

**THE
BOLIVAR
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

March 2016

CITY OF BOLIVAR, TENNESSEE

MAYOR

Barrett Stevens, Sr.

VICE MAYOR

Larry McKinnie

COUNCILMEN

Tracy Byrum
Quantissia Hamer
Randy Hill
Todd Lowe
Willie T. McKinnie
Julian McTizic
Suzanne Rhea

ADMINISTRATOR

Shelia Dellinger

PREFACE

The Bolivar Municipal Code contains the codification and revision of the ordinances of the City of Bolivar, 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 § 2-106.

By utilizing the table of contents, code index 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 administrator 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 7 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 pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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 the codes team: Kelley Myers, Linda Winstead, Nancy Gibson and Sandy Selvage is gratefully acknowledged.

Codification Consultant

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

Section 2.10. City Legislation. Be it further enacted, That any action of the council having a regulatory or penal effect, relating to revenue or the expenditure of money, or required to be done by ordinance under this Act, shall be done only by ordinance. Other actions may be accomplished by resolutions or motions. Each motion, resolution and ordinance shall be in written form before being introduced. The affirmative vote of the majority present of the council shall be required to pass any motion, resolution or ordinance including two readings in the case of an ordinance. Each ordinance, before being adopted, shall be read at two meetings not less than one week apart, and shall take effect ten days after its adoption, except that, where an emergency exists and the public safety and welfare require it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by at least five members of the council on two readings on successive days. No ordinance relating to a franchise, exclusive contract or other special privilege shall be passed as an emergency ordinance. Amendments of ordinances and resolutions or parts thereof shall be accomplished only by setting forth the complete section, sections, subsections or subsections in their amended form. All ordinances shall be signed by the Mayor before they shall become effective. The Mayor shall affix his approval or disapproval within ten (10) days after final adoption by the Council. If the Mayor withholds his signature for ten (10) days, the ordinance shall become effective for failure to veto. The Mayor shall state his reasons for vetoing an ordinance in writing and shall transmit his reasons and the ordinance back to the Council before the next regular meeting for its action. At the first regular meeting after receiving the veto message, the Council may pass the ordinance over the veto by the affirmative vote of two-thirds (2/3) of the entire Council. A code may be adopted by an ordinance which contains only a reference to its title, date and issuing organization and the city administrator shall file a copy of the code in his office. The city shall furnish a copy of any such code to any person for a reasonable fee. After adoption of a code of ordinances, as provided in Section 2.10 of this Article, the city administrator shall number ordinances consecutively in the order of their final adoption. The original copies of all ordinances, resolutions and motions shall be filed and preserved by the city administrator. [As amended by Priv. Acts 1985, ch. 12; Priv. Acts 1995, ch. 68, § 7; and Priv. Acts 1996, ch. 186, § 8]

ORDINANCE NO. 16-001

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF BOLIVAR, TENNESSEE.

WHEREAS some of the ordinances of the City of Bolivar are obsolete, and

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

WHEREAS the Board of Mayor and Aldermen of the City of Bolivar, 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 "Bolivar Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BOLIVAR, TENNESSEE,* THAT:

Section 1. Ordinances codified. The ordinances of the Bolivar 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 "Bolivar 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 appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing or authorizing the establishment

*The charter may provide for a different ordination clause; use whatever the charter prescribes.

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 in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

Each day any violation of the municipal code continues shall constitute a separate civil offense.¹

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

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

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

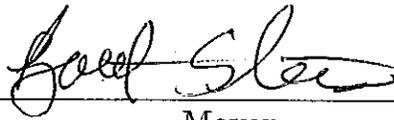
Section 9. Code available for public use. A copy of the municipal code shall be kept available in the administrator's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code,

including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading April 12, 2016

Passed 2nd reading May 10, 2016



Mayor



City Administrator

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. MAYOR.
3. CITY ADMINISTRATOR.
4. GENERAL.
5. SUPERINTENDENT OF STREETS AND SANITATION.
6. CODE OF ETHICS.

CHAPTER 1

CITY COUNCIL²

SECTION

- 1-101. To exercise control and supervision of city government.
- 1-102. Meetings.
- 1-103. Order of business.
- 1-104. Rules of order.

1-101. To exercise control and supervision of city government.³ The city council shall have and exercise all corporate legislative,

¹Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

City council: § 2.03.

Codification of ordinances: § 2.11.

Election of mayor and councilmen: § 2.01.

Restrictions on councilmen: § 2.07.

Vacancy in office of mayor or councilmen: § 2.06.

³Charter references

City council: § 2.03.

(continued...)

administrative and other powers of the city, except as otherwise provided in the charter or general law of the state or as delegated by the provisions of this code. (1998 Code, § 1-101)

1-102. Meetings. The city council shall hold regular public meetings on the second Tuesday of each month at 5:30 P.M. in the city hall. (1998 Code, § 1-103)

1-103. Order of business. At each meeting of the city council, the following regular order of business shall be observed:

- (1) The meeting will be called to order by the mayor.
- (2) The roll will be called by the administrator.
- (3) The minutes of the previous meeting will be read by the administrator and acted upon by the council.
- (4) The council will hear communications from the mayor.
- (5) The council will hear reports from committees and officers.
- (6) The council will dispose of old business.
- (7) The council will consider new business.
- (8) Accounts will be read by the administrator and acted upon by the council.
- (9) The meeting will be adjourned. (1998 Code, § 1-104, modified)

1-104. 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 city council at its meetings in all cases to which they are applicable and in which they are not inconsistent with special rules in the city's charter or adopted by the council and set out in this code. (1998 Code, § 1-105)

(...continued)

General laws may be used: § 5.02.

CHAPTER 2**MAYOR**¹**SECTION**

1-201. Bond of mayor.

1-201. Bond of mayor. Before assuming the duties of his office the mayor is required to secure a one thousand dollar (\$1,000.00) fidelity or faithful performance bond which shall be filed with the city administrator. Said bond shall be paid for by the city and shall have as surety a surety company authorized to do business in the State of Tennessee. (1998 Code, § 1-201, modified)

¹Charter references

Administrative duties of mayor: § 3.02.

Election of mayor and councilmen: § 2.01.

Mayor as presiding officer: § 2.04.

Vacancy in office of mayor or councilmen: § 2.05

Vice-Mayor: § 2.05

Municipal code reference

Bond of city employees, exceptions: title 4.

CHAPTER 3

CITY ADMINISTRATOR¹

SECTION

1-301. Office established.

1-302. Bond.

1-303. Supervision over building inspector, code enforcement and superintendent of streets and sanitation.

1-301. Office established. The office of city administrator is hereby established. (1998 Code, § 1-301, modified)

1-302. Bond. Before assuming the duties of his office, the city administrator shall post with the mayor a fidelity or faithful performance bond in the sum of five thousand dollars (\$5,000.00) and shall have as surety thereon a surety company authorized to do business in the State of Tennessee.² (1998 Code, § 1-302, modified)

1-303. Supervision over building inspector, code enforcement and superintendent of streets and sanitation. The city administrator shall be responsible to the city council for supervising and directing the work of his office, the building inspector, and the superintendent of streets and sanitation.³ (1998 Code, § 1-303, modified)

¹Charter references

Authority of council to establish, combine or modify offices and positions: § 3.03.

²Charter references

Official bond: § 3.09.

Municipal code reference

Bond of city judge: § 3-102.

Bond of city employees, exceptions: title 4.

³Municipal code references

Superintendent of streets and sanitation: title 1, ch. 5.

Building inspector: § 12-104.

CHAPTER 4**GENERAL****SECTION**

1-401. Bonds of officers and employees.

1-401. Bonds of officers and employees.¹ Every officer, agent and employee of the city having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees as may be required by ordinance, shall give a fidelity bond or faithful performance bond, as provided by ordinance, with some surety company authorized to do business in the state as surety, in such amount as shall be prescribed by ordinance. All such bonds and sureties thereto shall be subject to approval by the council. The cost of such bonds shall be paid by the city. All such bonds shall be kept in the custody of the city administrator, except that the city administrator's bond shall be in the custody of the mayor. (1998 Code, § 1-401, modified)

¹Charter references

Corporate powers: § 1.04.

Organization of city government: § 3.01.

CHAPTER 5

SUPERINTENDENT OF STREETS AND SANITATION¹

SECTION

1-501. Office created; appointment; term.

1-502. Duties generally.

1-503. Employment of foremen and laborers.

1-504. Responsible to and supervised by administrator.

1-501. Office created; appointment; term. There shall be a superintendent of streets and sanitation who shall be appointed by and serve at the will and pleasure of the mayor.² (1998 Code, § 1-501, modified)

1-502. Duties generally. The superintendent of streets and sanitation shall supervise the repair and maintenance of all the city streets and other public ways, places and property except that controlled by the electric utility board and the water, gas and utility board, and shall supervise the collection and disposal of garbage for the residences and businesses of the city.³ (1998 Code, § 1-502, modified)

1-503. Employment of foremen and laborers. To enable him to carry out his responsibilities, the superintendent of streets and sanitation shall have under his control and supervision such foremen and laborers as the city council shall authorize to be appointed by the mayor. (1998 Code, § 1-503, modified)

1-504. Responsible to and supervised by administrator. The superintendent of streets and sanitation, shall be directly responsible to, and under the direct supervision of, the city administrator.⁴ (1998 Code, § 1-504, modified)

¹Municipal code references

Superintendent of streets and sanitation to supervise garbage and trash collection: title 17

Inspection and regulation of street excavations: title 16.

²Municipal code reference

Building inspector: title 12.

³Municipal code reference

Streets and sidewalks: title 16.

⁴Municipal code references

City administrator to exercise direct supervision over certain offices, boards and commissions: title 1, ch. 3.

CHAPTER 6

CODE OF ETHICS

SECTION

- 1-601. Applicability.
- 1-602. Definition of "personal interest."
- 1-603. Disclosure of personal interest by official with vote.
- 1-604. Disclosure of personal interest in non-voting matters.
- 1-605. Acceptance of gratuities, etc.
- 1-606. Use of information.
- 1-607. Use of municipal time, facilities, etc.
- 1-608. Use of position or authority.
- 1-609. Outside employment.
- 1-610. Ethics complaints.
- 1-611. Violations.

1-601. 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. The words "municipal" and "municipality" include these separate entities. (1998 Code, § 1-601)

1-602. Definition of "personal interest." (1) For purposes of §§ 1-603 and 1-604, "personal interest" means:

- (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
- (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
- (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren).

(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. (1998 Code, § 1-602)

1-603. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the

meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (1998 Code, § 1-603)

1-604. 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 administrator. 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. (1998 Code, § 1-604, modified)

1-605. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (1998 Code, § 1-605)

1-606. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (1998 Code, § 1-606)

1-607. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or

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

lease that is determined by the governing body to be in the best interest of the municipality. (1998 Code, § 1-607)

1-608. 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 municipal.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (1998 Code, § 1-608)

1-609. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonable 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. (1998 Code, § 1-609)

1-610. Ethics complaint. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or

regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than a violation of this code of ethics. (1998 Code, § 1-610)

1-611. 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 employee who violates any provision of this chapter is subject to disciplinary action. (1998 Code, § 1-611)

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER**

1. PARKS AND RECREATION BOARD.
2. BOLIVAR UTILITIES BOARD.

CHAPTER 1**PARKS AND RECREATION BOARD****SECTION**

2-101. Appointment, terms, and vacancies.

2-101. Appointment, terms, and vacancies. The parks and recreation board shall consist of five (5) members who shall serve without compensation. They shall be appointed by the mayor, with the concurrence of a majority of the council. The appointments to membership of the board shall be so arranged that the term of membership shall be five (5) years except that the initial individual appointments to the board shall be terms of one (1), two (2), three (3), four (4) and five (5) years, respectively. Any vacancy shall be filled for the unexpired term of the membership through appointment by the mayor, with concurrence of a majority of the council. The mayor shall have authority to remove any member with the concurrence of a majority of the council. (1998 Code, § 2-101)

CHAPTER 2

BOLIVAR UTILITIES BOARD¹

SECTION

- 2-201. Established.
- 2-202. Composition; appointment; terms.
- 2-203. Powers and duties.
- 2-204. Supervisory organization.

2-201. Established. The Bolivar Utilities Board is hereby created and established. (1998 Code, § 2-301)

2-202. Composition; appointment; terms. The Bolivar Utilities Board shall be composed of one (1) city councilman and four (4) private citizens, each to be appointed by the city council to hold office for a term of four (4) years. (1998 Code, § 2-302, modified)

2-203. Powers and duties. The Bolivar Utilities Board shall function exclusively in an advisory capacity to the city council which shall have, maintain and exercise direct supervision over it through the office of the city administrator. The board shall be responsible for recommending to the council, from time to time, means and procedures for the regulation of sewage disposal in the city. Additionally, the board shall submit for the council's approval such rules and regulations as it, with the advice of the operational superintendents, may from time to time deem necessary to regulate, control and operate the water and sewer and gas systems of the city. The council may adopt and promulgate such rules and regulations as it deems proper for the safe and efficient operations of such systems. The board shall submit, along with its recommendations for council approval, any and all proposed system changes of a substantive nature, as well as any and all contracts for advertisement, and contracts of hire for technological expertise or consultation. Such substantive changes and contracts shall be null and void "ab initio" without council's approval. (1998 Code, § 2-303)

2-204. Supervisory organization. In implementing and executing the policies of the council, and such other operational rules and regulations as may be approved and promulgated by it, the operational superintendents of the water and sewer and the gas city systems shall cooperate and advise with the

¹Municipal code references

Superintendents of streets and sanitation: title 1, ch. 5.

office of the city administrator, and if necessary, then with the mayor and city council, in that order. (1998 Code, § 2-304)

TITLE 3
MUNICIPAL COURT¹

CHAPTER
1. CITY COURT.

CHAPTER 1

CITY COURT

SECTION

3-101. City judge--appointment, term.

3-102. Court docket.

3-103. Court costs.

3-101. City judge--appointment, term. A city judge, who shall be a licensed attorney, shall constitute the city court and shall be appointed by the mayor with the consent of the council to serve at the will of the mayor or for a term to be fixed by ordinance. He shall not be less than twenty-five (25) years of age. The mayor may appoint a licensed attorney to serve in the absence or incapacity of the city judge.

3-102. Court docket. The city judge shall keep or cause to be kept a court docket which shall include the following information in each entry: date, number, name, offense, sex, court, officers and disposition of case. (1998 Code, § 3-103, modified)

3-103. Court costs. In all cases heard and determined by the city judge, a city court cost shall be imposed in the amount of one hundred ten dollars (\$110.00). This is in addition to the privilege taxes collected for the State of Tennessee.² (1998 Code, § 3-107)

¹Charter references

City court: § 3.04.

City judge and city court clerk: § 3.05.

Municipal code references

Use of driver's license in lieu of bail: title 15.

Disturbing city court: § 11-506.

²Municipal code reference

Traffic administration: title 15.

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

1. SOCIAL SECURITY.
2. PERSONNEL POLICIES.
3. INFECTIOUS DISEASE CONTROL POLICY.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1**SOCIAL SECURITY****SECTION**

- 4-101. Policy and purpose.
- 4-102. Agreements authorized.
- 4-103. Withholdings.
- 4-104. Appropriations.
- 4-105. Records, reports.
- 4-106. Exclusions.
- 4-107. Election officials and election workers.

4-101. Policy and purpose. It is hereby declared to be the policy and purpose of this city to extend to its employees and officials thereof not excluded by law or this section, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. Pursuant to such policy and purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1998 Code, § 4-101)

4-102. Agreements authorized. The mayor of the city is hereby authorized and directed to execute all 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 § 4-101. (1998 Code, § 4-102)

4-103. Withholdings. Withholdings from salaries or wages of employees and officials for the purpose provided in § 4-101 are hereby authorized to be made in such amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1998 Code, § 4-103)

4-104. Appropriations. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, which shall be paid over to the state or federal agency designated by said laws or regulations. (1998 Code, § 4-104)

4-105. Records, reports. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1998 Code, § 4-105)

4-106. Exclusions. There is hereby exempted from this division:

(1) Any authority to make any agreement with respect to any position or any employee or official not covered or authorized to be covered by any other retirement system for any employee or official of the city.

