside of predetermined areas desires to request to purchase a city refuse container, they may do so by contacting city hall. A determination will be made by the public works director as to the capability of the appropriate equipment to access the property. The City of Loudon has the right to deny the request for a ninety-six (96) gallon refuse container pickup if the area is deemed not safely accessible by the appropriate equipment.

(5) Residents of public housing and multiple family dwellings, businesses and industrial establishments may deposit in the city owned refuse containers all refuse from their establishment. All cardboard boxes shall be broken down prior to depositing them in the containers. Businesses and industrial establishments are exempt from the requirements in section 17-104(1) and (2). No person other than for whom the containers were designated to serve may use the refuse containers.

(6) The DPW shall determine based on economic considerations and the efficiency of collection the size, location and service provided for all containers furnished by the city. Only one container will be furnished each customer or one container may be furnished that will be shared by several customers. Customers needing additional storage capacity may purchase containers from the city at cost. Hereinafter, all containers shall be replaced by the customer at customer's cost. All containers will be emptied a minimum of once each week.

(7) Each customer(s) will be notified in writing of the size, location, frequency of service and the names of other customers that are assigned to share the container. The customer(s) will be responsible for preventing litter from accumulating around the container. The customer shall notify the city of anyone other than the assigned users that may be putting refuse into the container.

(8) Business and industrial establishments not served by a city-owned receptacle shall provide a sufficient number of containers to fully contain all

refuse accumulated between collection periods. The size of the containers shall not exceed the size authorized for residential users.

(9) Refuse containers must be located outside of buildings. They shall be placed where they will not become a traffic or fire hazard and will be accessible to city sanitation employees.

(10) Collections scheduled for business and industrial establishments furnishing their own containers will be served by the residential collection crew on the same days as the residential customers in the vicinity.

(11) Containers shall be placed at the curb or edge of pavement on the designated collection day and removed on the same day.

(12) Containers shall be placed back of the curb or between the edge of the pavement and the roadway ditch if there is sufficient space.

(13) Property abutting on a public alley shall place the containers not more than five feet from the property line. If the back property is fenced, the containers shall be placed on the alley side of the fence. If sufficient space is not available between the fence and the alley the containers may be placed inside the fence if easy access to the containers is provided.

(14) Exceptions to alley service may be made by the DPW if it is impractical using sanitation department collection equipment or containers can not be served because of some physical barrier. (1976 Code, § 8-205, as amended by Ord. # 1989-12, Oct. 1989, and Ord. #2016-11, Nov. 2016)

17-106. Refuse not to be collected unless properly stored. In no case will it be the responsibility of the city public works department to shovel or pick up from the ground any accumulation of refuse. Brush should be stacked with all cut ends facing the street. The city public works department will not pick up, chip, or dispose of any tree limbs, wood, or other debris that is created by contract tree trimmers or other paid individuals. (1976 Code, § 8-206, as replaced by Ord. #2013-01, Jan. 2013)

17-107. Refuse from construction, demolition, or repairs. In no case will it be the responsibility of the city public works department to collect refuse resulting from construction, demolition, or repairs of buildings, structures, or appurtenances being performed by contractor.

(1) The city public works department will pick up building material from homes being remodeled by the owner provided:

(a) The homeowner is doing the work (no contractor or free outside labor).

(b) The material is placed in an orderly manner by the curb so that the city crew can load the material in ten (10) minutes or less.

(c) No shingles, liquids (including paint), tire-mounted wheels, or other material that cannot be deposited in the landfill will be collected.

(2) When available, the city will provide a truck between 7:30 A.M. and 2:30 P.M., on regular business days, for the homeowner to load (this does not apply to weekends or holidays observed by the city):

(a) No shingles, liquids (including paint), tire-mounted wheels, or other material that cannot be deposited in the landfill will be collected.

(b) The truck must be loaded in such a manner as to meet the regulations for hauling.

(c) If it is necessary for more than one (1) truck load, there will be a prepaid charge of one hundred fifty dollars (\$150.00) per load for any additional use of a truck in any twelve (12) month period. (1976 Code, § 8-207, as replaced by Ord. #2013-01, Jan. 2013)

17-108. Dumping in streams, sewers, and drains prohibited. It shall be unlawful to dump refuse in any form into a stream, ditch, storm sewer, sanitary sewer, or other drain. (1976 Code, § 8-208)

17-109. Disposal of refuse by city. All refuse accumulated in the city shall be collected, conveyed, and disposed of by the city's sanitation department. No person shall convey over any of the streets or alleys of the city, or dispose of any refuse, except as noted in section 17-110. All refuse shall be disposed of in a sanitary land fill or other sites approved by the DPW. (1976 Code, § 8-209)

17-110. Disposal of refuse other than by city. Producers of refuse and/or their agent may convey and dispose of such refuse provided they shall first obtain a permit from the city granting them the right to collect, convey, and dispose of the refuse. Applicants for this type of private disposal permit will not be exempt from paying the disposal charges. (1976 Code, § 8-210)

TITLE 18

WATER AND SEWERS

CHAPTER

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

CHAPTER 1

SEWAGE DISPOSAL¹

SECTION

- 18-101. Definitions.
- 18-102. Requirements for proper sewage disposal.
- 18-103. Building sewer permits and proper connections.
- 18-104. Prohibitions and limitations on wastewater discharges.
- 18-105. User compliance with waste discharge standards.
- 18-106. Major industrial discharge permit system.
- 18-107. Charges and fees (user charge system).
- 18-108. Enforcement procedures and penalties.
- 18-109. Savings clause.
- 18-110. Appendix A Enforcement Response Plan.

18-101. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "The Act" means Federal Water Pollution Control Act Amendment of 1972, also known as the Clean Water Act, (33 U.S.C. 1251 et. seq.), and subsequent amendments.

(2) "B.O.D" (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 twenty (20) degrees C., expressed in terms of weight and concentration [milligrams per liter (mg/l)].