(2) Any authority to make any agreement with respect to any position or any employee or official whose compensation is on a fee basis.

(3) Any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (1998 Code, § 4-106)

4-107. Election officials and election workers. The mayor is hereby directed to execute an amendment to the Social Security Agreement between the Director of Old Age and Survivors Insurance and the City of Bolivar, Tennessee, so as to exclude services of election officials and election workers if the remuneration paid in a calendar year is less than one hundred dollars (\$100.00), to be effective not earlier than the last day of the calendar quarter in which a modification to the agreement is mailed to the Federal Social Security Administration, pursuant to provisions of federal law. (1998 Code, § 4-107)

CHAPTER 2**PERSONNEL POLICIES¹****SECTION**

- 4-201. Equal opportunity.
- 4-202. At-will employment.
- 4-203. Conduct of employees.
- 4-204. Operation of city vehicles.
- 4-205. Pay.
- 4-206. Overtime pay.
- 4-207. Pay increases.
- 4-208. Hours of work.
- 4-209. Absence due to inclement weather.
- 4-210. Elections.
- 4-211. Annual leave.
- 4-212. Annual leave--accumulation.
- 4-213. Annual leave--administrator to keep records, prescribe forms.
- 4-214. Sick leave.
- 4-215. Holidays.
- 4-216. Compensatory time.
- 4-217. Military leave.
- 4-218. Civil leave.
- 4-219. Insurance.
- 4-220. Health insurance.
- 4-221. Expense.
- 4-222. Health and safety.
- 4-223. Workers' compensation.
- 4-224. Uniform allowance.
- 4-225. Educational assistance.
- 4-226. Retirement.
- 4-227. Retirement credit for military service.
- 4-228. Retirement cost-of-living increases.
- 4-229. Retirement options.
- 4-230. Bond of city employees; exceptions.
- 4-231. Tenure of appointed personnel.
- 4-232. Compensation.

¹Charter references

Appointment, suspension, and removal of employees: § 3.07.

Other officers and employees: § 3.06.

Political activity prohibited: § 3.10.

Restrictions on interest of officers: § 3.11.

4-201. Equal opportunity. Equal employment opportunity is the city's overall personnel practice and procedure. The City of Bolivar depends heavily on the full and effective utilization of qualified persons in all job classifications without regard to an individual's race, color, religion, sex, natural origin, age, or handicap. The city has an enduring obligation to employ and develop the best people that can be found, basing the judgment on their job related qualifications. (1998 Code, § 4-201)

4-202. At-will employment. It is the policy of the City of Bolivar that all employment shall be "at will," except those employees that are exempted by charter or code, and shall be terminable "at will" by the employer or employee at any time with or without cause. All new employees may be asked to sign a disclaimer statement confirming that employment is "at-will." (1998 Code, § 4-202)

4-203. Conduct of employees. City employees are prohibited from engaging in any conduct which could reflect unfavorably upon the City of Bolivar. Employees must avoid any action which might result in or create a bad impression or may subject the city to any form of public criticism or embarrassment. (1998 Code, § 4-203)

4-204. Operation of city vehicles. City of Bolivar employees who drive city vehicles will at all times operate them in a safe manner, adhering to all city, state, and federal traffic laws. No employee will operate a city vehicle unless he possesses a valid Tennessee driver's license. City vehicles are not to be used for personal purposes at any time without prior approval of the mayor. The employee is solely responsible and will be held accountable as to the use and operation of the vehicle assigned and shall never operate a city vehicle while under the influence of alcohol or drugs. (1998 Code, § 4-204)

4-205. Pay. Pay days will occur on the fifteenth and thirtieth of each month. Each pay check will be payment for the work period just completed. You will receive your pay check from your supervisor. Attached to each pay check is an itemized statement of gross pay, various deductions, net pay, and many other items of importance.

The deductions from your pay check will be of two (2) types.

(1) Regular deductions that are mandatory:

(a) The amount of federal income tax withheld from your gross earnings depends on your salary and how many dependents you claim each year;

(b) FICA, which is Social Security Tax, is deducted from your gross salary at a fixed rate. (For every dollar deducted for your Social Security Account, the city matches it with another dollar or more.)

(2) Voluntary deductions requiring your authorization:

- (a) One-half (1/2) of your family coverage for health, accident, life, and dental insurance premiums;
- (b) Special life and accident insurance policy;
- (c) Uniform expense. (1998 Code, § 4-205)

4-206. Overtime pay. An exemption from overtime pay requirements is provided for an employee classified in an executive, administrative, or professional capacity. Seasonal employees such as recreation workers and volunteers such as volunteer firemen are also exempted from FLSA overtime regulations.

All other employees shall be paid or given comp time at time and one-half for all hours worked over the allowable hours during their designated work period. The work period for firemen is a twenty eight (28) day period with two hundred twelve (212) hours being allowed before overtime is mandatory. All other employees are on a seven (7) day work period. The policemen are allowed to work forty-three (43) hours per week before overtime pay is required and employees in all other departments are paid overtime after working forty (40) hours per week.

For any employee to be paid or receive comp time at time and one-half regular pay they must have worked on the job over their required number of hours for their work period. This provision requires that an employee cannot use annual leave, sick leave, holiday time or any other type of leave toward work time when determining overtime at time and one-half. When any leave time is used in conjunction with work time which results in overtime hours the employee will be paid at their regular rate of pay for these hours. (1998 Code, § 4-206)

4-207. Pay increases. Salary has been determined within the city classification compensation plan. Each position in the city has a job description with a salary range established indicating minimum to maximum salary rates. Each position range is divided into pay steps. Eligibility for merit increases occurs each year until you reach the top of your salary scale. After an employee has reached the top of his salary scale he will receive one third of one percent (1/3 of 1%) percent for each year of service up to six percent (6%). If you are promoted to a higher paying classification, you may be eligible for a pay increase at that time. (1998 Code, § 4-207)

4-208. Hours of work. The regular work day for most employees shall be eight (8) hours and a work week shall be five (5) days or forty (40) hours. Your hours of work and work days may not be the same as other city employees. Many departments require irregular work schedules because of the nature of their work. Some public safety personnel will be scheduled on a twenty-four (24) hour shift, and will be guided by special regulations concerning this type of scheduling. Some public service employees cannot be relieved of their duties

during their meal period and are considered to be at work even if they are able to eat a meal during their work shift.

All city employees are expected to report to work punctually and with regular attendance. Employees delayed or prevented from coming to work are expected to notify their supervisor or department head before their scheduled starting time. Excessive absenteeism and tardiness will lead to corrective action. Discipline of absenteeism and tardiness shall be the responsibility of the department head. An employee who is absent without notifying his supervisor on three (3) separate occasions or absent three (3) consecutive work days will be terminated. (1998 Code, § 4-208)

4-209. Absence due to inclement weather. Ordinarily, inclement weather does not warrant the closing of city offices. Loss of work time for this reason is charged against the employee's annual leave, comp time or holiday accumulation. If the employee has no annual leave, comp time or holiday time, then the time absent is charged as leave without pay. In the event the mayor or his designee determines that conditions warrant the closing of some city offices the employees affected receive regular compensation and leave time is not affected. (1998 Code, § 4-209)

4-210. Elections. Any person entitled to vote in an election in this state may be absent for this purpose if on duty while election polls are open. Employees will only be absent the necessary time to vote and not to exceed two (2) hours. The employer may specify the time the employee may be absent and the employee will receive regular compensation with leave time not affected. (1998 Code, § 4-210)

4-211. Annual leave. All permanent employees will accrue annual leave upon the completion of each calendar month of service. Annual leave may not be taken until earned. It is earned as soon as the employee completes the major fraction of the month. Employees will accrue annual leave at increasing rates with respect to their years of full-time service as follows:

<u>YEARS OF SERVICE</u>	<u>ANNUAL DAYS PER MONTH</u>	<u>MAXIMUM ACCRUAL</u>
1 to 10 Years	1 (8 hours)	24
10 to 20 Years	1½ (12 hours)	30
Over 20 Years	2 (16 hours)	36

At the end of any month an employee who has accumulated the maximum number of allowable annual leave days must transfer any additional days to his sick leave account. The employee may request leave less than one (1) day when the need arises for you to attend to personal matters. This time off will be charged against your accrued annual leave.

Upon separation an employee is paid for any unused annual leave accumulation unless terminated from the city for gross misconduct. Cases of gross misconduct will be determined by the mayor. Additional leave is not accrued when an employee is on terminal leave.

Only scheduled work days shall be charged in calculating the amount of annual leave used. The employee may request to use their annual leave at any time; however, their requests for annual leave should be made to their supervisor several work days in advance of the time they desire. It is possible that your department's work load may be too heavy for the time they request, resulting in a change of their leave. (1998 Code, § 4-211)

4-212. Annual leave--accumulation. (1) Earned annual leave, not used during the year in which it is earned, may be accumulated subject to the following limitations:

(a) Accumulated annual leave shall not exceed:

(i) Fifteen (15) days with one (1) to ten (10) years of service;

(ii) Eighteen (18) days with ten (10) to twenty (20) years of service; and

(iii) Twenty-one (21) days with over twenty (20) years of service.

(b) Annual leave accrued in excess of the above schedule must be used within the calendar year or it shall be forfeited.

(2) As used in this section, "working day" shall consist of eight (8) hours. (1998 Code, § 4-212)

4-213. Annual leave--administrator to keep records, prescribe forms. The city administrator shall keep a record, currently up-to-date at all times, of credits earned and annual leave taken by city officers and employees, and for this purpose he/she may prescribe, with the approval of the mayor, forms and procedures for obtaining such information currently. (1998 Code, § 4-213, modified)

4-214. Sick leave. All permanent employees will accrue sick leave at a rate of one (1) day (eight (8) hours) per month. The employee will be paid on a regular pay basis when they are absent from work due to illness or injury while on sick leave. Sick leave may not be taken before it is earned.

Sick leave may be used only:

(1) When the employee is sick or disabled.

(2) When the employee has an appointment with a doctor or dentist.

(3) When the employee is restricted to their home because of exposure to a contagious disease.

(4) When there is sickness due to pregnancy. Sick leave may be used during a maternity absence until thirty (30) work days after delivery. Use of sick leave is subject to ordinary rules.

(5) When there is illness or a death in your immediate family. (This includes the employee's spouse, children, and parents).

(6) When there is illness or death of other family members. (This includes the employee's grandparents, grandchildren, their brothers and sisters, their father and mother-in-law, their brothers and sisters-in-law). Sick leave is limited to three (3) days when used in this manner.

Any employee may be required to present evidence in the form of personal affidavits, physician's certificates, and/or other testimonials at the request of an appointing authority to support the reason for any absence during the time which sick leave was taken.

Only scheduled work days are charged in calculating the amount of sick leave used. Official holidays within a sick leave period are charged as holidays. Sick leave may not be used as terminal leave.

Upon retirement any member of the retirement system who has unused accumulated sick leave shall be credited with such sick leave as creditable service. (1998 Code, § 4-214)

4-215. Holidays. The following days have been designated by the city as legal holidays :

New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day and day after	4th Thursday in November
Christmas Days (3)	December 25 + 2 days to be determined by the city administrator

When a holiday falls on Saturday, the Friday preceding the holiday is substituted and when it falls on Sunday, the Monday following the holiday is substituted.

Due to a variety of city services some work schedules make it necessary for employees to work on holidays. If an employee is required to work on a holiday, he will receive comp time on a hour-for-hour basis up to eight (8) hours at a later date. All holiday time earned must be taken off by the end of the calendar year. (1998 Code, § 4-215, modified)

4-216. Compensatory time. An employee may be given comp time in lieu of monetary compensation for working overtime hours. All comp time must be given at time and one-half for all hours worked overtime. If any type of leave time is used which results in overtime hours the employee will only receive comp time equal to overtime hours. The use of comp time is subject to the same approval as annual leave.

All compensatory time must be taken before the end of each month. No comp time is allowed to be accrued over into the next month. (1998 Code, § 4-216)

4-217. Military leave. The city will grant special military leave to all full time employees who are members of the Tennessee National Guard or members of the components of the armed forces of the United States for annual field training for a period not to exceed two weeks in any one calendar year. You will receive full pay and no deduction of accrued annual leave will be made during this period of military service. (1998 Code, § 4-217)

4-218. Civil leave. The city will grant civil leave to employees who are selected for jury duty or directed to serve as a government witness. When on civil leave employees will retain their regular pay and any compensation received by the employee for jury duty or government witness fees must be given to the city. Civil leave will only be granted for time actually served. If not chosen for jury duty on a particular day or dismissed early, employee is to report for work for the remainder of the work day. An employee may use annual leave or compensatory time in lieu of civil leave and retain any fees he is paid. If an employee is subpoenaed in private litigation to testify not in an official capacity, some type of leave other than civil leave must be taken. Any time spent on civil leave does not count toward hours worked in computation of overtime pay. (1998 Code, § 4-218)

4-219. Insurance. The City of Bolivar provides employees and their families with an excellent plan of group insurance. The plans include life insurance, accident insurance, dental insurance, medical and major medical benefits. Employees are enrolled immediately upon employment and usually, the first day of the month following a thirty (30) day waiting period, is the effective date of coverage. (1998 Code, § 4-219)

4-220. Health insurance. At the present time the city provides for health insurance which offers employees and their families programs with modern hospital, surgical, maternity, dental and major medical benefits. Coverage under the medical and major medical programs will pay eighty percent (80%) of expenses in excess of the deductible amount. The major medical portion covers almost all types of medical expenses with a maximum of two hundred fifty thousand dollars (\$250,000.00). Major medical provides benefits for medical

expenses in excess of those covered under other provisions of the plan, and it provides for many items of medical expenses not covered under other provisions of the plan, including expenses not related to hospitalization. (1998 Code, § 4-220)

4-221 Expense. The City of Bolivar pays the entire amount of the cost of the overall group insurance plan offered to you as an employee and pays one half (1/2) of the cost of the protection of the employees' family. (1998 Code, § 4-221)

4-222. Health and safety. The City of Bolivar is concerned for their employee's health and safety in the performance of their jobs. It is required that employees observe all safety rules and habits each department endorses. These are designed for the benefit and protection of the employees. If an employee has an accident while on the job, there are two (2) immediate responsibilities:

- (1) Seek immediate first aid or emergency care.
- (2) See that your supervisor is notified of your accident and your condition.

All injuries incurred on the job must be reported to the supervisor and proper forms completed immediately. (1998 Code, § 4-222)

4-223. Workers' compensation. The City of Bolivar provides a workers' compensation plan for all employees. For any time loss due to an injury received by an employee while engaged in the city's scheduled work, and injury is compensable under the worker's compensation act. The City of Bolivar from the first date of absence until attainment of worker's compensation eligibility, shall pay employees at their regular rate of pay. Absences during which workers' compensation payments are made, employees shall be paid the difference between the amount of worker's compensation being paid and their regular salary. At no time will the employees income exceed one hundred percent (100%) of regular salary. This policy will be in effect for a period of one (1) year after which the employee will be dropped from the payroll and will only receive pay from workers' compensation.

The following policies will be in effect:

- (1) The City of Bolivar may require the employee to furnish a physician's certificate as evidence of the disability from a physician designated by management.
- (2) No deduction from employee's accrued sick leave time will be required for absences due to work related illness or injury on the job.
- (3) If employee fails to report work related accidents or illness to their supervisor within two (2) hours of occurrence, the city will not be responsible for financial obligations. (1998 Code, § 4-223)

4-224. Uniform allowance. Members of the police department are given one hundred dollar (\$100.00) allowance each six (6) months to defray the cost of their uniforms. The fire department employees are furnished uniforms upon the approval of the fire chief. Street, sanitation, utility workers and other employees may elect to wear uniforms and the city will pay one half (½) of the cleaning and rental. (1998 Code, § 4-224)

4-225. Educational assistance. The city shall reimburse regular, full-time employees for tuition and academic fees incurred by them when they successfully complete courses designed to improve their performance in their current positions, or to prepare them for additional responsibility. To qualify for reimbursement participants must submit proof of payment and attendance. Prior to beginning course work each participant must receive the department head's recommendation as well as approval from the mayor. (1998 Code, § 4-225)

4-226. Retirement. Retirement from the City of Bolivar service offers excellent retirement benefits. A regular employee automatically becomes a member of the Tennessee Consolidated Retirement System after a six (6) month waiting period. Temporary and part-time employees of the city are ineligible for membership. The City of Bolivar has elected to pay the entire amount of retirement contributions to the State of Tennessee. This is approximately 10% of the employee's salary. Upon termination of employment only people employed before July, 1984 will receive any refunds. All employees joining the retirement system prior to July 1, 1979, attain vested rights after four (4) years of service. Employees joining on or after July 1, 1979 attain vested rights after ten (10) years of membership service. Prior to becoming vested, employees are not eligible for any retirement benefits. If employees are eligible to receive them, social security benefits are in addition to those funds received from state retirement. (1998 Code, § 4-226)

4-227. Retirement credit for military service. The Tennessee Consolidated Retirement System provides credit for an employee's period of military service up to four (4) years "during an armed conflict," if the employee joins, or returns to, city service. The employee is eligible only if they join, or return to, city service within two (2) years of their military separation or within seven years if they attend school after their separation for the purpose of improving job efficiency. (1998 Code, § 4-227)

4-228. Retirement cost-of-living increases. When an employee retires, they can expect to have their retirement income adjusted each year if the cost-of-living rises. When the Consumer Price Index indicates a decline in the cost-of-living, their income will remain unadjusted. (1998 Code, § 4-228)

4-229. Retirement options. An employee's retirement system offers them more than a regular retirement income; it provides options to an employee or their designated beneficiary. The retirement handbook explains these options for the benefit of the employee and their family. (1998 Code, § 4-229)

4-230. Bond of city employees; exceptions. The city administrator shall secure and maintain a five thousand dollar (\$5,000.00) blanket coverage fidelity or faithful performance bond covering all city employees except himself, the mayor, employees of the electric department and city council members. Said bond shall be paid for by the city and shall be with a surety company authorized to do business in the State of Tennessee.¹ (1998 Code, § 4-230, modified)

4-231. Tenure of appointed personnel. The tenure of all public appointive officers and employees shall be subject to their good behavior, satisfactory performance of work, necessity for the performance of their work, and the availability of public funds with which to pay them. (1998 Code, § 4-231)

4-232. Compensation. All public officers and employees of the city shall be paid in accordance with such schedules as shall from time to time be ordained or otherwise established by the city council.² (1998 Code, § 4-232)

¹Municipal code reference

Bond of city administrator: § 1-302.

Bond of mayor: § 1-201.

²Charter reference

Compensation of mayor and councilmen: § 2.03.

CHAPTER 3

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-301. Purpose.
- 4-302. Coverage.
- 4-303. Administration.
- 4-304. Definitions.
- 4-305. Policy statement.
- 4-306. General guidelines.
- 4-307. Hepatitis B vaccinations.
- 4-308. Reporting potential exposure.
- 4-309. Hepatitis B virus post-exposure management.
- 4-310. Human immunodeficiency virus post-exposure management.
- 4-311. Disability benefits.
- 4-312. Training regular employees.
- 4-313. Training high risk employees.
- 4-314. Training new employees.
- 4-315. Records and reports.
- 4-316. Legal rights of victims of communicable diseases.
- 4-317. Amendments.

4-301. Purpose. It is the responsibility of the City of Bolivar to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the City of Bolivar, employees may come in contact with life threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (1998 Code, § 4-301)

4-302. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include:

- (1) Police personnel;
- (2) Firefighters, including volunteer firemen;
- (3) Sanitation and landfill workers; and

(4) Any other employee deemed to be at high risk per this policy and an exposure determination. (1998 Code, § 4-302)

4-303. Administration. This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

(1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;

(2) Make an exposure determination for all employee positions to determine a possible exposure to blood or body fluids;

(3) Maintain records of all employees and incidents subject to the provisions of the chapter;

(4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;

(5) Coordinate and document all relevant training activities in support of the infection control policy;

(6) Prepare and recommend to the mayor and councilmen any amendments or changes to the infection control policy;

(7) Identify any and all housekeeping operations involving substantial risk of direct exposure to body fluids and shall address the proper precautions to be taken while cleaning rooms and blood spills; and

(8) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and councilmen. (1998 Code, § 4-303)

4-304. Definitions. (1) "Body fluids." Fluids that have been recognized by the Centers for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(2) "Exposure." The contact with blood or other body fluids to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

(3) "Hepatitis B Virus (HBV)." A serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(4) "Human Immunodeficiency Virus (HIV)." The virus that causes Acquired Immunodeficiency Syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(5) "Tuberculosis (TB)." An acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(6) "Universal precautions." Refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with body fluids to be protected as though such body fluid were HBV or HIV infected. (1998 Code, § 4-304)

4-305. Policy statement. All blood and body fluids are potentially infectious for several blood-borne pathogens and some body fluids can transmit infections. For this reason, the Centers for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood borne pathogens. Universal precautions apply to blood, tissues, and other body fluids which contain visible blood. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (1998 Code, § 4-305)

4-306. General guidelines. General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or body fluids which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or body fluids to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

(5) The city will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or body fluids to which universal precautions apply:

- (a) While handling an individual where exposure is possible;
- (b) While cleaning or handling contaminated items or equipment;
- (c) While cleaning up an area that has been contaminated with one of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employee shall not wash or disinfect surgical or examination gloves for reuse.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel who provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other body fluids to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for a least thirty (30) seconds. A solution must be changed and re-mixed every twenty-four (24) hours to be effective.

(9) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at one hundred degrees (120°) are adequate for decontamination.

(10) Place all disposable equipment (gloves, masks, gowns, etc.) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. NOTE: Sharp object must be placed in an impervious container and then taken to a hospital for disposal.

(11) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD," or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(b) The signal word shall be readable at a minimum distance of five feet (5') or such greater distance as warranted by the hazard.

(c) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(12) Linen soiled with body fluids shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transporting soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with body fluids.

(13) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (1998 Code, § 4-306)

4-307. Hepatitis B vaccinations. The City of Bolivar shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts at times prescribed by standard medical practices. The vaccinations shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the safety director. (1998 Code, § 4-307)

4-308. Reporting potential exposure. City employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc.):

(1) Notify the safety director of the contact incident and details thereof.

(2) Complete the appropriate accident reports and any other specific form required.

(3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test

counseling and referral for treatment should also be provided. (1998 Code, § 4-308)

4-309. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one (1) dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (ie., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (1998 Code, § 4-309)

4-310. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within twelve (12) weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested six (6) weeks, twelve (12) weeks, and six (6) months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first six to twelve (6 - 12) weeks after exposure) exposed workers should follow the U.S. Public Health Service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing twelve (12) weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made

available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (1998 Code, § 4-310)

4-311. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Workers' Compensations Bureau in accordance with the provisions of Tennessee Code Annotated § 50-6-303. (1998 Code, § 4-311)

4-312. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (1998 Code, § 4-312)

4-313. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated as per this policy. (1998 Code, § 4-313)

4-314. Training new employees. During the new employee's orientation to his/her job, all new employees will be trained on the effects of infectious disease prior to putting them to work. (1998 Code, § 4-314)

3-315. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the safety director. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200 report.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (ie. gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (1998 Code, § 4-315)

4-316. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and/or criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time that is reviewed and initiated by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the city attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the city attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or city attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease,

that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil and/or criminal prosecution. (1998 Code, § 4-316)

4-317. Amendments. amendments or revisions of these rules may be recommended for adoption by any elected official or by department heads. Such amendments or revisions of these rules shall be by chapter and shall become effective after public hearing and approval by the governing body. (1998 Code, § 4-317)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

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

4-401. Title. This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Bolivar. (Ord. #13-001, April 2013)

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

(1) Provide a safe and healthful place and condition of employment that includes:

- (a) Top management commitment and employee involvement;
- (b) Continual analysis of the worksites to identify all hazards and potential hazards;
- (c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
- (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

(2) Acquire, maintain, and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.

(3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

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

(5) Consult with the commissioner of labor and workforce development, as appropriate, regarding safety and health problems which are

considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (Ord. #13-001, April 2013)

4-403. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Bolivar shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (Ord. #13-001, April 2013)

4-404. Standards authorized. The occupational safety and health standards adopted by the City of Bolivar are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.¹ (Ord. #13-001, April 2013)

4-405. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Variances from Occupation Safety and Health Standards, chapter 0800-01-02 as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (Ord. #13-001, April 2013)

4-406. Administration. For the purposes of this chapter, the City of Bolivar Police Chief is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop,

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the Public Sector, chapter 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (Ord. #13-001, April 2013)

4-407. Funding the program. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the City of Bolivar. (Ord. #13-001, April 2013)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL AND PERSONAL PROPERTY TAXES.
3. PRIVILEGE TAXES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 5-101. Fiscal year.
- 5-102. Taxes payable to administrator at city hall.
- 5-103. Tax bills.
- 5-104. Official depository for city funds.

5-101. Fiscal year. The fiscal year of the city shall be from July first through June thirtieth. (1998 Code, § 5-101)

5-102. Taxes payable to administrator at city hall. Unless otherwise specifically provided in the charter or this code all taxes levied by the city shall

¹Charter references

- Action by council on budget: § 4.04.
- Audit: § 4.08.
- Centralized purchasing: § 4.06.
- Collection of delinquent taxes: § 4.11.
- Disbursements by checks: § 4.14.
- Fiscal year: § 4.01.
- Mayor to submit annual budget: § 4.02.
- Official depository: § 4.15.
- Public hearing: § 4.03.
- Sale of city property: § 4.07.
- Special assessments: § 4.13.
- Tax due dates and tax bills: § 4.11.
- Tax levy: § 4.10.

Municipal code reference

- Bonds of officers and employees: § 1-401.

be payable to the city administrator at the city hall.¹ (1998 Code, § 5-102, modified)

5-103. Tax bills. The city administrator is hereby directed to send out tax bills to all taxpayers at least thirty (30) days before their taxes become due. (1998 Code, § 5-103)

5-104. Official depository for city funds. The First South Bank, CB & S Bank, Centennial Bank, Merchants and Planters Bank and the Bank of Hardeman County, Tennessee, are hereby designated as the official depositories for all city funds.² (1998 Code, § 5-104, modified)

¹Charter reference

General authority and provisions relating to finance and taxation: art. IV.

State law reference

Taxes and license: Tennessee Code Annotated, title 67.

Levy and computation of county and municipal taxes: Tennessee Code Annotated, § 67-5-102.

²Charter reference

Official depository: art. IV, § 4.15.

CHAPTER 2

REAL AND PERSONAL PROPERTY TAXES¹

SECTION

5-201. When property taxes payable, due and delinquent.

5-202. Collection of delinquent taxes.

5-203. County assessment to be used.

5-201. When property taxes payable, due and delinquent.² City property taxes shall become payable on October first, due on February first and delinquent on March first of each year. (1998 Code, § 5-201)

5-202. Collection of delinquent taxes.³ The city administrator shall avail himself of all legal processes and remedies authorized by the city charter and the general laws of the state for use in collecting all delinquent city taxes. (1998 Code, § 5-202, modified)

¹Charter references

Collection of delinquent taxes: § 4.12.

Property taxes: § 4.09.

Tax due dates and tax bills: § 4.11.

²State law references

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

³Charter and state law references

A municipality has the option of collecting delinquent property taxes any one (1) of three (3) ways:

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

5-203. County assessment to be used. For city property tax purposes the city hereby elects to use the same assessments made by Hardeman County on real and personal property located within the city. (1998 Code, § 5-203)

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"¹ are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. (1998 Code, § 5-301)

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 administrator to each applicant therefor upon the 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. (1998 Code, § 5-302, modified)

¹State law reference

Tennessee Code Annotated, § 67-4-701, et seq.

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE.
2. COUNCIL REPRESENTATIVE OF POLICE AND FIRE DEPARTMENTS.

CHAPTER 1

POLICE¹

SECTION

- 6-101. Department established; composition.
- 6-102. Powers and duties of department generally.
- 6-103. Powers and duties of police chief generally.
- 6-104. When police officers to make arrests.
- 6-105. Appointment, etc., terms of police personnel.

6-101. Department established; composition. There is hereby established a city police department to be composed of a chief of police and such number of subordinate officers and patrolmen as the city council may deem necessary. (1998 Code, § 6-101)

6-102. Powers and duties of department generally. It shall be the duty of the chief of police and of all police officers to preserve the public peace; to suppress all riots, disturbances, and breaches of the peace; and, with or without process, to apprehend and arrest all disorderly persons. The police department shall be responsible for enforcing all the provisions of this code as

¹Municipal code references

Authority to direct traffic: title 15.

Chief of police to investigate applicants for taxicabs franchise: § 9-605.

Commissioner of police and fire departments: § 6-201.

Duty of police to enforce traffic laws: title 15.

Impersonating an officer: § 11-502.

Refusal to assist officer: § 11-505.

Resisting or interfering with police officer: § 11-504.

Traffic division: title 15.

Ord. #00-008, Nov. 2000, established a mandatory retirement age of sixty-two (62) years for the police and firefighters of the City of Bolivar. Ord. #00-008 is of record in the office of the city administrator.

to which there is no other enforcement officer or agent specifically charged with enforcement.¹ (1998 Code, § 6-102)

6-103. Powers and duties of police chief generally. The chief of police shall be responsible for the general supervision and efficiency of all policemen and shall have such powers and duties as may be assigned by the mayor. (1998 Code, § 6-103, modified)

6-104. When police officers to make arrests. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer 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 probable cause to believe the person has committed it.

6-105. Appointment, etc., terms of police personnel. All members of the police department, including the chief, shall be appointed, promoted, demoted, transferred, suspended or removed by and shall serve at the will of the mayor.² (1998 Code, § 6-105)

¹Charter reference

Service of process by city policemen: § 3.04.

²Charter reference

Appointment, suspension, removal of employees: § 3.07.

CHAPTER 2

**COUNCIL REPRESENTATIVE OF POLICE AND
FIRE DEPARTMENTS¹****SECTION**

6-201. Office created; appointment; term.

6-201. Office created; appointment; term. There shall be a council representative of the police and fire departments who shall be appointed by and serve at the will and pleasure of the mayor. (1998 Code, § 6-201, modified)

¹Municipal code reference

City council to exercise direct supervision over the council representative of the police and fire departments: § 1-102.

Fire prevention and protection: title 7.

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE LIMITS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.

CHAPTER 1

FIRE LIMITS

SECTION

7-101. Fire district designated.

7-101. Fire district designated. The fire limits of the city shall be the central business district of the city as designated in the zoning ordinance. (1998 Code, § 7-101)

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

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. "Municipality" defined.
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Appeal from decision of fire chief.
- 7-206. Modifications by fire chief.
- 7-207. Violations and penalty.

7-201. Fire code adopted. (1) A certain document, three (3) copies of which are on file in the office of the City Administrator of City of Bolivar, being marked and designated as the International Fire Code,² 2012 edition, including chapters 1 through 45 and Appendix chapters A through G (see International Fire Code section 101.2.1, 2006 edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Bolivar in the State of Tennessee, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the City of Bolivar are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in subsection (2) of this section.

- (2) The following sections are hereby revised:
 - (a) Section 101.1 insert: City of Bolivar.
 - (b) Section 109.3 insert: \$50.00 per day.

¹Municipal code references

Building, utility and residential codes: title 12.

Commissioner of police and fire departments: § 6-201.

False emergency alarms: § 11-503.

Fire limits designated: § 7-101.

State law reference

Prevention and investigation of fires: Tennessee Code Annotated, title 68, ch. 17.

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

(c) Section 111.4 insert: \$50.00 per day.

(3) The geographic limits referred to in certain sections of the 2006 International Fire Code are hereby established as follows:

(a) Section 3204.3.1.1 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): City of Bolivar.

(b) Section 3404.2.9.5.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): City of Bolivar.

(c) Section 3406.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): City of Bolivar.