(3) "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.

¹Municipal code reference

Building, utility and housing codes: title 12.

Utilities board: title 2.

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

(5) "City" shall mean the City of Loudon or the Loudon Utilities Board.

(6) "C.O.D"(denoting chemical oxygen demand) shall mean the quantity of oxygen utilized in the oxidation of organic matter to carbon dioxide and water expressed in terms of weight and concentration [milligrams per liter (mg/l)].

(7) "City judge" means that person appointed by the Loudon City Council to constitute city court and to try all persons charged with violation of the ordinances of the city.

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

(9) "Compatible pollutant" shall mean such pollutants as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants as are now and may be in the future specified and controlled in this city's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

(10) "EPA" shall mean the Environmental Protection Agency, an agency of the United States, or where appropriate, the term may be used as a designation for the administrator or other duly authorized official of said agency.

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

(12) "Grab sample" shall mean a single sample which is taken from a waste stream on a one-time basis from one sampling point.

(13) "Incompatible pollutant" shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(14) "Industrial user" shall mean a source of discharge which introduces pollutants into the sanitary sewer from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.

(15) "Industrial wastes" shall mean the liquid wastes resulting from industrial and manufacturing processes and/or trade and business establishments, as distinct from sanitary wastewater.

(16) "Interference" shall mean inhibition or disruption of the sewer systems, treatment processes or operations (including sludge treatment and disposal processes) which contributes to the violation of any requirements of the city's NPDES permit.

(17) "Monitoring" shall mean the measurement, continuous or intermittent, of wastewater quality.

(18) "National Pollutant Discharge Elimination System" or "NPDES Permit" shall mean a permit issued to the city pursuant to Section 402 of the Act.

(19) "National Pretreatment Standard" or "Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act which applies to industrial users. These standards are further segregated as:

(a) "National pretreatment standards: prohibited discharges" - establishes prohibitions on pollutants introduced into the sanitary sewer system pursuant to 40 CFR Section 403.5 and applies to all industrial users.

(b) "National Pretreatment Standards: Categorical Standards" - specifies quantities or concentrations of pollutants or pollutant properties which may be discharged to the sanitary sewer pursuant to 40 CFR Section 403.6 and applies only to specific industrial categories.

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

(21) "New source" shall mean any building, structure, facility, or installation from which there is or may be a discharge, the construction of which commenced:

(1) After proposal of pretreatment standards in accordance with Section 307(c) of the Act which are applicable to such source or

(2) After proposal of pretreatment standards in accordance with Section 307(c) of the Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 307(c) within 120 days of their proposal.

(22) "Pass through" shall mean the discharge of pollutants through the treatment system into a natural outlet in quantities or concentrations which are a cause of or significantly contribute to any violation of the NPDES permit, this includes pollutants subject to "National Pretreatment Standards: Categorical Standards."

(23) "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or the legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(24) "pH" means the hydrogen ion activity of a solution and is expressed as the logarithm of the reciprocal of the hydrogen ion activity in moles per liter at a given temperature.

(25) "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

(26) "Pretreatment facility" of "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the treatment system. The reduction or alteration can be obtained by physical, chemical, or biological processes,

process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).

(27) "Pretreatment requirement" shall mean any substantive or procedural requirement related to pretreatment other than a national pretreatment standard, imposed on an industrial user.

(28) "Process water" shall mean "industrial wastes" as described in this section, definition (15).

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

(30) "Replacement" shall mean expenditures for obtaining and installing equipment accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term operations and maintenance includes replacement.

(31) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(32) "Sanitary wastewater" shall mean liquid wastes discharged from: the sanitary conveniences at dwellings (including apartment houses and hotels), office buildings, industrial plants, or institutions and from the non-commercial preparation, cooking and handling of food, as distinct from industrial wastes.

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

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

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

(36) "Shall is mandatory; "May" is permissive.

(37) "Significant industrial user" shall mean any user which meets or exceeds any of the following criteria:

(a) An industrial user which discharges a waste whose characteristics are greater than any of the following:

Flow	25,000 gallons per day
BOD ₅	62 lbs/day
TKN	12 lbs/day
NH ₃ -N	6 lbs/day
Suspended Solids	62 lbs/day
Oil and Grease	21 lbs/day

or, contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(b) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N.

(c) All commercial users of EPA funded individual systems.

(d) Upon a finding that an industrial user meeting the criteria in the above sections of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

(38) "Significant violations" are defined as:

(a) Violations of wastewater discharge limits.

(i) Chronic violations-66% or more of the measurements exceed the same daily maximum limit or the same average limit in a six month period (any magnitude of exceedance).

(ii) Technical Review Criteria (TRC) violations are those in which 33% or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

(iii) Any other violation(s) of effluent level (average or daily maximum) that the Control Authority believes has caused alone or in combination with other discharges, interferences or pass through or endangered the health of the sewage treatment personnel or the public.

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(b) Violations of compliance schedule milestones contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the scheduled date.

(c) Failure to provide reports for compliance schedules, self monitoring data, or categorical standards (baseline monitoring reports, 90 day compliance reports, and periodic reports) within 30 days from the due date.

(d) Failure to accurately report noncompliance.

(e) Any other violation or group of violations that the Control Authority considers to be significant.

(39) "Slug" shall mean wastewaters at a flow rate or containing such concentrations or quantities of pollutants that exceeds for any time period longer than fifteen (15) minutes more than five (5) times the average

twenty-four (24) hour concentration, quantities or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency.

(40) "Standard Industrial Classification or SIC" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(41) "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.

(42) "Superintendent" shall mean the superintendent of sewage works and/or of sewage plant of the City of Loudon, his authorized deputy agent or representative.

(43) "Suspended solids" shall mean the total suspended matter that is in suspension or floating on the surface in water, sewage, or other liquids, and which are removable by laboratory filtering, expressed in terms of weight and concentration [milligrams per liter (mg/l)].