(d) Section 3804.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): City of Bolivar. (1998 Code, § 7-201, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1998 Code, § 7-202)

7-203. "Municipality" defined. Whenever the word "municipality" is used in the fire prevention code adopted by § 7-201, it shall be held to mean the City of Bolivar, Tennessee. (1998 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. (1) The district referred to in the fire prevention code, in which storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

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

(3) The district referred to in the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, is hereby declared to be the fire district as set out in § 7-101 of this code.

(4) The district referred to in the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in § 7-101 of this code. (1998 Code, § 7-204)

7-205. Appeal from decision of fire chief. When any person feels that he has been wrongfully aggrieved by a decision of the chief of the fire department in interpreting and applying the fire code or granting or refusing modification of the same he may, within thirty (30) days, file a written appeal from such decision to the mayor and city council. (1998 Code, § 7-205)

7-206. Modifications by fire chief. The chief of the fire department shall have the power to modify any of the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1998 Code, § 7-206)

7-207. Violations and penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1998 Code, § 7-207)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Established; duties and responsibilities generally.
- 7-302. Composition; appointment and terms.
- 7-303. Appointment of fire chief and subordinate officers.
- 7-304. General powers, duties and responsibility of chief.
- 7-305. Fire chief assistant to state commissioner of insurance and banking.
- 7-306. Members subject to orders of chief and department regulations.
- 7-307. Equipment.
- 7-308. Fires outside of city limits--duties.
- 7-309. Fires outside of city limits--fees.

7-301. Established; duties and responsibilities generally. There is hereby established a fire department for the city, which shall be responsible for preventing, controlling, fighting, and extinguishing fires, occurring within the city, to the best of its ability.² (1998 Code, § 7-301)

7-302. Composition; appointment and terms. The fire department shall consist of full-time and volunteer members and such members shall from time to time be designated by the city council to be appointed by the mayor, who reside and work within the city and who have telephones in or near their homes and places of employment. The volunteer members of the fire department shall be appointed from year to year by the mayor unless he shall delegate such authority to the chief. (1998 Code, § 7-302)

7-303. Appointment of fire chief and subordinate officers. The chief of the fire department and his subordinate officers shall be appointed by the mayor from the members of the fire department. The mayor may delegate his authority to appoint the subordinate officers to the chief. (1998 Code, § 7-303)

7-304. General powers, duties and responsibility of chief. The chief of the fire department is hereby empowered and directed to make such rules and regulations for operation of the fire department, to conduct such training, and to hold such practice drills as he may deem necessary to insure that all members

¹Municipal code reference
Motor vehicles, traffic and parking: title 15

²Municipal code reference
Firefighters may direct traffic: title 15.

of the fire department are proficient in handling the fire-fighting equipment of the city. He shall be directly responsible to the mayor and the commissioner of the police and fire department for the efficiency and maintenance of the fire department and its equipment. (1998 Code, § 7-304)

7-305. Fire chief assistant to state commissioner of insurance and banking. Pursuant to the requirements of Tennessee Code Annotated, § 68-17-108, the chief of the fire department is designated as an assistant to the state commissioner of insurance and banking and is subject to all the duties and obligations imposed by said Tennessee Code Annotated, title 68, chapter 17, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1998 Code, § 7-305)

7-306. Members subject to orders of chief and department regulations. The members of the fire department shall, at all times while in the performance of the duties of their respective offices, be subject to the orders of the chief and shall comply with all rules and regulations prescribed for the department. (1998 Code, § 7-306)

7-307. Equipment. The city council shall provide the fire department with such fire-fighting vehicles, hoses, clothing and other equipment and apparatus as the chief of said department may deem reasonably necessary and request through the commissioner of the police and fire departments. (1998 Code, § 7-308)

7-308. Fires outside of city limits--duties. The fire department shall whenever possible control, fight and extinguish fires occurring outside the city limits when a notice of assurance of payment has been filed with the fire chief. (1998 Code, § 7-310)

7-309. Fire outside of city limits--fees. The fee for all fire calls outside the city limits shall be six hundred dollars (\$600.00) unless adjusted by action of the city council. (1998 Code, § 7-311, as amended by Ord. #12-008, Nov. 2012)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Storage and sale of fireworks.
- 7-402. Privilege license required.
- 7-403. Sale or use of fireworks from vehicles prohibited.
- 7-404. Use of fireworks confined to real property.
- 7-405. Storage, sale and display of fireworks.
- 7-406. Hours of use.
- 7-407. Prohibited sale of fireworks.
- 7-408. Throwing ignited fireworks from moving vehicle prohibited.
- 7-409. Violations and penalty.

7-401. Storage and sale of fireworks. The storage and sale of fireworks shall comply with the zoning ordinances of the City of Bolivar. (Ord. #12-009, Dec. 2012)

7-402. Privilege license required. Any person or business entity desiring to store and sell fireworks within the corporate limits of the City of Bolivar shall pay a privilege license of one hundred dollars (\$100.00) before they commence to store or sell fireworks. All privilege licenses shall be for a calendar year and must be renewed annually. But, pursuant to Tennessee Code Annotated, § 68-104-101(8), there shall be allowed a two (2) day grace period so as to run through January 2. (Ord. #12-009, Dec. 2012)

7-403. Sale or use of fireworks from vehicles prohibited. No fireworks shall be sold, thrown or otherwise used from any automobile or any other moving vehicle, whether the vehicle is moving or standing still. (Ord. #12-009, Dec. 2012)

7-404. Use of fireworks confined to real property. It shall be unlawful for any person within the corporate limits of the City of Bolivar to fire, set off, shoot, discharge or otherwise explode any fireworks except at their place of business or their residence. The igniting and/or final firing or exploding shall be done entirely within the property lines of the person's real property. (Ord. #12-009, Dec. 2012)

7-405. Storage, sale and display of fireworks. It shall be unlawful to store, sell, display, fire, set off, shoot, discharge or explode any fireworks within one hundred feet (100') of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold, or

within one hundred feet (100') of any hospital, nursing home or school. (Ord. #12-009, Dec. 2012)

7-406. Hours of use. It shall be unlawful for any person to fire, set off, shoot, discharge or otherwise explode any fireworks within the corporate limits of the City of Bolivar before 7:00 A.M. or after 10:00 P.M., except on New Year's Eve, fireworks may be used until 1:00 A.M. on New Year's morning. (Ord. #12-009, Dec. 2012)

7-407. Prohibited sale of fireworks. It shall be unlawful for any person to sell any fireworks to any child under the age of twelve (12) years or to any intoxicated person. (Ord. #12-009, Dec. 2012)

7-408. Throwing ignited fireworks from moving vehicle prohibited. It shall be unlawful for any person to throw any ignited article of fireworks at any motor vehicle or at any person or group of people. (Ord. #12-009, Dec. 2012)

7-409. Violations and penalty. The violation of this chapter shall be punishable by a fine not to exceed fifty dollars (\$50.00) and may also be enforced by seeking injunctive relief through a court of competent jurisdiction.

If any term section or provision of this chapter is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the chapter shall remain in full force and shall in no way be affected, impaired or invalidated. (Ord. #12-009, Dec. 2012)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Definitions.
- 8-102. Drinking alcoholic beverages on streets.
- 8-103. Alcoholic beverages subject to regulations.
- 8-104. Application for certificate of compliance.
- 8-105. Applicants to agree to comply with laws.
- 8-106. Applicant to appear before mayor and council: duty to give information.
- 8-107. Action on application.
- 8-108. Residency requirement.
- 8-109. Applicants for certificate who have criminal record.
- 8-110. Only one establishment to be operated by retailer.
- 8-111. Where establishment may be located; Courthouse Square Revitalization Pilot Project Zone.
- 8-112. Limitations on number of retailers.
- 8-113. Sales for consumption on premises.
- 8-114. Amusement devices and seating facilities prohibited in retail establishments.
- 8-115. Signage requirements.
- 8-116. Inspection fee.
- 8-117. Violations and penalty.

8-101. Definitions. (1) "Alcoholic beverages" shall mean and include alcohol, spirits, liquor, wine and every other liquid containing alcohol, spirits or wine capable of being consumed by a human being, other than patented medicine, beer, or wine, where the latter two (2) contain an alcoholic content of five percent (5%) by weight or less.

¹Municipal code references

Motor vehicles, traffic, etc.: title 15.

Public drunkenness etc.: title 11, chapter 2.

(2) "Beer" shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight.¹ (Ord. #15-004, June 2015)

8-102. Drinking alcoholic beverages on streets. It shall be unlawful for any person to drink or consume alcoholic beverages or have an open alcoholic beverage container in or on any public street, avenue, alley, highway, sidewalk, public park, public school ground or other public place within the city limits. (Ord. #15-004, June 2015)

8-103. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, distributing or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57. (Ord. #15-004, June 2015)

8-104. Application for certificate of compliance. Before any certificate, as required by Tennessee Code Annotated, § 57-3-208 or a renewal as required by § 57-3-213 shall be signed by the mayor or city council, an application in writing shall be filed with the city administrator on a form to be provided by the city, giving the following information:

- (1) Name, age and address of the applicant.
- (2) Evidence of U.S. Citizen.
- (3) Occupation or business and length of time engaged in such occupation or business.
- (4) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
- (5) If employed, the name and address of employer.
- (6) If in business, the kind of business and location thereof.
- (7) The location of the proposed store for the sale of alcoholic beverages.
- (8) The name and address of the owner of the store.
 - (a) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer.
 - (b) If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

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

¹State law reference

Similar provisions: Tennessee Code Annotated, § 57-3-101(1).

shall be verified by the oath of each partner or by the president of the corporation.

Each application shall be accompanied by a non-refundable investigation fee of two hundred fifty dollars (\$250.00). (Ord. #15-004, June 2015, modified)

8-105. Applicant to agree to comply with laws. The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws, the ordinances of the city, and the rules and regulations of the Alcoholic Beverage Commission of the state for sale of alcoholic beverages. (Ord. #15-004, June 2015)

8-106. Applicant to appear before mayor and council: duty to give information. An applicant for a certificate of compliance may be required to appear in person before the mayor and city council for such reasonable examination as may be desired by the council. (Ord. #15-004, June 2015)

8-107. Action on application. Every application for a certificate of compliance shall be referred to the chief of police for investigation, the building inspector for verification and to the city attorney for review, each of whom shall submit their findings to the board of mayor and aldermen within thirty (30) days of the date each application was filed.

The board of mayor and council may issue a certificate of compliance to any applicant, which shall be signed by the mayor or by a majority of the council. (Ord. #15-004, June 2015)

8-108. Residency requirement. The applicant for a certificate of compliance shall be a U.S. Citizen. (Ord. #15-004, June 2015)

8-109. Applicants for certificate who have criminal record. No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting or regulating the sale, possession, transportation, storage, manufacturing or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (Ord. #15-004, June 2015)

8-110. Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one (1) place of business for the sale of alcoholic beverages in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of

business by way of stock, ownership, loan, partner's interest or otherwise. (Ord. #15-004, June 2015)

8-111. Where establishments may be located. It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city except at locations within the boundaries of the downtown economic development zone established pursuant to the Courthouse Revitalization Pilot Project Act of 2005.

(1) No retail store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public.

(2) All establishments must contain a one thousand (1,000) square foot minimum of open showroom display space.

(3) Any establishment which sells liquor pursuant to this chapter shall be located a minimum distance of five hundred feet (500') (as measured nearest point-to-point on each property line) from any church, school or related educational facility. (Ord. #15-004, June 2015, as amended by Ord. #15-006, Oct. 2015)

8-112. Limitations on number of retailers. There shall be no limit on the number of retail licenses for the sale of alcoholic beverages issued under this chapter. (Ord. #15-004, June 2015)

8-113. Sales for consumption on premises. No alcoholic beverages shall be sold for consumption on the premises of the seller. (Ord. #15-004, June 2015)

8-114. Amusement devices and seating facilities prohibited in retail establishments. No pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retailer establishment. No seating facilities shall be provided for persons other than employees. (Ord. #15-004, June 2015)

8-115. Signage requirements. All establishments authorized under this section must comply with the City of Bolivar Zoning Ordinance for sign requirements. (Ord. #15-004, June 2015)

8-116. Inspection fee. The City of Bolivar hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. (Ord. #15-004, June 2015)

8-117. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (Ord. #15-004, June 2015)

CHAPTER 2**BEER**¹**SECTION**

- 8-201. Beer board--created.
- 8-202. Composition; compensation; chairman, secretary.
- 8-203. Meetings.
- 8-204. Quorum; voting.
- 8-205. Powers and duties generally.
- 8-206. Presentation of applications to administrator prior to board meeting.
- 8-207. Board to investigate permit applicants; assistance by chief of police.
- 8-208. Investigation of permit holders charged with violations.
- 8-209. Violations to be reported; cooperation by police.
- 8-210. Record of beer board proceedings.
- 8-211. Permit required for engaging in beer business.
- 8-212. Issuance of permits.
- 8-213. No refunds for permits or fees.
- 8-214. Permits restrictive.
- 8-215. Permit to business detrimental to public health, safety or morals prohibited.
- 8-216. Permit not to be issued to persons convicted of certain crimes.
- 8-217. Prohibited activities by permit holders.
- 8-218. Location restriction.
- 8-219. Privilege tax.
- 8-220. Civil penalty in lieu of suspension.
- 8-221. Applicant making false statement.

¹Municipal code references
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).

Beer and alcoholic beverages of less than five (5) percent: Tennessee Code Annotated, § 57-5-101.

8-201. Beer board--created. There is hereby created a board to be known as "The Beer Board of the City of Bolivar."¹ (1998 Code, § 8-201)

8-202. Composition; compensation; chairman, secretary. (1) The beer board shall consist of the mayor and city council and they shall serve without additional compensation.

(2) A chairman shall be elected annually by the board from among its members, and the city administrator shall serve as secretary to the board. (1998 Code, § 8-202, modified)

8-203. Meetings. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1998 Code, § 8-203)

8-204. Quorum; voting. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the entire beer board and not a majority of the members present. Any member present, but not voting, shall be deemed to have cast a nay vote. (1998 Code, § 8-204)

8-205. Powers and duties generally. The beer board shall have the power and it is hereby directed to regulate the sale, storage for sale, distribution for sale, and manufacture of beer within the city in accordance with the provisions of this chapter. (1998 Code, § 8-205)

8-206. Presentation of applications to administrator prior to board meeting. All beer applications must be presented to the administrator ten (10) days before the beer board meeting and notice of that application will appear in a local newspaper before the meeting. (1998 Code, § 8-206, modified)

8-207. Board to investigate permit applicants; assistance by chief of police. The beer board shall make an investigation of each applicant for a permit to sell beer or other beverages of like alcoholic content to determine the character of the applicant and to determine whether or not the applicant is a suitable person to be issued a permit and the location is a suitable place for the

¹State law reference

Authority to establish beer board: Tennessee Code Annotated, § 57-5-106.

sale of beer or other beverages of like alcoholic content. The board may call upon the chief of police to make any investigation and to furnish any information necessary with regard to any applicant. It shall be the duty of the chief of police to cooperate with the beer board in making investigations of applicants and their prospective locations. (1998 Code, § 8-207)

8-208. Investigation of permit holders charged with violations.

When any holder of a permit for the sale of beer or other beverages of like alcoholic content is charged with the violation of any of the laws of the state, this code or other ordinances of the city, it shall be the duty of the beer board to make an investigation. In order that the beer board may make necessary investigations, it is hereby given authority to issue subpoenas for witnesses to appear before it for the purpose of giving testimony. The chairman is authorized to administer the oath to witnesses. The beer board, after a hearing, may suspend any beer permit for a period of up to six (6) months for the first violation of this chapter and may revoke any beer permit for a second violation committed within twenty-four (24) months of the first violation. (1998 Code, § 8-208)

8-209. Violations to be reported; cooperation by police. It shall be the duty of the police officers and inspectors to report to the beer board any violation of the laws of the state, this code or other ordinances, rules and regulations of the city by any person to whom a permit under this chapter has been issued. All police officers shall cooperate with and furnish all information requested by the beer board. (1998 Code, § 8-209)

8-210. Record of beer board proceedings. The city administrator, as secretary to the beer board, shall make and keep a record of the proceedings of all meetings of the board. Such record shall be public and shall contain at least the following: The date of each meeting, the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1998 Code, § 8-210, modified)

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 fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check or bank money order payable to the City of Bolivar. Each applicant must be twenty-one (21) years of age or older and be a person of good moral character and certify

that he has read and is familiar with the provisions of this chapter. All applicants shall disclose the following information in their application:

- (1) Name of the applicant;
- (2) Name of applicant's business;
- (3) Location of business by street address or other geographical description to permit an accurate determination of conformity with the requirements of this section;
- (4) Whether or not the applicant is seeking a permit which would allow the sale of beer either for on-premises consumption or for off-premises consumption. If a holder of a beer permit for either off-premises consumption or on-premises consumption desires to change the permit holder's method of sale, the permit holder shall apply to the beer board for a new permit; and
- (5) Whether or not the applicant has been issued a permit to sell beer;
- (6) Whether or not the application has applied for a permit to sell beer within the preceding two (2) years.¹ (1998 Code, § 8-211)

8-212. Issuance of permits. Permits shall be issued to the owner of the business or other entity responsible for the premises for which the permit is sought, whether a person, firm, corporation, joint-stock company, syndicate, association, or governmental entity where the governing body has authorized such sales of beer.

8-213. No refunds for permits or fees. No refund will be made for beer permits or renewal fees once they have been received by the city. (1998 Code, § 8-213)

8-214. Permits restrictive. All beer permits shall be restrictive as to the type of beer business authorized therefore. Separate permits shall be required for selling at retail, storing, distributing and manufacturing. Beer permits for the retail sale of beer shall be restricted so as to authorize sales for on-premise or off-premise consumption and no sale shall be made for on-premise consumption unless the permit specifically so states. No permit shall provide for on-premise and off-premise consumption. No permit shall issue for on-premise consumption unless the business is a restaurant serving at least one (1) hot meal per day at least five (5) days per week. The service of meals shall be the principal business of the restaurant and the meals must be prepared on premises in kitchen facilities located on the premises of the restaurant. The restaurant must have facilities to serve a minimum of twenty-five (25) persons at tables and/or booths and provide separate restroom facilities for men and women having access thereto from inside of the restaurant. The restaurant must

¹State law reference

Local permit required: Tennessee Code Annotated, § 57-5-104.

maintain a health department inspection score of not less than eighty (80). No person may be served beer for consumption on premises for whom seating is not provided in the restaurant. At least sixty percent (60%) of the business revenue shall be derived from the sale of food. The restaurant shall have a printed menu containing the price of food and beverages. (1998 Code, § 8-214)

8-215. Permit to business detrimental to public health, safety or morals prohibited. No permit authorizing the sale of beer shall be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety and morals. (1998 Code, § 8-215)

8-216. Permit not to be issued to persons convicted of certain crimes. No person shall be issued any permit who has been convicted of any violation of the laws against possession, sale, manufacturing or transportation of beer or other alcoholic beverages or the manufacture, deliver, sale or possession with intent to manufacture, deliver or sale any controlled substance or any crime involving moral turpitude within the past ten (10) years be issued. No permit shall be issued to any location that has had its permit revoked within the past twenty-four (24) months. (1998 Code, § 8-216)

8-217. Prohibited activities by permit holders. It shall be unlawful for any beer permit holder to:

- (1) Employ any person convicted of the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.
- (2) To employ any minor in the sale, storage, distribution, or manufacture of beer.
- (3) Sell or allow the sale of beer between the hours of 12:00 midnight and 6:00 A.M. during any night of the week or before 12:00 noon on Sunday.
- (4) Sell or allow the sale of beer to a person under twenty-one (21) years of age.
- (5) Allow any minor to loiter in or about his place of business.
- (6) Sell or allow the 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 the licensed premises.
- (8) Serve, sell or allow the consumption on premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight, unless the business has a permit for the sale of liquor by the drink.
- (9) Allow dancing on the licensed premises.

(10) Allow pool or billiard playing in the same room where beer is sold or consumed.¹ (1998 Code, § 8-217)

8-218. Location restriction. Any establishment which sells beer shall be located a minimum distance of five hundred feet (500') (property corner to property corner) from any church, school or related educational facility. (1998 Code, § 8-218)

8-219. 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 Bolivar, 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. (1998 Code, § 8-219)

8-220. Civil penalty in lieu of suspension. The beer board may, at the time it imposes a suspension, offer a permit holder the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00). If a civil penalty is offered as an alternative to a suspension the permit holder shall have seven (7) days within which to pay the civil penalty before the suspension shall be imposed. If the civil penalty is paid within that time, the suspension shall be deemed withdrawn. (1998 Code, § 8-220)

8-221. Applicant making false statement. Any applicant making a false statement in their application shall forfeit such applicant's permit and shall not be eligible to receive any permit for a period of ten (10) years. (1998 Code, § 8-221)

¹State law references

Sales to minors, possession by minors, allowing minors to loiter on premises, hours of sale, etc.: Tennessee Code Annotated, § 57-5-301.
Sale in pool or billiard rooms: Tennessee Code Annotated, § 57-5-302.

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. PERSONAL PROPERTY SALES IN RESIDENTIAL DISTRICTS
3. CABLE TELEVISION.
4. POOL ROOMS.
5. VEHICLES FOR HIRE.
6. TELECOMMUNICATIONS RIGHTS-OF-WAY RENTAL ORDINANCE.
7. SEXUALLY ORIENTED BUSINESSES.
8. REGULATIONS FOR WRECKER OPERATORS.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.¹

SECTION

- 9-101. Definitions.
- 9-102. Shouting, using horns, bells, etc.
- 9-103. Use of streets.
- 9-104. Exemptions from chapter.
- 9-105. Permit required.
- 9-106. Permit application.
- 9-107. Permit fee.
- 9-108. Investigation of applicant; issuance or refusal.
- 9-109. To be used by permittee only.
- 9-110. Exhibition of permit.
- 9-111. Expiration and renewal of permit.
- 9-112. Revocation or suspension of permit.
- 9-113. Violations and penalty.

9-101. Definitions. Whenever used in this chapter, unless the context requires otherwise, the following definitions shall apply:

(1) "Merchandise." The word "merchandise" means and includes all personal property of whatever kind, whether tangible or intangible, including but not limited to, goods, wares, produce, insurance, stocks and bonds.

¹Municipal code reference

Privilege taxes: title 5.

Trespass by peddlers, etc.: title 11.

(2) "Nonprofit organization." The term "nonprofit organization" means and includes any church, school or eleemosynary, charitable, civic, social service, religious or educational organization whose purpose is not-for-profit and whose funds are used for charitable, civic, religious or educational purposes.

(3) "Soliciting." The term "soliciting" or "to solicit" means and includes offering merchandise for sale, barter or exchange, whether for present or future delivery, or in any manner disposing of personal property by peddling or hawking the same.

(4) "Solicitor." The term "solicitor" means and includes peddler, huckster or itinerant merchant and all persons of any age who solicit, attempt to solicit, sell, barter, exchange or offer to sell, barter or exchange, and includes persons soliciting on behalf of a nonprofit organization. (1998 Code, § 9-101)

9-102. Shouting, using horns, bells, etc. No person holding a permit under this chapter, or 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 city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent 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. (1998 Code, § 9-102)

9-103. Use of streets. No person holding a permit under this chapter shall have any exclusive right to any location in the public streets or be permitted a stationary location thereon, nor shall any such person be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets, nor shall any such person be permitted to accept orders for goods or sell directly from a vehicle of any kind while standing in a public street. For the purpose of this section the judgment of the city administrator, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1998 Code, § 9-103, modified)

9-104. Exemptions from chapter. The provisions 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 and merchandise in the regular course of business. (1998 Code, § 9-104)

9-105. Permit required. (1) It shall be unlawful for any solicitor to solicit the sale of merchandise or the furnishing of a service within the city without first obtaining a permit therefor in compliance with the provisions of this chapter.

(2) No person shall solicit contributions or the sale of merchandise for a nonprofit organization unless the organization first obtains a permit therefor in compliance with this chapter. ((1998 Code, § 9-106)

9-106. Permit application. Applicants for a permit under this chapter must file with the city administrator a sworn written application containing the following:

(1) Name and physical description of the applicant. In the case of a nonprofit organization, a list of all proposed solicitors or canvassers, if such a list is available.

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

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

(4) If applicant is employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship. This shall not apply to nonprofit organizations.

(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. This shall not apply to nonprofit organizations.

(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 properly evaluate the applicant's moral reputation and business responsibility. This shall not apply, however, to nonprofit organizations.

(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, if any, and the punishment or penalty assessed therefor. This shall not apply, however, to nonprofit organizations.

(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. This shall not apply, however, to nonprofit organizations.

(10) The applicant must provide a state sales tax number before a permit will be issued. This shall not apply, however, to nonprofit organizations. (1998 Code, § 9-107, modified)

9-107. Permit fee. At the time of filing the application for a permit under this chapter, a fee of fifty dollars (\$50.00) for a fifteen (15) day period shall be paid to the city. Producers of agricultural products, charitable groups,

nonprofit organizations and organized group events shall not be required to pay the fee. (1998 Code, § 9-108, modified)

9-108. Investigation of applicant; issuance or refusal. Each application for a permit under this chapter shall be submitted to the city administrator, who shall cause an investigation to be made of the applicant's moral reputation or business responsibility. If such reputation and business responsibility appear satisfactory, in the sole discretion of the city administrator, then he shall issue a permit upon payment of all applicable privilege taxes; otherwise, the city administrator shall deny the permit and shall so notify the applicant in writing. In no case shall a permit be issued before the expiration of seven (7) days from the date of the application in order that a full investigation be made of the applicant. However, this shall not apply to renewal permits. (1998 Code, § 9-110, modified)

9-109. To be used by permittee only. No permit issued under this chapter shall be used at any time by any person or organization other than the one to whom it is issued. (1998 Code, § 9-111)

9-110. Exhibition. Every person holding a permit under this chapter shall exhibit his permit at the request of any policeman or citizen. (1998 Code, § 9-112)

9-111. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire at the end of the three (3) day or twelve (12) month period for which the permit was initially issued. Permits may be renewed by making application for renewal in substantially 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. (1998 Code, § 9-113)

9-112. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the mayor and city council, after notice and hearing, for any of the following causes:

- (a) Fraud, misrepresentation, or incorrect statement contained in the application for the permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.
- (b) Any violation of this chapter.
- (c) Conviction of any crime or misdemeanor.
- (d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a

breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit under this section shall be given by the city administrator 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 city administrator may suspend a permit issued under this chapter pending the revocation hearing.

(4) 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. (1998 Code, § 9-114, modified)

9-113. Violations and penalty. Any person violating the provisions of this chapter shall, upon conviction, pay a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense and every day such violation continues shall constitute a separate offense. (1998 Code, § 9-105)

CHAPTER 2

PERSONAL PROPERTY SALES IN RESIDENTIAL DISTRICTS

SECTION

- 9-201. Intent and purpose.
- 9-202. Permit required.
- 9-203. Term of permit.
- 9-204. Application for permit.
- 9-205. Permit fee.
- 9-206. Exceptions.
- 9-207. Conditions to be met.
- 9-208. Right of access for inspections.
- 9-209. Permit conditions.

9-201. Intent and purpose. It is the intent of this chapter to prohibit infringement of any businesses in any established residential areas and in so doing to regulate the term and frequency of a personal property sale (such as garage sales, porch sales, yard sales, and other similar types of sales) so as not to disturb or disrupt the residential environment of the area. It is not the intent of this chapter to seek control of sales by individuals selling a few of their household or personal items. (1998 Code, § 9-201)

9-202. Permit required. It shall be unlawful for any person desirous of holding a personal property sale (such as, but not limited to, garage sale, porch sale, or yard sale), of clothing or any personal property items which are owned by the residents of the premises to hold such sale without first obtaining a permit therefor from the city administrator. (1998 Code, § 9-202, modified)

9-203. Term of permit. Any such permit issued shall be for a term not exceeding three (3) consecutive calendar days. (1998 Code, § 9-203)

9-204. Application for permit. Application for permit shall be made to the city administrator upon forms furnished by the administrator. The form shall contain at least the following information:

- (1) Full name and address of applicant.
- (2) The location at which the proposed sale is to be held.
- (3) The date or dates upon which the personal property sale shall be held.
- (4) The date or dates of any other personal property sales within the current calendar year.
- (5) An affirmative statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired or consigned for the purpose of resale. (1998 Code, § 9-204, modified)

9-205. Permit fee. The permit fee for each sale shall be one dollar (\$1.00). (1998 Code, § 9-205)

9-206. Exceptions. The provisions of this chapter shall not apply to or affect the following persons or sales:

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

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

(3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement in which separate items do not exceed three (3) in number.

(4) Any bona fide charitable, eleemosynary, educational, cultural, or governmental institution or organization, provided, however, that the burden of establishing the exemption shall be on the organization or institution claiming such exemption. (1998 Code, § 9-206)

9-207. Conditions to be met. The permit shall be posted on the premises in a conspicuous place so as to be seen by the public and city inspectors. (1998 Code, § 9-207)

9-208. Right of access for inspections. A police officer or any other official designated by any city ordinance to make inspections under the licensing or regulating ordinance or to enforce the same, shall have the right of entry to any premises showing evidence of a personal property sale for the purpose of enforcement or inspection and may close the premises from such sale or arrest any person who violates the provisions of this chapter. (1998 Code, § 9-208)

9-209. Permit conditions. (1) No more than six (6) such permits may be issued to a residence and/or family household during any calendar year; and not exceeding three (3) consecutive calendar days for each resident.

(2) The site is required to be cleaned up after the sale.

(3) All signs must be removed after the sale, to avoid applicable littering fines. (1998 Code, § 9-209)

CHAPTER 3**CABLE TELEVISION****SECTION**

9-301. To be furnished under franchise.

9-301. To be furnished under franchise. Cable television service shall be furnished to the City of Bolivar and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Bolivar and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹ (1998 Code, § 9-301)

¹Complete details relating to the cable television franchise agreement are available in the office of the city administrator.

CHAPTER 4

POOL ROOMS

SECTION

9-401. Definition.

9-402. Violations and penalty.

9-401. Definition. (1) For purposes of this chapter the term "game room" means any public place, building, or room where three (3) or more gaming devices, machines, pool tables, or apparatus are kept for the use and entertainment of the public; or any place where the purpose of such business is to maintain three (3) or more machines, which, upon the insertion of a coin, token, or disc may be operated by the public generally for use of a game or amusement, whether or not registering a score, and whether its operation demands skill or chance or both. The definition of "game room" shall be limited to those places which derive their principal source of income from such machines.

(2) **Hours of operation.** It shall be unlawful for any game room to be open for except during the following specified hours:

Monday through Saturday.8:00 A.M. to 12:00 A.M.

Sunday.12:00 noon to 12:00 A.M.

(Ord. #12-001, Feb. 2012)

9-402. Violations and penalty. Any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (Ord. #12-001, Feb. 2012)

CHAPTER 5

VEHICLES FOR HIRE¹

SECTION

- 9-501. Definitions.
- 9-502. Franchise required.
- 9-503. Qualifications for franchise.
- 9-504. Application for franchise--form and contents.
- 9-505. Investigation and recommendation by chief of police.
- 9-506. Issuance or denial of franchise by mayor and council; criteria to be considered.
- 9-507. Public liability insurance or bond required for franchise.
- 9-508. Revocation or suspension of franchise.
- 9-509. Mechanical condition and equipment requirements for taxicabs.
- 9-510. Cleanliness.
- 9-511. Inspection by chief of police; fee; certificate.
- 9-512. Special chauffeur's license and driver's permit required.
- 9-513. Application and qualifications for taxicab driver's permit.
- 9-514. Revocation or suspension of driver's permit.
- 9-515. Indiscriminate solicitation of passenger business prohibited.
- 9-516. Parking.
- 9-517. Passenger to be transported by direct routes.
- 9-518. Illegal use of taxicabs.
- 9-519. General standards of conduct for drivers.
- 9-520. Requiring passengers to share taxicab.