(44) "Toxic pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317.

(45) "Twenty-four hours, flow proportional composite sample" shall mean a sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of sample are proportionate to the flow to combine to form a representative sample.

(46) "Useful life" shall be the estimated period during which a treatment works will be operated.

(47) "User" shall mean any individual, firm, company, association, society, corporation or group.

(48) "User charge" shall mean a charge levied on users of the treatment works for the cost of operation and maintenance of such works.

Scientific terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (1976 Code, § 8-301, as replaced by Ord. #1996-2, May 1996)

18-102. Requirements for proper sewage disposal. (1) Disposal of human and animal excrements. It shall be unlawful for any user to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Loudon, or any area under the jurisdiction of the said city, any human or animal excrement, garbage, or other objectionable waste.

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

(3) Septic tank, cesspool, privy vault, and privy construction. Except as hereafter 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) Requirement of sewer connections. 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 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.

(5) 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, state, and federal 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. (1976 Code, § 8-302, as replaced by Ord. #1996-2, May 1996)

18-103. Building sewer permits and proper connections. (1) Sewer connections. No unauthorized user shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the superintendent.

No connections outside the corporate limits of the City of Loudon shall be made unless by contract signed by all parties and approved by action of the Loudon City Council.

(2) Building sewer permits. 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. Their permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the superintendent. A permit and inspection fee of ten dollars (\$10.00) shall be paid to the city at the time the application is filed.

(3) Cost of sewer connection. All costs and expense incidental 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) Users per connection. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or any 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) Use of existing sewer connection. 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) Design consideration for building sewers. 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 following requirements:

(a) The minimum size of a building sewer shall be four (4) inches.

(b) The minimum depth of a building sewer shall be eighteen (18) inches.

(c) Four (4) inch building sewers shall be laid on a grade greater than 1/8 inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(d) Slope and alignment of all building sewers shall be neat and regular.

(e) Building sewers shall be constructed only of (1) concrete or clay sewer pipe using rubber or neoprene compression joints of approved type; (2) cast iron soil pipe with leaded or compression joints; (3) polyvinyl chloride pipe with solvent welded or with rubber compression joints of approved type; or (5) such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(f) A cleanout shall be located five (5) feet outside of the building, one as it taps onto the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a four (4) inch pipe.

(g) Connections of building sewers to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are

not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gas-tight and watertight.

(h) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8 inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. 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 at the expense of the owner.

(i) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(j) An installed building sewer shall be gas tight and water tight.

(7) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the superintendent to meet specifications of the city.

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

(9) Design considerations for connecting building and public sewers. 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 gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(10) Inspection of building sewers. The applicant for the building sewer permit shall notify the superintendent when the building 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) Excavation. 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. (1976 Code, § 8-303, as replaced by Ord. #1996-2, May 1996)

18-104. Prohibitions and limitations on wastewater discharges.

(1) Special agreements. Nothing in this section shall be construed, as preventing any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specifically treated subject to any payments or user charges as may be applicable. This special agreement shall be implemented by a "Major Industrial Discharge Permit", ref. section 18-105. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the sewage works to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit.

(2) Wastes excluded from discharge into Loudon's Sewerage System. An industrial user shall not introduce into the Loudon Utilities sewer system any pollutant(s) which causes pass through or interferences. All industrial users shall be subject to "National Pretreatment Standards: prohibited discharges" as detailed in 40 CFR, Section 403.5. In addition, no user shall discharge or allow to be discharged into the sewerage works any of the following materials:

(a) Unpolluted Waters. This includes uncontaminated storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers, or to a natural outlet approved by the (Tennessee Division of Water Pollution Control). Industrial cooling water or unpolluted process waters may be discharged, on approval of the (Tennessee Division of Water Pollution Control), to a storm sewer, or natural outlet.

(b) Solid or Viscous Wastes. Solid or viscous substances which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, uncommunicated garbage, animal guts or tissues, paunch manure, cannery wastes, bones, hair, hides or fleshings, entrails, whole blood,

feathers, bull solids, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt, residues, painting residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(c) Explosive Mixtures. Pollutants which create a fire or explosion hazard in the Loudon Utilities sewer system, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 251.21. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in an other way to the sewage works or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Controlled materials include, but are not limited to, gasoline, kerosene, naphta, benzene, toluene, zylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(d) Improperly shredded garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch (1.27 centimeters) in any dimension.

(e) Corrosive wastes. Any waste which will cause corrosion or deterioration of the sewage works. All wastes discharged to the public sewer system must have a pH value in the range of five (5) to nine (9) standard units. Prohibited materials, include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.

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

(g) Noxious materials. Noxious or malodorous solids, liquids or gases, which, either single or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

(h) Discolored materials. Wastes with objectionable color such as dye waste.

(i) Toxic substances. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United

States Environmental Protection Agency pursuant to Section 307(a) of the Act, and chemical elements or compounds, phenols, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system or that will pass through the system.

(j) Radioactive wastes. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(k) High temperature wastes. Any liquid or vapor having a temperature higher than one hundred four (104) degrees Fahrenheit, forty (40) degrees Centigrade.

(l) Flow rate/concentrations. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the Loudon Utilities sewer system.

(m) Trucked or hauled waste. Any trucked or hauled pollutants, except at discharge points designated by Loudon Utilities.

(3) Limitation on wastewater discharges. No person shall discharge or convey, or permit, or allow to be discharged or conveyed to a public sewer any wastewater containing pollutants of such character or quantity that will:

(a) Require unusual attention or expense to handle at the wastewater treatment facilities.

(b) Constitute a hazard to human or animal life, or to the stream or water course receiving the treatment plant effluent.

(c) Violate, National Pretreatment Standards as promulgated by the EPA with appropriate effective dates.