9-501. Definitions. As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

(1) "Taxicab" refers to all motor vehicles used on the city streets for carrying passengers for hire except motor busses or coaches operated by bus lines over designated routes in and through the city.

(2) "Taxicab business" is the use of one (1) or more taxicabs within the city for the purpose of carrying passengers for hire. (1998 Code, § 9-601)

9-502. Franchise required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a franchise therefor from the city. (1998 Code, § 9-602)

¹Charter reference

Regulation and license of vehicle operated for hire, § 1.04(t).

Municipal code reference

Motor vehicles and traffic: title 15.

9-503. Qualifications for franchise. An applicant for a franchise under this chapter shall:

- (1) Be of good moral character.
- (2) Be a bona fide resident of the city.
- (3) Not have been convicted of a felony. (1998 Code, § 9-603)

9-504. Application for franchise--form and contents.

(1) Applications for taxicab franchises shall be in writing, under oath and filed with the chief of police.

(2) The application shall be accompanied by not less than two (2) affidavits of reputable local citizens attesting to the good moral character of the applicant, and shall state:

- (a) The name and address of the applicant.
- (b) The name and address of the proposed place of business.
- (c) The number of cabs the applicant proposes to operate.
- (d) The make and model of such cabs.
- (e) Such other relevant information as the chief of police may require. (1998 Code, § 9-604)

9-505. Investigation and recommendation by chief of police.

(1) Within ten (10) days after receipt of an application for a taxicab franchise, the chief of police shall conduct a thorough investigation of the applicant and shall determine whether or not there is a current public need for additional taxicab service in the city.

(2) Upon completion of such investigation, the chief of police shall present the application to the mayor and city council at their next regular meeting, with his recommendation to either grant or refuse to grant a franchise to the applicant. (1998 Code, § 9-605)

9-506. Issuance or denial of franchise by mayor and council; criteria to be considered. (1) Upon receipt of the report and recommendation of the chief of police as required by § 9-505, the mayor and city council shall, upon due consideration, issue the franchise applied for or deny the application.

(2) In determining whether or not to grant a taxicab franchise, the mayor and city council shall consider the following:

- (a) The public need for additional service.
- (b) Effect on traffic congestion and parking space requirements.
- (c) Preservation of safe use of streets by vehicles and pedestrians. (1998 Code, § 9-606)

9-507. Public liability insurance or bond required for franchise.

(1) No taxicab franchise shall be issued or continued in operation unless there is in full force and effect public liability insurance or bond for each taxicab to be operated in the amount of ten thousand dollars (\$10,000.00) for

bodily injury to any one person, in the amount of twenty thousand dollars (\$20,000.00) for injuries to more than one person which are sustained in the same accident, and five thousand dollars (\$5,000.00) for property damage resulting from any one accident.

(2) Such insurance or bond shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a taxicab franchise holder, his servants, or his agents.

(3) Insurance policies or bonds required by this section shall be with surety or insurance companies authorized to do business in the state and shall be kept on file with the city administrator. (1998 Code, § 9-607, modified)

9-508. Revocation or suspension of franchise. The mayor and city council, after a public hearing, may revoke or suspend any taxicab franchise for repeated violations by the franchise holder or his drivers of this chapter or the provisions of this code relating to traffic. (1998 Code, § 9-608)

9-509. Mechanical condition and equipment requirements for taxicabs. (1) All taxicabs operating in the city shall be equipped with proper four (4) wheel brakes, front and rear lights, tires, horn, muffler, windshield wiper, and rear vision mirror, all of which shall conform to the requirements of the state motor vehicle law.

(2) 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.

(3) The motor and all mechanical functions of each taxicab shall be kept in such condition of repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1998 Code, § 9-609)

9-510. Cleanliness. Every taxicab operated in the city shall at all times be kept in a clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once each week they shall be thoroughly washed and the interior cleaned with some suitable antiseptic solution. (1998 Code, § 9-610)

9-511. Inspection by chief of police; fee; certificate. Every taxicab operated in the city shall be inspected semiannually by the chief of police to insure that it complies with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. For each such inspection the chief of police shall collect a fee of two dollars (\$2.00) and shall issue a certificate of inspection which shall be displayed prominently inside the taxicab. (1998 Code, § 9-611)

9-512. Special chauffeur's license and driver's permit required.

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. (1998 Code, § 9-612)

9-513. Application and qualifications for taxicab driver's permit.

Any person desiring to operate a taxicab in the city shall make written application to the chief of police for a taxicab driver's permit. The applicant shall be and the application shall state that the applicant:

(1) Is twenty-one (21) years old or over and holds a state special chauffeur's license.

(2) Is of sound physical condition with good eyesight 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.

(3) Is clean in dress and person and is not addicted to the use of intoxicating drugs or liquor.

(4) Is of good character attested by affidavits from two (2) reputable citizens of the city who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.

(5) Has not been convicted of a felony, drunk driving, or driving under the influence of an intoxicant or drug.

(6) Is familiar with the city traffic laws. (1998 Code, § 9-613)

9-514. Revocation or suspension of driver's permit. The mayor and city council, after a public hearing, may revoke or suspend any taxicab driver's permit for a violation of this chapter or for repeated violations of the provisions of this code relating to traffic. (1998 Code, § 9-614)

9-515. Indiscriminate solicitation of passenger business prohibited. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage of their cabs. (1998 Code, § 9-615)

9-516. Parking. No area on any street shall be reserved solely for the parking of taxicabs. Said vehicles are subject to the same provisions that regulate the parking of private automobiles.¹ (1998 Code, § 9-616)

9-517. Passenger to be transported by direct routes. Every taxicab driver shall deliver his passengers to their destinations by the most direct available route from the point at which they enter his cab. (1998 Code, § 9-617)

¹Municipal code reference

Stopping, standing and parking of motor vehicles generally: title 15.

9-518. Illegal use of taxicabs. No taxicab shall be used for or in the commission of any illegal act, business or purpose. (1998 Code, § 9-618)

9-519. General standards of conduct for 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 blow the automobile horn unnecessarily, or otherwise to disturb the peace, quiet and tranquility of the city.(1998 Code, § 9-619)

9-520. Requiring passengers to share taxicab. No person shall be admitted to a taxicab already occupied by a passenger without the consent of the latter. (1998 Code, § 9-620)

CHAPTER 6

TELECOMMUNICATIONS RIGHTS-OF-WAY RENTAL ORDINANCE

SECTION

- 9-601. Purpose.
- 9-602. Applicable scope.
- 9-603. Definitions.
- 9-604. Municipal right-of-way use permit required.
- 9-605. Application to provide telecommunications services using the public rights-of-way.
- 9-606. Municipal right-of-way use permit issuance.
- 9-607. Petition for reconsideration.
- 9-608. Administration and enforcement.
- 9-609. Applicability.
- 9-610. Compensation to city.
- 9-611. Remitting rental fees to the city.
- 9-612. Audits.
- 9-613. Transfers.
- 9-614. Notices to the city.
- 9-615. Construction obligations.
- 9-616. Conditions of rights-of-way occupancy.
- 9-617. Insurance requirements.
- 9-618. Indemnity.
- 9-619. Privacy of customer information.
- 9-620. Annexation; deannexation.
- 9-621. Unauthorized use of public rights-of-way.

9-601. Purpose. The purpose of this chapter is to establish a competitively neutral policy for usage of public rights-of-way for the provision of telecommunications services and enable the city to:

- (1) Permit non-discriminatory access to the public rights-of-way for providers of telecommunications services; and
- (2) Manage the public rights-of-way in order to minimize the impact and cost to the citizens of the placement of telecommunications facilities within the rights-of-way; and
- (3) Obtain fair and reasonable compensation for the commercial use of public rights-of-way through collection of rents; and
- (4) Promote competition among telecommunications service providers and encourage the universal availability of advanced telecommunications services to all residents and businesses of the city; and
- (5) Minimize the congestion, inconvenience, visual impact, and other adverse effects on the city's public rights-of-way. (1998 Code, § 9-701)

9-602. Applicable scope. This chapter applies to all telecommunications service providers under Titles II ("Title II") and VI ("Title VI") of the Communications Act of 1934, as amended, (47 U.S.C. 201 et seq.) excluding services provided solely by means of wireless transmission. This chapter does not exempt providers of cable service or open video systems service from the requirements of Title VI and applicable FCC rules and regulations. Any requirements and obligations imposed by this chapter are in addition to any requirements imposed by Title VI or state law and regulation on such providers. (1998 Code, § 9-702)

9-603. Definitions. (1) "Applicant." Any person who files an application with the city, under § 9-705 (application to provide telecommunication services) of this chapter, in order to obtain the necessary permission to use the public rights-of-way to provide telecommunications services within the city, whether by means of the person's own facilities or by means of capacity obtained from another provider of telecommunications services.

(2) "Chief administrative officer." The Chief Administrative Officer of the City of Bolivar, or the person designated by the city council to carry out the duties and responsibilities of the chief administrative officer. Chief administrative officer shall also mean the person under the chief administrative officer's management and control designated by the chief administrative officer to administer the provisions of this chapter.

(3) "City." The City of Bolivar, the present municipal corporation of Bolivar, together with any future annexation made pursuant to law.

(4) "City requirements." All laws, rules, regulations, policies and directives of general application of the City of Bolivar, in effect at present or to be adopted in the future by the city.

(5) "Gross revenue." All revenues received by a provider for telecommunications services furnished within the city. However, revenues received for use of network capacity, switched or unswitched access, and sale of unbundled elements under 47 U.S.C. 251(b) and (c) from resellers of telecommunications services who are in compliance with this chapter are not included. Gross revenue does not include revenue uncollectible from customers (bad debt) and any end user taxes collected from customers.

(6) "Municipal right-of-way use permit or municipal permit." The right granted by the city to use public rights-of-way to provide telecommunications services within the city to the public or to other providers, as specified by the terms of this chapter.

(7) "Person." Any person, firm, partnership, association, corporation, company or organization of any kind.

(8) "Provider." A person who has been granted a certificate of need by the Tennessee Regulatory Authority and/or who operates or uses a telecommunications network within the city to provide telecommunications

services, and who falls under the definition of § 9-702 (applicable scope) of this chapter.

(9) "Public rights-of-way." The surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, easement or similar property in which the city holds any property interest or exercises any rights of management or control over and which, consistent with the purposes for which it was acquired or dedicated, may be used for the installation and maintenance of a telecommunications network.

(10) "Telecommunications network" or "network." All facilities placed in the public rights-of-way and used to provide telecommunications services.

(11) "Telecommunications services." All transmissions between or among points specified by the user, of information of the user's choosing (whether voice, video or data), without change in content of the information as sent and received, where such transmissions are accomplished through a telecommunications network. Telecommunications services include all ancillary or adjunct switching services and signal conversions rendered as a function of underlying transmission services, but excludes long distance transmissions (inter-LATA and intra-LATA toll transmissions). Telecommunications services include all services provided. Telecommunications services also include all content or value-added services rendered in conjunction with transmission services. (1998 Code, § 9-703)

9-604. Municipal right-of-way use permit required. (1) A person may not deliver telecommunications services in the city by means of a network unless the person obtains a municipal right-of-way use permit.

(2) The use of public rights-of-way for the delivery of any service not covered by this chapter is subject to all other applicable city requirements. (1998 Code, § 9-704)

9-605. Application to provide telecommunications services using the public rights-of-way. (1) Any person proposing to provide telecommunications services by means of a telecommunications network located within the public rights-of-way (applicant) shall submit an application to the chief administrative officer. The application, in a form to be prescribed by the chief administrative officer shall describe all services the applicant wishes to provide, outline applicant's proposed network, and identify the uses of and potential impact on the public rights-of-way.

(2) The chief administrative officer shall have the duty to review applications submitted under this chapter and administer the provisions of this chapter regarding the granting or denial of a municipal right-of-way use permit to applicants. The chief administrative officer shall issue municipal right-of-way use permits, and shall administer and enforce compliance with respect to all municipal right-of-way use permits granted under this chapter. The chief

administrative officer shall submit a report annually to the city council analyzing whether any requirements imposed by each section of this chapter result in

- (a) Anticompetitive effects in the market for telecommunications services in the city, as defined by federal law, and/or
- (b) Discrimination in favor of or against a holder of a certificate of need under state law. (1998 Code, § 9-705)

9-606. Municipal right-of-way use permit issuance. (1) If the chief administrative officer finds that the application meets the requirements of this chapter, the chief administrative officer shall cause to be prepared a municipal right-of-way use permit for issuance to the applicant.

(2) The chief administrative officer shall complete all deliberations towards issuing a municipal right-of-way use permit, and shall issue the permit or a written denial within sixty (60) days of the receipt of an application. The applicant shall respond to all reasonable information requests of the chief administrative officer during this consideration period. Any delays in providing such information shall be documented in writing by the chief administrative officer, who may cite any delays or refusals in obtaining information from an applicant as grounds for denial of a permit. (1998 Code, § 9-706)

9-607. Petition for reconsideration. The act of granting, denying or terminating a municipal right-of-way use permit is an exercise of the police power of the city. A person whose application for a municipal right-of-way use permit is denied must petition the city council for reconsideration before seeking judicial remedies, and must file such a petition within forty-five (45) days of the written denial of such application by the chief administrative officer. A petition is considered denied if the city council does not act within forty-five (45) days after the petition is filed with the city administrator. (1998 Code, § 9-707, modified)

9-608. Administration and enforcement. (1) The chief administrative officer shall administer this chapter and enforce compliance with a municipal right-of-way use permit granted under this chapter.

(2) A provider shall report information that the chief administrative officer requires in the form and manner prescribed by the chief administrative officer relating to the use of public rights-of-way for the right-of-way occupancy authorized by a municipal right-of-way use permit granted under this chapter.

(3) The chief administrative officer shall report to the city council the chief administrative officer's determination that a provider has failed to comply with this chapter. (1998 Code, § 9-708)

9-609. Applicability. (1) Sections 9-615 (construction), 9-616 (ROW occupancy), and 9-619 (insurance) of this chapter apply only to a provider that owns or controls physical facilities in the rights-of-way.

(2) Section 9-618 (indemnity) of this chapter applies to a provider that has a property interest in a network. (1998 Code, § 9-709)

9-610. Compensation to city. (1) To compensate the city for the use and occupancy of the public rights-of-way, a provider shall pay a municipal right-of-way rental fee calculated as follows:

(a) **Rights-of-way rental fee.** Each provider shall be subject to a five percent (5%) annual fee based on gross revenue obtained from the provision of telecommunications services within the city.

(b) **Non-monetary consideration.** To the extent allowed by state and federal law, the city may include non-monetary consideration from each provider. To the extent not expressly prohibited by applicable law, a provider may agree to furnish to the city non-monetary consideration in the form of telecommunications services, network capacity, conduit, or other infrastructure, valued at the provider's direct cost. The chief administrative officer shall apply a credit or an offset for any non-monetary consideration received to the annual right-of-way rental fee. The chief administrative officer shall publicly disclose the form of non-monetary consideration and the credit amount.

(c) **Credit for cable television franchise fees and other contributions.** Any telecommunications provider who is currently franchised by the city under state and federal law and regulations to provide cable television service shall receive a credit against the annual rights-of-way rental fee for any cable television franchise fees paid to the city, and any other monetary or non-monetary contributions to the city under a cable franchise agreement.

(2) A provider may pass through to customers the municipal right-of-way rental fee on a pro rata basis, at its discretion, as permitted by state and federal law. The city does not require or recommend a pass-through charge of the fee on a per line or per customer basis. (1998 Code, § 9-710)

9-611. Remitting rental fees to the city. A provider shall remit the municipal right-of-way rental fee on a quarterly basis. Payment shall be made on or before the 45th day following the close of each calendar quarter for which the payment is calculated. (1998 Code, § 9-711)

9-612. Audits. (1) On thirty (30) days notice to a provider, the city may audit a provider at any time. The provider shall furnish information to demonstrate its compliance with the municipal right-of-way use permit.