(d) Cause the treatment plant to experience problems with unit operations, sludge handling and disposal options or compliance with its NPDES permit limitations. More specifically, concentrations shall not exceed the amounts as detailed in Table 1, "Protection Criteria Parameters". (TABLE 1 FOLLOWS)

TABLE 1
PROTECTION CRITERIA PARAMETERS

<u>Constituent</u>	<u>Daily Average Concentration (mg/l)¹</u>
Compatible Pollutants ² :	
Ammonia Nitrogen	
Biochemical Oxygen Demand	300
Total Suspended Solids	300
Nitrogen (Total Kjeldahl)	60
Fats, Oil and Grease	100
Incompatible Pollutants:	
Antimony	5.0
Arsenic	1.0
Benzene	0.013
Boron	50
Cadmium	0.02
Carbon Tetrachloride	0.03
Chloroform	0.224
Chromium (Total)	0.375
Copper	0.5
Cyanide	0.605
Ethylbenzene	0.04
Lead	0.1
Mercury	0.004
Methylene Chloride	0.096
Naphthalene	0.0125
Nickel	0.273
Phenols	0.1979
Silver	0.029
Tetrachloroethylene	0.139
Toluene	0.214
1, 1, 1-Trichlorethane	0.25
Trans-1, 2-Dichloroethylene	0.139
Trichloroethylene	0.1
<u>Zinc</u>	<u>1.053</u>
Bis (2 Ethylhexyl) phthalate	*
Butylbenzylphthalate	*
DI-N-Butylphthalate	*
Diethylphthalate	*
Total	*

¹Based on 24-hour flow proportional composite samples

²Based on design capacity of plant

Notes:

- (a) Additional constituents shall be added as needed to protect the treatment works.
- (b) Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this chapter.
- (c) "Slugs", as defined in section 18-101 shall be avoided.
- (d) Wastewater discharges which substantially differ in nature or constituents from the users average discharge shall be prohibited unless prior approval is obtained, in writing, from the superintendent.
- (e) In the event that the influent at the POTW reaches or exceeds acceptable levels, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW. (1976 Code, § 8-304, as replaced by Ord. #1996-2, May 1996)

18-105. User compliance with waste discharge standards.

(1) Regulatory actions. Disposal into the sewer system by any person is unlawful except in compliance with federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972 (FWPCAA), and any more stringent state and local standards. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, and contain the substances or possess the characteristics enumerated in section 18-104 or the criteria established by the federal government on discharge of toxic and hazard materials or violates the treatment facilities protection criteria and which in the judgement of the superintendent and/or the Division of Water Quality Control, 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) Require a "Major Industrial Discharge Permit" as described in section 18-106 of this chapter.
- (b) Prohibit the discharge of such wastewater; this includes the right to disconnect the users connection with sewer system, ref. section 18-108(2).
- (c) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this chapter.

(d) Require pretreatment, including storage facilities or flow equalization necessary to reduce or eliminate objectionable characteristics or substances so that the discharge will not violate these rules and regulations.

(e) Require grease, oil, and sand interceptors (separation facilities) 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.

(f) Require the person making, causing or allowing the discharge to pay an additional cost or expense incurred by the city for handling and treating excess loads imposed on the treatment system.

(g) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.

(2) Right of entry. Whenever it shall be necessary for the purpose of these rules and regulations, the superintendent, or his authorized representative, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of (1) copying any records required to be kept under provisions of this chapter, (2) inspecting any monitoring equipment or method, and (3) sampling any discharge of wastewater to the treatment works. The superintendent may enter upon the property at any hour under emergency circumstances. EPA and/or State Health Department representatives may also enter upon properties or premises but only when accompanied by the superintendent.

(3) Personal injury. While performing the necessary work on private properties referred to in this chapter, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by 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 community 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.

(4) Protection from accidental discharge. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the superintendent for review, and shall be approved by him before construction of

the facility, except as provided in the "Major Industrial Discharge Permit." Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify his facility as necessary to meet the requirements of this chapter.

(5) Reporting of accidental discharge. If for any reason a facility does not comply with or will be unable to comply with any prohibition or limitations in this chapter or the users permit, the facility responsible for such discharge shall immediately notify the superintendent so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the superintendent detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges shall be filed by the responsible facility within five (5) days of the occurrence of the noncomplying discharge. (1976 Code, § 8-305, as replaced by Ord. #1996-2, May 1996)

18-106. Major industrial discharge permit system. (1) Wastewater discharge permits required. All major industrial users (as defined in section 18-101) proposing to connect to or discharge into any part of the wastewater treatment system must first obtain a discharge permit. [All existing major users connected to or discharging to any part of the city system must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this chapter.] The superintendent has final authority on who qualifies as "major industrial user."

(2) Permit application. Users seeking a wastewater discharge permit shall complete and file with the superintendent an acceptable application. In support of this application, the user shall submit the following information: (Note: the superintendent may, on a case by case basis, either require additional information or delete certain requirements at his discretion at no time can the information in requirement (k) be deleted from the application).

- (a) Name, address, and SIC number of applicants;
- (b) Volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics including, but not limited to, those set forth in section 18-104 and Table 1 of this chapter, as determined in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater;"
- (d) Location of discharge point(s), accompanied with appropriate sketches;
- (e) Average and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size location and elevation.

(g) Description of activities, facilities and plant processes on the premises including all materials and types of materials which are, or could be discharged;

(h) Each product produced by type, amount, and rate of production;

(i) Complete description of pretreatment or flow equalization facilities;

(j) Other information that may be defined by the superintendent for reasonable evaluation of the permit application.