(2) A provider shall keep complete and accurate books of accounts and records of business and operations in accordance with generally accepted

accounting principles for a period of five years. If the Federal Communications Commission requires, a provider shall use the system of accounts and the forms of books, accounts, records, and memoranda prescribed in 47 CFR part 32 or its successor. The city may examine the provider's books and records.

(3) A provider shall make available to the city, for the city to examine, audit, review and copy; in the city's offices, upon the chief administrative officer's reasonable written request, its books and records including papers, books, accounts, documents, maps, plans and other provider records pertaining to a municipal right-of-way use permit granted under this chapter. A provider shall fully cooperate in making records available and otherwise assist the city examiner. The city examiner shall not make copies of customer specific information. (1998 Code, § 9-712)

9-613. Transfers. (1) A provider may not transfer a municipal right-of-way use permit unless the chief administrative officer approves the transfer in writing.

(2) A change in control of a provider is a transfer requiring chief administrative officer approval. A change of twenty-five percent (25%) or greater in the ownership of the provider establishes a rebuttable presumption of a change in control.

(3) If a provider attempts to transfer or transfers the provider's municipal right-of-way use permit without approval of the chief administrative officer, the chief administrative officer may revoke the municipal right-of-way use permit. If a municipal right-of-way use permit is revoked, all rights of the provider under the municipal right-of-way use permit end.

(4) A provider may transfer, without the chief administrative officer's approval, the facilities in the rights-of-way under a municipal right-of-way use permit to the provider's affiliate or to another provider who has a municipal right-of-way use permit under this chapter. The provider transferring the facilities remains subject to all applicable obligations and provisions of the municipal right-of-way use permit unless the provider to which the facilities are transferred is also subject to these applicable obligations and provisions.

(5) The chief administrative officer must act on a request for transfer of a municipal permit within ninety (90) days of receipt of the request from the provider. Any request for a transfer of a municipal permit not acted upon within ninety (90) days shall be deemed to have been approved. (1998 Code, § 9-713)

9-614. Notices to the city. (1) A provider shall notify the chief administrative officer in writing contemporaneously with the transmittal of all petitions, applications, written communications and reports submitted by the provider, to the Federal Communications Commission and the Tennessee Regulatory Authority, or their successor agencies relating to matters affecting both the use of public rights-of-way and the telecommunications services

authorized by a municipal permit granted under this chapter. A provider shall furnish the chief administrative officer copies of the documents upon request.

(2) If a provider notifies the city of the confidential nature of information, the chief administrative officer shall maintain the confidentiality of the information to the extent permitted by law. Upon receipt in the chief administrative officer's office of requests for confidential information the city shall notify the affected providers of the request by facsimile transmission. (1998 Code, § 9-714)

9-615. Construction obligations. (1) A provider is subject to the police powers of the city, other governmental powers, and the city's rights as a property owner under state and federal laws. A provider is subject to city requirements and federal and state rules in connection with the construction, expansion, reconstruction, maintenance or repair of facilities in the public rights-of-way.

(2) A provider shall place certain facilities underground according to applicable city requirements.

(3) At the city's request, a provider shall furnish the city accurate and complete information relating to the construction, reconstruction, removal, maintenance, operation and repair of facilities performed by the provider in the public rights-of-way. If any information furnished is erroneous as to the location of facilities, and reliance on this information results in construction delays or additional expenses, the provider who furnished the erroneous information shall be liable for the cost of delays and the additional expenses.

(4) The construction, expansion, reconstruction, excavation, use, maintenance and operation of a provider's facilities and property are subject to applicable city requirements.

(a) A provider shall perform excavations and other construction in the public rights-of-way in accordance with all applicable city requirements, including the obligation to use trenchless technology whenever possible. The superintendent of streets and sanitation shall waive the requirement of trenchless technology if he determines that field conditions warrant the waiver. A provider shall minimize interference with the use of public and private property and shall follow the construction directions given by the city.

(b) When a provider completes construction work, a provider shall promptly restore the public rights-of-way in accordance with applicable city requirements. A provider may excavate only for the construction, installation, expansion, repair, removal, and maintenance of the provider's facilities.

(c) The city may require a provider to allow attachment of another provider's facilities to its poles and conduits, in accordance with the city charter, state and federal law.

(d) A provider shall furnish the superintendent of streets and sanitation and the chief administrative officer with construction plans and maps showing the routing of new construction at least forty-five (45) days before beginning construction that involves an alteration to the surface or subsurface of the public right-of-way. A provider may not begin construction until the plans and drawings have been approved in writing by the superintendent of streets and sanitation.

(e) If the chief administrative officer declares an emergency and requests the removal or abatement of facilities, by written notice, a provider shall remove or abate the provider's facilities by the deadline provided in the chief administrative officer's request. A provider and the city shall cooperate to the extent possible to assure continuity of service. If a provider, after notice, fails or refuses to act, the city may remove or abate the facility, at the sole cost and expense of the provider, without paying compensation to the provider and without the city incurring liability for damages.

(f) Except in an emergency, a provider may not excavate the pavement of a street or public right-of-way without first complying with city requirements.

(g) Within one hundred twenty (120) days of completion of each new segment of a provider's facilities, a provider shall supply the city with a complete set of "as built" drawings for the segment in a format prescribed by the superintendent of streets and sanitation. A provider must obtain the city's approval before relocating the provider's facilities in the public rights-of-way. The city may not unreasonably withhold approval. A provider shall furnish a revised map including additional facilities on June 30 of each year to the superintendent of streets and sanitation showing how these facilities connect to existing facilities. (1998 Code, § 9-715, modified)

9-616. Conditions of rights-of-way occupancy. (1) In the exercise of governmental functions, the city has first priority over all other uses of the public rights-of-way. The city reserves the right to lay sewer, gas, water, and other pipelines or cables and conduits, and to do underground and overhead work, and attachment, restructuring or changes in aerial facilities in, across, along, over or under a public street, alley or right-of-way occupied by a provider, and to change the curb, sidewalks or the grade of streets.

(2) In case of conflict or interference between the facilities of different providers, the provider whose facilities were first permitted shall have priority over a competing provider's use of the public rights-of-way.

(3) If, during the term of a municipal permit, the city authorizes abutting landowners to occupy space under the surface of any public street, alley, or rights-of-way, the grant to an abutting landowner shall be subject to the rights of the provider. If the city closes or abandons a public right-of-way that

contains a portion of a provider's facilities, the city shall convey the land in the closed or abandoned public rights-of-way subject to the rights granted in the municipal permit.

(4) If the city gives written notice, a provider shall, at the provider's expense, temporarily or permanently, remove, relocate, change or alter the position of provider's facilities that are in the public rights-of-way within one hundred twenty (120) days. The city shall give notice whenever the city has determined that removal, relocation, change or alteration is reasonably necessary for the construction, operation, repair, maintenance or installation of a city or other governmental entity's public improvement in the public rights-of-way. This section shall not be construed to prevent a provider's recovery of the cost of relocation or removal from private third parties who initiate the request for relocation or removal.

(5) A provider who holds a municipal permit may trim trees in or over the rights-of-way for the safe and reliable operation, use and maintenance of its network. All tree trimming shall be performed in accordance with standards promulgated by the city. When ordered by the superintendent of streets and sanitation, tree trimming shall be done under the supervision of the city.

(6) Providers shall temporarily remove, raise or lower its aerial facilities to permit the moving of houses or other bulky structures, if the city gives written notice of no less than forty-eight (48) hours. The expense of this temporary rearrangement shall be paid by the party or parties requesting and benefitting from the temporary rearrangement. Provider may require prepayment or prior posting of a bond from the party requesting the temporary move. (1998 Code, § 9-716, modified)

9-617. Insurance requirements. (1) A provider shall obtain and maintain insurance in the amounts prescribed by the chief administrative officer with an insurance company licensed to do business in the State of Tennessee acceptable to the chief administrative officer throughout the term of a municipal permit granted under this chapter. A provider shall furnish the city with proof of insurance at the time of issuance of a municipal permit. The city reserves the right to review the insurance requirements while a municipal permit is in effect, and to reasonably adjust insurance coverage and limits when the chief administrative officer determines that changes in statutory law, court decisions, or the claims history of the industry or the provider require adjustment of the coverage. For purposes of this section, the city will accept certificates of self-insurance issued by the State of Tennessee providing the same coverage.

(2) The chief administrative officer may, on request and at no cost to the city, receive copies of certificates of insurance evidencing the coverage required by this section. The chief administrative officer may request the deletion, revision or modification of particular policy terms, conditions, limitations or exclusions, unless the policy provisions are established by a law or regulating binding the city, the provider, or the underwriter. If the chief

administrative officer requests a deletion, revision or modification, a provider shall exercise reasonable efforts to pay for and to accomplish the change.

An insurance certificate shall contain the following required provisions:

(a) Name the city and its officers, employees, board members and elected representatives as additional insureds for all applicable coverage;

(b) Provide for thirty (30) days notice to the city for cancellation, non-renewal, or material change;

(c) Provide that notice of claims shall be provided to the chief administrative officer by certified mail; and

(d) Provide that the terms of the municipal permit which impose obligations on the provider concerning liability, duty, and standard of care, including the indemnity section, are included in the policy and that the risks are insured within the policy terms and conditions.

(3) A provider shall file and maintain proof of insurance with the chief administrative officer during the term of a municipal permit. An insurance certificate obtained in compliance with this section is subject to city approval. The city may require the certificate to be changed to reflect changing liability limits. A provider shall immediately advise the city of actual or potential litigation that may develop that would affect insurance coverage related to a municipal permit.

(4) An insurer has no right of recovery against the city. The required insurance policies shall protect the provider and the city. The insurance shall be primary coverage for losses covered by the policies.

(5) The policy clause "other insurance" shall not apply to the city where the city is an insured under the policy.

(6) The provider shall pay premiums and assessments. A company which issues an insurance policy has no recourse against the city for payment of a premium or assessment. Insurance policies obtained by a provider must provide that the issuing company waives all right of recovery by way of subrogation against the city in connection with damage covered by the policy. (1998 Code, § 9-717)

9-618. Indemnity. (1) During the term of a municipal permit, a provider is liable for the acts or omissions of an entity used by the provider, including an affiliate, when the entity is involved directly or indirectly in the construction and installation of the provider's facilities. The acts or omissions of the entity shall be considered the acts or omissions of the provider.

(2) Each provider granted a municipal permit under this chapter shall provide to the chief administrative officer, in writing, a statement that the provider agrees to defend, indemnify and hold the city harmless against all damages, cost, loss or expense arising out of, incident to, concerning or resulting from the negligence or willful misconduct of the provider, its agents, employees, or subcontractors, in the performance of activities under the municipal permit;

(a) For the repair, replacement, or restoration of city property, equipment materials, structures and facilities which are damaged, destroyed or found to be defective; and

(b) Against any and all claims, demands, suits, causes of action, and judgments for:

(i) Damage to or loss of the property of any person including, but not limited to the provider, its agents, officers, employees and subcontractors, the city's agents, officers and employees, and third parties; and

(ii) Death, bodily injury, illness, disease, worker's compensation, loss of services, or loss of income or wages to any person including but not limited to the agents, officers and employees of the provider, the provider's subcontractors, the city, and third parties, no matter how, or to whom, the loss may occur.

(3) The chief administrative officer shall give prompt written notice to a provider of any claim for which the city seeks indemnification. The provider shall have the right to investigate, defend and compromise these claims subject to the city's prior approval. (1998 Code, § 9-718)

9-619. Privacy of customer information. A provider shall comply with state and federal law regarding privacy of customer information. (1998 Code, § 9-719)

9-620. Annexation; deannexation. Within thirty (30) days following the date of passage of any action affecting any deannexation or annexation, the chief administrative officer shall notify providers of this action by furnishing to the providers maps of the affected area(s), showing the new boundaries of the city. (1998 Code, § 9-720)

9-621. Unauthorized use of public rights-of-way. (1) A person commits an offense if a person uses the public rights-of-way to provide a telecommunications service without first securing a municipal permit from the city.

(2) Each unauthorized use of the public rights-of-way and each unauthorized placement of facilities constitutes a separate offense. Each day a violation of this chapter occurs shall constitute a distinct and separate offense.

(3) An offense under this subsection is punishable by a fine of fifty dollars (\$50.00). (1998 Code, § 9-721, modified)

CHAPTER 7

SEXUALLY ORIENTED BUSINESSES

SECTION

- 9-701. Construction of language and definitions.
- 9-702. Purpose and findings.
- 9-703. Classification.
- 9-704. License required.
- 9-705. Issuance of license.
- 9-706. Fees--sexually oriented business license and employee license
sexually oriented business license.
- 9-707. Inspection.
- 9-708. Expiration of license.
- 9-709. Suspension.
- 9-710. Revocation.
- 9-711. Transfer of license.
- 9-712. Location of sexually oriented business.
- 9-713. Additional regulations for adult motels.
- 9-714. Regulations pertaining to exhibition of sexually explicit films, videos
or live entertainment in viewing rooms.
- 9-715. Additional regulations for escort agencies.
- 9-716. Additional regulations for nude model studios.
- 9-717. Additional regulations concerning public nudity.
- 9-718. Prohibition against children in a sexually oriented business.
- 9-719. Alcoholic beverages prohibited.
- 9-720. Hours of operation.
- 9-721. Exemptions.
- 9-722. Violations and penalty.

9-701. Construction of language and definitions. (1) Rules for construction of language. In the construction of this chapter, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise;

- (a) The particular shall control the general.
- (b) The word "shall" is always mandatory and not discretionary.
- (c) The word "may" is permissive.
- (d) The word "lot" shall include the words "piece" or "parcel."
- (e) The word "building" or "structure" includes all other structures, or parts there of, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

(f) In the case of any difference of meaning or implication between the text of this chapter and any caption, illustration or table, the text shall control.

(g) Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(h) All public officials, bodies and agencies to which reference is made are those of the City of Bolivar, Tennessee.

(2) Definitions. Except where definitions are specifically included in various articles and sections, words in the text or tables of this chapter shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

(a) "Adult arcade" means any place of which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(b) "Adult bookstore, adult novelty store or adult video store" means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(i) Books, magazines, periodicals, or other printed matters, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas," or,

(ii) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for any form of consideration the specified materials which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."

(c) "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(i) Persons who appear in a state of nudity or semi-nude;
or,

(ii) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities" or,

(iii) Films, motion pictures, video cassettes, slides or other photographic reproductions which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."

(d) "Adult motel" means a hotel, motel or similar commercial establishment which:

(i) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or,

(ii) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or,

(iii) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

(e) "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which regularly depicts materials which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."

(f) "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by an emphasis on the exposure of "specified anatomical area" or by "specified sexual activities."

(g) "Employee" means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said

person is paid a salary, wage or other compensation by the operator of said business.

(h) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(i) "Escort agency" means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

(j) "Establishment" means and includes any of the following:

(i) The opening or commencement of any sexually oriented business as a new business;

(ii) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(iii) The additions of any sexually oriented business to any other existing sexually oriented business; or,

(iv) The relocation of any sexually oriented business.

(k) "Licensee" means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

(l) "Massage parlor" means any place where for and form of consideration or gratuity, massage alcohol rub administration of formentations electric or magnetic treatments, or any treatments, manipulation of the human body occurs as part of or in connection with "specified sexual activities," or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas." The definition of sexually oriented business shall not include the practice of massage in any licensed hospital, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional, or professional athletic team or school program.

(m) "Nude model studio" means any place where a person regularly appears semi-nude or in a state of nudity, or regularly displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by another persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Tennessee or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to

a college, junior college, or university supported entirely or partly by taxation; or in a structure:

(i) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and,

(ii) Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and,

(iii) Where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.

(n) "Nudity or state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

(o) "Person" means an individual, proprietorship, partnership, corporation, association or other legal entity.

(p) "Semi-nude or semi-nude condition" means the showing of the bare female breast below a horizontal line across the top of the areola at its highest point or the showing of the bare male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

(q) "Sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, regularly offers for any form of consideration:

(i) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or,

(ii) Activities between male and female persons and/or persons of the same sex when or more of the persons is in a state of nudity or semi-nude.