The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(k) The person or persons signing the application must also include a certification statement on company letterhead, dated and signed, worded as follows: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(3) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this chapter, and applicable state and federal regulations. Permit conditions will include the following:

(a) The average and maximum wastewater constituents and characteristics;

(b) Limits on rate and time of discharge or requirements for flow regulations and equalizations;

(c) Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs;

(d) All plant records, analyses, and reports relating to wastewater discharges shall be submitted to Loudon Utilities within thirty (30) days of their completion. The certification statement in section 18-106(2)(k) must also accompany these reports, analyses, and plant records submitted to Loudon Utilities by the industry. These reports

shall be retained by the industry a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation or when requested by the director or the regional administrator. All analyses shall be performed in accordance with 40 CFR 136.

(e) Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge;

(f) Compliance schedules;

(g) Other conditions to ensure compliance with this chapter.

(4) Duration of permits. Permits shall be issued for a specific time period, not to exceed four and one half (4 1/2) years. The terms and conditions of the permit may be subject to modification and change by the superintendent during the life of the permit. The superintendent shall be notified in writing ninety (90) days prior to the expiration of the permit by the user of any requested modifications of the user's permit. The user shall be informed of any proposed changes to the permit no less than sixty (60) days prior to the effective date of change. An expired permit will continue to be effective and enforceable up to ninety (90) days until the permit is reissued if:

(a) the user has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit.

(b) the failure to reissue the permit, prior to expiration of the previous, is not due to any act or failure to act on the part of the user.

(c) an extension is granted, in writing, by the superintendent by the expiration date of the permit.

At the end of the extension, the user shall be considered in significant noncompliance and subject to the enforcements of the Loudon Sewer Use Ordinance and any future enforcements.

(5) Transfer of a permit. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new changed operation.

(6) Revocation of permit. Any user who violates the following conditions of his permit or of this chapter, or of applicable state and federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include but are not limited to the following:

(a) Failure of a user to accurately report the wastewater constituents and characteristics of his discharge;

(b) Obtaining a permit by representing or failing to disclose fully all relevant facts;

(c) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection of monitoring; or

(e) Violation of terms and conditions of the permit.

(7) Permit appeal procedure. An industry shall have the right to appeal all items established in the discharge permit. The procedure shall be as follows:

A written notice signed by the person in charge of the industry seeking an appeal hearing, shall be delivered by registered mail to the superintendent outlining the permit provisions which the user wishes to appeal. The superintendent shall then have sixty (60) days from the time of receipt of the notice to notify the Tennessee Department of Public Health and the Loudon City Council that an appeal hearing will be held. A hearing shall then be conducted and all grievances alleged by the user shall be discussed, and appropriate decisions rendered by the superintendent. Any decisions which in the judgement of the user are inappropriate may be appealed to the Loudon City Council by filing a written notice with said board within fourteen (14) days after completion of the first hearing. The city council shall have then forty-five (45) days in which to notify the Tennessee Department of Public Health that a grievance still exists, and to convene a meeting of the board to hear all unresolved grievances and issue appropriate decisions. The user and/or superintendent shall have the right to appeal any and all decisions to the Tennessee Department of Public Health. Exemptions or variances of the protection criteria established for the system shall not be granted during this appeal procedure. Failure to petition for reconsideration of this permit within sixty (60) days of receipt of the permit is deemed a waiver by the permittee of his/her right to challenge the terms of the permit. Loudon Utilities retains the right to deny or condition pollutants that do not meet pretreatment standards or would cause a violation of Loudon Utilities NPDES permit. (1976 Code, § 8-306; as replaced by Ord. #1996-2, May 1996)

18-107. Charges and fees (user charge system). (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the City of Loudon which will enable it to comply with the revenue requirements of Section 204 of the Clean Water Act. Charges and fees shall be determined in a manner consistent with regulations of the Federal Grant Program to ensure that sufficient revenues are collected to defray the cost of operating and maintaining adequate wastewater collection and treatment systems. Specific charges and fees shall be adopted by a separate ordinance, this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs, and capital improvements may be assessed by the City of Loudon. These charges and fees shall be recovered through the user classification established below.

(2) Classification of user. All users shall be classified by the superintendent either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics.

(3) Types of charges and sewer fees. The charges and fees as established in treatment works schedule of charges and fees, may include, but not be limited to:

- (a) User classification charges;
- (b) Fees for monitoring requested by user;
- (c) Fees for permit applications;
- (d) Appeal fees;
- (e) Charges and fees based on wastewater constituents and characteristics;
- (f) Fees for use of garbage grinders;
- (g) Fees for holding tank wastes.

(4) Basis of determination of charges. Charges and fees may be based upon a minimum basic charge for each premise, computed on the basis of "normal wastewater" from a domestic premise with the following characteristics:

BOD ₅	300 milligrams per liter
COD	600 milligrams per liter
TKN	60 milligrams per liter
NH ₃ -N	30 milligrams per liter
Suspended Solids	300 milligrams per liter
Fats, Oil and Grease	100 milligrams per liter

The charges and fees for all classifications of users other than the basic domestic premise shall be based upon the relative difference between the average wastewater constituents and characteristics of that classification as related to those of a domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, cod, SS, NH₃ as N, TKN, oil, grease, chlorine demand, and volume.

(5) User charges. Each user shall be levied a charge for payment of bonded indebtedness of the treatment system and for that user's proportionate share of the operations and maintenance costs of the system. A surcharge will be levied against those users with wastewater that exceeds the strength of "Normal Wastewater."

The user charge will be computed from a base charge plus a surcharge. The base charge will be the users proportionate share of the costs of operations and maintenance (O&M) including replacement for handling its periodic volume of "Normal Wastewater."

(a) Operation and maintenance user charges. Each user's share of operation and maintenance costs will be computed by the following formula:

$$C_u = \frac{C_t}{V_t} (V_u)$$

Where: C_u = User's charge for O&M per unit of time.
 C_t = Total O&M cost per unit of time.
 V_t = Total volume contribution from all users per unit of time.
 V_u = Volume contribution from a user per unit of time.

Operation and maintenance charges may be established on a percentage of water use charge only in the event that water use charges are based on a constant cost per unit of consumption.

(b) Surcharges. The surcharge will be the user's proportionate share of the O&M costs for handling its periodic volume of wastewater which exceeds the strength of BOD₅, suspended solids, and/or other elements in "normal wastewater" as defined by section (4). The amount of the surcharge shall be determined by the following formula:

$$C_s = [(B_c B) + (S_c S) + (P_c P)]V_u$$

Where: C_s = Surcharge for wastewaters exceeding the strength or "normal wastewater" expressed in dollars per billing period.
 B_c = O&M cost for treatment of a unit of BOD₅ expressed in dollars per pound.
 B = Concentration of BOD₅ from a user above the base level of 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons.
 S_c = O&M costs for treatment of a unit of suspended solids expressed in dollars per pound.
 S = Concentration of suspended solids from a user above the base level of 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons.
 P_c = O&M cost for treatment of a unit of any pollutant which the publicly-owned treatment works is committed to treat by virtue of an NPDES permit; or other regulatory requirement expressed in dollars per pound.
 P = Concentration of any pollutant from a user above base level. Base levels for pollutants

subject to surcharges will be established by the superintendent.

V_u = Volume contribution of a user per billing period. (Expressed in thousands of gallons).

The values of parameters used to determine user charges may vary from time to time. Therefore, the superintendent is authorized to modify any parameter or value as often as necessary. Review of all parameters and values shall be undertaken whenever necessary; but in no case less frequently than annually.

(6) Appeal procedure. A user shall have the right to appeal any and all charges and fees assessed against them. The procedure shall be as follows:

A written notice, signed by the user seeking an appeal hearing, shall be delivered by registered mail to the superintendent outlining the fees and charges which the user wishes to appeal. The superintendent shall then have thirty (30) days from the time of receipt of the notice to notify the Tennessee Department of Public Health and the Loudon City Council that an appeal hearing will be held. A hearing shall then be conducted and all grievances alleged by the user shall be discussed, and appropriate decisions rendered by the superintendent. Any decisions which in the judgement of the user are inappropriate may be appealed to the Loudon City Council by filing a written notice with said council within fourteen (14) days after completion of the first hearing. The Loudon City Council shall then have forty-five (45) days in which to notify the Tennessee Department of Public Health that a grievance still exists, and to convene a meeting of the council to hear all unresolved grievances and issues appropriate to decisions. The user and/or the superintendent shall have the right to appeal any and all decisions to the Environmental Protection Agency.

Nothing in this section shall affect a person's right to appeals provided by state law.

(7) Wastewater characteristics. The wastewater characteristics of each industrial user shall be determined by monitoring or where monitoring is not feasible, wastewater characteristics may be estimated using historical records, data from similar industrial users, etc. After initiation of the charges and fee system, major industrial users shall be monitored on a regular basis, not less often than annually. Monitoring of minor industries may be done intermittently. The City of Loudon has developed a definition of major and minor industry and a monitoring program for each which reflects its relative impact on the cost of construction of the treatment works (such information is available at the superintendent's office). Monitoring shall be conducted during periods of normal discharge. (1976 Code, § 8-307, as replaced by Ord. #1996-2, May 1996)

18-108. Enforcement procedures and penalties. (1) Administrative enforcement remedies. (a) Notification of Violation (NOV). Whenever the superintendent finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the superintendent or his agent may serve upon said user written notice of violation. Within 10 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

(b) Consent orders. The superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to section (d) below.

(c) Show cause hearing. The superintendent may order any industrial user which causes or contributes to violation of this chapter or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(d) Compliance order. When the superintendent finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued hereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self monitoring, and management practices.

(e) Cease and desist orders. When the Superintendent finds that an industrial user has violated or continues to violate this chapter

or any permit or order issued hereunder, the superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith.
 - (ii) Take such appropriate remedial or preventative actions as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (f) Administrative fines. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the superintendent shall have no other collection remedies as he has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the superintendent to reconsider the fine within 10 days of being notified of the fine. Where the superintendent believes a request has merit, he shall convene a hearing on the matter within 15 days of receiving the request from the industrial user.
- (g) Emergency suspensions.
- (i) The superintendent may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.
 - (ii) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The superintendent shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in section (h) are initiated against the user.
 - (iii) An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful

contribution and the measure taken to prevent any future occurrence to the superintendent prior to the date of the hearing described in paragraph (ii) above.

(h) Judicial remedies. If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this chapter or any order or permit issued hereunder, the superintendent, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court for Loudon County.

(i) Injunctive relief. Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the superintendent, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user. The superintendent shall have such remedies to collect these fees as it has to collect other sewer service charges.

(j) Civil penalties.

(i) Any industrial user who has violated or continues to violate this chapter, or permit or order issued hereunder, shall be liable to superintendent for a civil penalty of not more than \$10,000.00 plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the superintendent may recover reasonable attorney's fees, court cost, and other expenses associated with the enforcement activities, including sampling and monitoring.

(ii) The superintendent shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(k) Criminal prosecution. Violations - generally.

(i) Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$ 1,000.00 per violation per day or imprisonment for not more than one year or both.

(ii) In the event of a second conviction, the user shall be punishable by a fine not to exceed \$3,000.00 per violation per day or imprisonment for not more than 3 years or both.

Falsifying information.

(i) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation per day or imprisonment for not more than one year or both.

(ii) In the event of a second conviction, the user shall be punishable by a fine not to exceed \$3,000.00 per violation per day or imprisonment for not more than 3 years or both.

(2) Supplemental enforcement remedies.

(a) Annual publication of significant violations. The superintendent shall publish, at least annually in the largest local newspaper for the service area, a description of those industrial users which are found to be in significant violation, as defined under the section of this chapter describing definitions.

(b) Water supply severance. Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(c) Public nuisances. Any violation of the prohibitions or effluent limitations of this chapter or permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the Loudon Sewer Use Ordinance governing such nuisances, including reimbursing the POTW for any cost incurred in removing, abating, or remedying said nuisance.

(d) Treatment upsets. (i) Any industrial user which experiences an upset in operations that places it in a temporary state of

noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the superintendent thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days. The report shall contain:

(A) A description of the upset, its cause(s), and impact on the discharger's compliance status.

(B) The duration of noncompliance, including exact dates and times of noncompliance and if the noncompliance is continuing, the time by which compliance is reasonable expected to be restored.

(C) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

(ii) An industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the superintendent for any noncompliance with this chapter, or an order or permit issued hereunder by the user, which arise out of violations attributable to and alleged to have occurred during the period of documented and verified upset.

(e) Treatment bypasses.

(i) A bypass of the treatment system is prohibited unless all of the following conditions are met:

(A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage

(B) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater, and

(C) The industrial user properly notified the superintendent as described in paragraph (ii) below.

(ii) Industrial users must provide immediate notice to the superintendent upon discovery of an unanticipated bypass. If necessary, the superintendent may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps taken to prevent its recurrence.

(iii) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must notify the Superintendent at least ten days in advance. The superintendent may only approve the anticipated bypass if the circumstances satisfy those set forth in

paragraph (i) above. (1976 Code, § 8-309, as replaced by Ord. #1996-2, May 1996)

18-109. Savings clause. If any provision, paragraph, word, section or article of this chapter is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect. (1976 Code, § 8-309, as replaced by Ord. #1996-2, May 1996)

18-110. Enforcement response plan

<u>Noncompliance</u>	<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
A. UNAUTHORIZED DISCHARGES	(No Permit)	Phone call; NOV with application form	PC
1. Unpermitted discharge	IU unaware of requirement; harm to POTW/environment	AO with fine (1) Civil action	S
	Failure to apply continues after notice by the POTW	Civil action Criminal investigation Terminate services	S S S
2. Nonpermitted discharge (failure to renew)	IU has not submitted application within 10 days of due date	Phone call; NOV	PC
B. DISCHARGE LIMIT VIOLATION			
1. Exceedance of local or Federal Standard (per limit)	Isolated, not significant	Phone call; NOV	I, PC
	Isolated, significant (no harm)	AO to develop spill prevention plan and fine fine (2)	PC
	Recurring, no harm to POTW or environment	AO with fine (2, 3)	PC

Recurring, significant (harm)	AO with fine (2, 4) Show cause order Civil action Terminate service	PC PC, S S S
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C. MONITORING AND REPORTING VIOLATION

1. Reporting Violation	Report is improperly signed or certified	Phone call or NOV	PC
	Report is improperly signed or certified after notice by POTW	AO Show cause order	PC PC, S
	Isolated, not significant (ex., 5 days late)	Phone call; NOV	I, PC
	Significant (ex., report 30 days or more late)	AO to submit with fine (1) per additional day	PC
	Reports are always late or no reports at all	AO with fine (1) Show cause order Civil action	PC PC, S S
	Failure to report spill or changed discharge (no harm)	NOV	PC
	Failure to report spill or changed discharge (results in harm)	AO with fine (1) Civil action	PC S
	Repeated failure to report	Show cause order Terminate service	PC, S S
	Falsification spills	Criminal investigation Terminate service	S S
2. Failure to monitor correctly	Failure to monitor all pollutants as required by permit	NOV or AO	PC
	Recurring failure to monitor	AO with fine (1)	PC

		Civil action	S
3. Improper sampling	Evidence of intent	Criminal investigation	S
		Terminate service	S
4. Failure to install monitoring equipment	Delay of less than 30 days	NOV	PC
	Delay of 30 days or more	AO to install with fine for each additional day (1)	PC
	Recurring, violation of AO	Civil action Criminal investigation Terminate service	PC S S
5. Compliance schedules (in permit)	Missed milestone by less than 30 days or will not affect final milestone	NOV or AO with fine (5)	PC
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	Show cause order Civil action Terminate service	PC, S S S
	Recurring violation or violation of schedule in AO	Civil action Criminal investigation Terminate service	S S S
D. OTHER PERMIT VIOLATIONS			
1. Wastestreams are diluted in lieu of treatment	Initial violation	AO with fine (1)	PC
	Recurring	Show cause order Terminate service	PC, S S
2. Failure to mitigate noncompliance or halt production	Does not result in harm	NOV	PC
	Does not result in harm	AO with fine (1) Civil action	PC S

- 3. Failure to properly operate and maintain pretreatment facility
 Same as number 2, above

E. VIOLATIONS DETECTED DURING SITE VISITS

1. Entry denial	Entry denied or consent withdrawn Copies of records	Obtain warrant and return to IU; possible permit revocation	I
2. Illegal discharge	No harm to POTW/ environment	AO with fine (2, 3)	PC
	Discharges causes harm or evidence of intent/ negligence	Civil action Criminal investigation	S S
	Recurring violation of AO	Terminate service	S
3. Improper sampling	Unintentional sampling at incorrect location	NOV	I, PC
	Unintentionally using incorrect sampling techniques	NOV	I, PC
4. Inadequate record keeping	Inspector finds files incomplete to missing (no evidence of intent)	NOV	I, PC
	Recurring	AO with fine (1)	PC
5. Failure to report additional monitoring	Inspection finds additional files	NOV	I, PC
	Recurring	AO with fine (1)	PC

TIME FRAMES FOR RESPONSES

- A. All violations will be identified and documented within 5 days of receiving compliance information.

- B. Initial enforcement responses involving contact with the IU and requesting information on actions will occur within 15 days if violation detection.
- C. Follow up actions for continuing or reoccurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
- D. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating the service.
- E. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of significant noncompliance. (as added by Ord. #1996-2, May 1996)

CHAPTER 2

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-201. Definitions.
- 18-202. Standards.
- 18-203. Construction, operation, and supervision.
- 18-204. Statement required.
- 18-205. Inspections required.
- 18-206. Right of entry for inspections.
- 18-207. Correction of existing violations.
- 18-208. Use of protective devices.
- 18-209. Unpotable water to be labeled.
- 18-210. Application of chapter.
- 18-211. Violations.

18-201. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

- (1) "Public water supply." The waterworks system furnishing water to the City of Loudon for general use and which supply is recognized as the public water supply by the Tennessee Department of Public Health.
- (2) "Cross-connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of any other arrangement.
- (3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.
- (4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.
- (5) "Inter-connection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.
- (6) "Person." Any and all persons, natural or artificial, including any individual firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

¹Municipal code reference
Plumbing and related codes: title 12.

(7) "Water system inspector." Any person or persons so designated by the City of Loudon Utilities Board. (1976 Code, § 8-401)

18-202. Standards. The City of Loudon Public Water Supply is to comply with Sections 53-2001 and 53-2004 of the Tennessee Code Annotated,¹ as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code which pertain to cross-connections, auxiliary intakes, by-passes, and interconnections, and establish an effective, ongoing program to control these undesirable water uses. (1976 Code, § 8-402)

18-203. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross-connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Public Health, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all time under the direct supervision of the Water System Inspector of the City of Loudon. (1976 Code, § 8-403)

18-204. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Water System Inspector a statement of non-existence of unapproved, or unauthorized auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, inter-connection will be permitted upon the premises. (1976 Code, § 8-404)

18-205. Inspections required. It shall be the duty of the City of Loudon Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the water system inspector of the City of Loudon Public Water Supply and as approved by the Tennessee Department of Public Health. (1976 Code, § 8-405)

18-206. Right of entry for inspections. The Water System Inspector or authorized representative shall have the right to enter at any reasonable time, any property served by a connection to the City of Loudon Public Water Supply for the purpose of inspecting the piping system or systems thereon for cross-

¹These sections are currently codified in Tennessee Code Annotated, sections 68-13-101 and 68-13-104, respectively.

connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (1976 Code, § 8-406)

18-207. Correction of existing violations. Any person who now has cross-connections, auxiliary intakes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of time required to complete the work, the amount of time shall be designated by the Water System Inspector of the City of Loudon Public Water Supply.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated Section 53-2004,¹ within a reasonable time and within the time limits set by the City of Loudon Public Water Supply, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued, and physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross-connections, inter-connections auxiliary intakes, or by-passes are found that constitutes an extreme hazard of immediate concern on contaminating the public water system, the manager of the utility shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is corrected immediately. (1976 Code, § 8-407)

18-208. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed

- (1) impractical to provide an effective air-gap separation,
- (2) that the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety of potability of the water supply,
- (3) that the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing,

¹This section is currently codified in Tennessee Code Annotated, section 68-13-104.

(4) there is a likelihood that protective measures may be subverted, altered, or disconnected, the Water System Inspector of the City of Loudon Public Water Supply, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be reduced pressure zone type backflow preventer approved by the Tennessee Department of Public Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Water System Inspector Public Water Supply prior to installation and shall comply with the criteria set forth by the Tennessee Department of Public Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the City of Loudon Public Water Supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Water System Inspector or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the Water System Inspector shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be made by qualified personnel, acceptable to the Water System Inspector of the City of Loudon Public Water Supply.

If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise the removal, by-passing or altering the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the City of Loudon Public Water Supply. (1976 Code, § 8-408)

18-209. Unpotable water to be labeled. The potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one inch high located on a red background. (1976 Code, § 8-409)

18-210. Application of chapter. The requirements contained herein shall apply to all premises served by the City of Loudon Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the City of Loudon corporate limits. (1976 Code, § 8-410)

18-211. Violations. It shall be unlawful for any person to neglect or refuse to comply with any of the provisions of this chapter. (1976 Code, § 8-411)

TITLE 19

ELECTRICITY AND GAS

RESERVED FOR FUTURE USE

TITLE 20

MISCELLANEOUS

CHAPTER

1. MAINTENANCE DEPARTMENT.

CHAPTER 1

MAINTENANCE DEPARTMENT

SECTION

20-101. Creation.

20-102. Superintendent.

20-103. Superintendent answers to city manager and city council.

20-101. Creation. There is hereby created a Maintenance Department for the purpose of maintaining vehicles and equipment and also for the purpose of controlling inventory for the City of Loudon and Loudon Utilities. (Ord. # 730, Oct. 1984)

20-102. Superintendent. The department shall be staffed with a superintendent and he or she shall have the same authority as all other department heads and he or she shall be responsible for said department. (Ord. # 730, Oct. 1984)

20-103. Superintendent answers to city manager and city council. The superintendent of the Maintenance Department shall answer directly to the city manager and the city council for the City of Loudon, Tennessee. (Ord. # 730, Oct. 1984)

ORDINANCE NO. 1992-10

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE
CODIFICATION [AND REVISION] OF THE ORDINANCES OF
THE CITY OF LOUDON, TENNESSEE

WHEREAS, some of the ordinances of the City of Loudon are obsolete, and

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

WHEREAS, the Mayor and Members of the City Council of the City of Loudon, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Loudon Municipal Code";

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Loudon, Tennessee, as follows:

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely, "titles" 1 to 20, both inclusive, are ordained and adopted as the "Loudon Municipal Code", hereinafter referred to as the "Municipal Code".

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing or authorizing the establishment of a social security system or providing or changing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening vacating, etc., any street or public

way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

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

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

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

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

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The Mayor and City Council Members, by motion or resolution, shall fix the charge from time to time as considered necessary, the prices to be

charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference shall be effective on and after that date.

Edward Smith
Recorder

Bernie R. Quincy
Mayor

First Reading: 10/31/92

Second Reading: 11/14/92

Public Hearing: 11/14/92