(r) "Sexually oriented business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(s) "Specified anatomical areas." "Specified anatomical areas" means, but is not limited to, the following:

(i) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or,

(ii) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

(t) "Specified criminal activity" means any of the following offenses:

(i) Prostitution; patronizing prostitution; promoting prostitution; sexual performance by a child; aggravated sexual exploitation of a minor; sexual exploitation of a minor; possession or distribution of child pornography; public indecency; indecent exposure; engaging in organized criminal activity; aggravated sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states of countries;

(ii) For which:

(A) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(B) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or,

(C) Less than five (5) years have elapsed since the date of the last conviction for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.

(iii) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

(u) "Specified sexual activities" means any of the following:

(i) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(ii) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or,

(iii) Excretory functions as part of or in connection with any of the activities set forth in (i) through (ii) above.

(v) "Substantial enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this chapter takes effect.

(w) "Transfer of ownership or control" of a sexually oriented business means and includes any of the following:

(i) The sale, lease, or sublease of the business;

(ii) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or,

(iii) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by request or other operation of law upon the death of the person possessing the ownership or control. (1998 Code, § 9-801)

9-702. Purpose and findings. (1) Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City of Bolivar, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City of Bolivar. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

(2) Findings. Based on evidence, concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the City of Bolivar City Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.* 475 U.S. 41(1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Phoenix, Arizona; Tucson, Arizona; Indianapolis, Indiana; Minneapolis, Minnesota; St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Newport News, Virginia; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Oklahoma City, Oklahoma II; Cleveland Ohio, and Beaumont, Texas; and also on findings from the report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the board finds:

(a) Sexually oriented business lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

(b) Certain employees of sexually oriented businesses defined in this chapter as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(c) Sexual acts, including masturbation, and oral and anal sex occur at sexually oriented business, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(d) Offering and providing such space encourages such activities, which creates unhealthy conditions.

(e) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purposes of engaging in sex within the premises of such sexually oriented businesses.

(f) At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, Hepatitis B, and Non A, Non B amebiasis, salmonella infections shigella infections.

(g) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the Human Immunodeficiency Virus (HIV) in the United States: six hundred (600) in 1982, two thousand two hundred (2,200) in 1983, four thousand six hundred (4,600) in 1984, eight thousand five hundred fifty five (8,555) in 1985 and two hundred fifty three thousand four hundred forty eight (253,448) through December 31, 1992.

(h) As of July 31, 1998, there were seven thousand six hundred eighty nine (7,689) reported cases of AIDS and three thousand nine hundred four (3,904) deaths resulting from AIDS in the State of Tennessee. There were two thousand five hundred twenty two (2,522) reported cases of AIDS in neighboring Shelby County Tennessee as of July 31, 1998.

(i) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in the State of Tennessee with nine thousand three hundred sixty three (9,363) reported cases of HIV. There were three thousand six hundred fifty one (3,651) reported cases of HIV in neighboring Shelby County, Tennessee as of July 31, 1998.

(j) The number of cases of early (less than one (1) year) syphilis in the United States reported annually has risen, with thirty three thousand six hundred thirteen (33,613) cases reported in 1982 and forty five thousand two hundred (45,200) through November of 1990. There were nine hundred thirty four (934) reported cases of early syphilis in Shelby County, Tennessee in 1997. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990. There were four thousand eight hundred seventy six (4,876) reported cases of gonorrhea in neighboring Shelby County, Tennessee in 1997.

(k) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

(l) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(m) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(n) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.

(o) The findings noted in subsections (a) through (n) raise substantial governmental concerns.

(p) Sexually oriented business have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(q) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a hereto fore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the City of Bolivar. It is appropriate to require reasonable assurance that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(r) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(s) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(t) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially

related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

(u) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this chapter is designed to prevent or who are likely to be witnesses to such activity.

(v) The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this chapter.

(w) The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.

(x) The general welfare, health, morals and safety of the citizens of the City of Bolivar will be promoted by the enactment of this chapter. (1998 Code, § 9-802)

9-703. Classification. Sexually oriented businesses are classified as follows:

- (1) Adult arcades;
- (2) Adult bookstores, adult novelty stores, or adult video stores;
- (3) Adult cabarets;
- (4) Adult motels;
- (5) Adult motion picture theaters;
- (6) Adult theaters;
- (7) Escort agencies;
- (8) Massage parlors;
- (9) Nude model studios; and
- (10) Sexual encounter centers. (1998 Code, § 9-803)

9-704. License required. (1) It is unlawful:

(a) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the City of Bolivar pursuant to this chapter.

(b) For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the City of Bolivar pursuant to this chapter.

(c) For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this chapter.

(2) An application for a license must be made on a form provided by the City of Bolivar.

(3) All applicants must be qualified according to the provisions of this chapter. The application may request and the applicant shall provide such information as to enable the City of Bolivar to determine whether the applicant meets the qualifications established in this chapter.

(4) If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a twenty percent (20%) or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

(5) The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:

(a) If the applicant is:

(i) An individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is eighteen (18) years of age;

(ii) A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;

(iii) A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.

(b) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state

(i) The sexually oriented business's fictitious name and

(ii) Submit the required registration documents.

(c) Whether the applicant, has been convicted of a specified criminal activity as defined in this chapter, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.

(d) Whether the applicant, has had a previous license under this chapter or other similar sexually oriented business ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this chapter whose license has

previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(e) Whether the applicant holds any other licenses under this chapter or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses.

(f) The single classification of license for which the applicant is filing.

(g) The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any, which location shall be a permissible location under the terms of this chapter.

(h) The applicant's mailing address and residential address.

(i) The applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number.

(j) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (6").

(k) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within five hundred feet (500') of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within five hundred feet (500') of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

(l) If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing specified anatomical areas, then the applicant shall comply with the application requirements set forth in § 9-814.

(6) Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the City of Bolivar the following information:

- (a) The applicant's name or any other name (including "stage" names) or aliases used by the individual;
- (b) Age, date, and place of birth;
- (c) Present residence address and telephone number;
- (d) Present business address and telephone number;
- (e) Date, issuing state and number of driver's permit or other photographic identification card information;
- (f) Social Security number; and,
- (g) Proof that the individual is at least eighteen (18) years of age.

(7) Attached to the application form for a sexually oriented business employee license as provided above, shall be the following:

(a) A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant in this or any other city, city, state, or country, has ever had a license, permit, or authorization to do business denied, revoked or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

(b) A statement whether the applicant has been convicted of a specified criminal activity as defined in this chapter and, if so, the specified criminal activity involved, the date, place and jurisdiction of each. (1998 Code, § 9-804)

9-705. Issuance of license. (1) Upon the filing of said application for a sexually oriented business employee license, the City of Bolivar shall issue a temporary license to said applicant. The applicant shall then be referred to the appropriate city departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within thirty (30) days from the date the completed application is filed. After the investigation, the City of Bolivar shall issue a license, unless it is determined by a preponderance of the evidence that one (1) or more of the following findings is true:

- (a) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
- (b) The applicant is under the age of eighteen (18) years;
- (c) The applicant has been convicted of a "specified criminal activity" as defined in this chapter;

(d) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this chapter; or

(e) The applicant has had a sexually oriented business employee license revoked by the City of Bolivar within two (2) years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in § 9-710.

(2) A sexually oriented business license and sexually oriented business employee license granted pursuant to this chapter shall be subject to annual renewal upon the written application of the applicant and a finding by the City of Bolivar that the applicant has not been convicted of any specified criminal activity as defined in this chapter or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in § 9-706.

(3) Within thirty (30) days after receipt of a completed sexually oriented business application, the City of Bolivar shall approve or deny the issuance of a license to an applicant. The City of Bolivar shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one (1) or more of the following findings is true:

(a) An applicant is under eighteen (18) years of age.

(b) An applicant is overdue in payment to the City of Bolivar of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business.

(c) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(d) An applicant has been denied a license by the City of Bolivar to operate a sexually oriented business within the preceding twelve (12) months or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.

(e) An applicant has been convicted of a specified criminal activity defined in this chapter.

(f) The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.

(g) The license fee required by this chapter has not been paid.

(h) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.

(4) The license if granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to § 9-703. All license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.

(5) The health department, fire department, and the building official shall complete their certification that the premises is in compliance within twenty (20) days of receipt of the application by the City of Bolivar.

(6) A sexually oriented business license shall issue for only one (1) classification as found in § 9-703. (1998 Code, § 9-805)

9-706. Fees--sexually oriented business license and employee license sexually oriented business license. (1) Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by an application fee of two hundred fifty dollars (\$250.00). In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for renewal less than thirty (30) days before the license expires.

(2) In addition to the application fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the City of Bolivar an annual license fee of one hundred dollars (\$100.00) within thirty (30) of license issuance or renewal. Failure to pay the annual license fee shall within thirty (30) days of license issuance or renewal shall result in the immediate revocation of license by the City of Bolivar.

(3) All license applications and fees shall be submitted to the administrator of the City of Bolivar, Tennessee. (1998 Code, § 9-806, modified)

9-707. Inspection. (1) An applicant or licensee shall permit representatives of the police department, health department, fire department, development department, or other city departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

(2) A person who operates a sexually oriented business or his agent or employee commits a violation of this chapter and any other applicable laws of the State of Tennessee if he refuses to permit such lawful inspection of the premises at any time it is open for business. (1998 Code, § 9-807)

9-708. Expiration of license. (1) Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in § 9-704. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

(2) When the City of Bolivar denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial. If, subsequent to the denial, the City of Bolivar finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final. (1998 Code, § 9-808)

9-709. Suspension. (1) The City of Bolivar shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has:

(a) Violated or is not in compliance with any section of this chapter; or

(b) Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter; provided, however, the provisions above relating to suspension shall not preclude revocation of a license if grounds as set out in § 9-710 below exist. (1998 Code, § 9-809)

9-710. Revocation. (1) The City of Bolivar shall revoke a sexually oriented business license if a cause of suspension in § 9-709 occurs and the license has been suspended within the proceeding twelve (12) months.

(2) The City of Bolivar shall revoke a sexually oriented business license if it determines that:

(a) A licensee gave false or misleading information in the material submitted during the application process;

(b) A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(c) A licensee has knowingly allowed prostitution on the premises;

(d) A licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

(e) Except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or,

(f) A licensee is delinquent in payment to the City of Bolivar, or state for any taxes or fees past due.

(3) The City of Bolivar shall revoke a sexually oriented business employee license if it determines that:

(a) A licensee gave false or misleading information in the material submitted during the application process;

(b) A licensee possessed, used or sold control substances on the premises;

(c) A licensee committed prostitution on the premises;

(d) A licensee operated within a sexually oriented business without proper license; or

(e) A licensee has participated in any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act in or on the licensed premises.

(4) When the City of Bolivar revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the City of Bolivar finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

(5) After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court. (1998 Code, § 9-810)

9-711. Transfer of license. A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application. (1998 Code, § 9-811)

9-712. Location of sexually oriented businesses. (1) A person commits a violation of this chapter and any other applicable laws of the State of Tennessee if that person operates or causes to be operated a sexually oriented business in any zoning districts other than L-I Limited Industrial District as enumerated in the Zoning Ordinance of the City of Bolivar, Tennessee.¹

(2) A person commits a violation of this chapter and any other applicable laws of the State of Tennessee offense if the person operates or causes to be operated a sexually oriented business within one thousand feet (1,000') of:

(a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and relation religious activities:

(b) A public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not

¹The Zoning Ordinance for the City of Bolivar (and amendments) is available in the office of the city administrator.

include facilities used primarily for another purpose and only incidentally as a school;

(c) A boundary of any residential district as defined in the Zoning Ordinance of City of Bolivar, Tennessee:

(d) An occupied residential "dwelling" as defined in the Zoning Ordinance of City of Bolivar, Tennessee

(e) A public park or recreational area which has been designed for park or recreational activities, including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation, or management of the city park and recreation authorities;

(f) The property line of a lot devoted to use as a "residence" as defined the Zoning Ordinance of City of Bolivar, Tennessee;

(g) An entertainment business which is oriented primarily towards children or family entertainment; or towards children or family entertainment; or

(3) A person commits a violation of this chapter and any other applicable laws of the State of Tennessee if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand feet (1,000') of another sexually oriented business.

(4) A person commits a violation of this chapter and any other applicable laws of the State of Tennessee if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

(5) For the purposes of subsection (2) of this section, measurement shall be made in a straight line, without regard to the intervening structures of objects, from the nearest portion of the building or structure used as a part of their premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (2). Presence of a city, city or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(6) For purposes of subsection (3) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located,

(7) Any sexually oriented business lawfully operating on October 14, 2003, that is in violation of subsection (1) through (6) of this section shall be deemed a nonconforming use. The non-conforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such

nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within one thousand feet (1,000') of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are nonconforming.

(8) A sexually oriented business lawfully in operation as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of a sexually oriented business license, of a use listed in subsection (2) of this section within one thousand feet (1,000') of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked. (1998 Code, § 9-812, modified)

9-713. Additional regulations for adult motels. (1) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishments has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a refutable presumption that the establishment is an adult motel as that term is defined in this chapter.

(2) A person commits a violation of this chapter and any other applicable laws of the State of Tennessee if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented license, he rents or subrents a sleeping room to a person, and within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.

(3) For purposes of subsection (2) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration. (1998 Code, § 9-813)

9-714. Regulations pertaining to exhibition of sexually explicit films, videos or live entertainment in viewing rooms. (1) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(a) An application for a sexually oriented license, shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also

designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6") inches. The City of Bolivar may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(b) The application shall be sworn to be true and correct by the applicant.

(c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the City of Bolivar.

(d) It is the duty of the licensee of the premises to ensure that at least one (1) licensed employee is on duty and situated in the manager's station at all times that any patron is present inside the premises.

(e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(f) It shall be the duty of the licensee to ensure that the view area specified in subsection (e) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.

(g) No viewing room may be occupied by more than one (1) person at any time.

(h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five feet (5') candles as measured at the floor level.

(i) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(j) No licensee shall allow openings of any kind to exist between viewing rooms or booths.

(k) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

(l) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(m) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(n) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight inches (48") of the floor.

(2) A person having a duty under subsection (a) through (n) of subsection (1) above commits a misdemeanor if he knowingly fails to fulfill that duty. (1998 Code, § 9-814)

9-715. Additional regulations for escort agencies. (1) An escort agency shall not employ any person under the age of eighteen (18) years.

(2) A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of eighteen (18) years. (1998 Code, § 9-815)

9-716. Additional regulations for nude model studios. (1) A nude model studio shall not employ any person under the age of eighteen (18) years.

(2) A person under the age of eighteen (18) years commits a violation of this chapter any other applicable laws of the State of Tennessee if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen (18) years was in a restroom not open to public view or visible to any other person.

(3) A person commits a violation of this chapter or any other applicable laws of the State of Tennessee if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.

(4) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public. (1998 Code, § 9-816)

9-717. Additional regulations concerning public nudity. (1) It shall be a violation of this chapter and any other applicable laws of the State of Tennessee for a person to knowingly and intentionally, in a sexually oriented business, appear in a state of nudity or depict specified sexual activities.

(2) It shall be a violation of this chapter and any other applicable laws of the State of Tennessee for a person to knowingly or intentionally in a sexually oriented business appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten feet (10') from any patron or customer and on a stage at least two feet (2') from the floor.

(3) It shall be a violation of this chapter and any other applicable laws of the State of Tennessee for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in a sexually oriented business.

(4) It shall be a violation of this chapter and any other applicable laws of the State of Tennessee for an employee, while semi-nude or in a state of nudity, to touch a customer or the clothing of a customer. (1998 Code, § 9-817)

9-718. Prohibition against children in a sexually oriented business. A person commits a misdemeanor if the person knowingly allows a person under the age of eighteen (18) years on the premises of a sexually oriented business. (1998 Code, § 9-818)

9-719. Alcoholic beverages prohibited. No licensee shall permit any alcoholic beverages to be sold, served or offered on the premises. (1998 Code, § 9-819)

9-720. Hours of operation. No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 1:00 A.M. and 8:00 A.M. on weekdays and Saturdays, and 1:00 A.M. and 12:00 P.M. on Sundays. (1998 Code, § 9-820)

9-721. Exemptions. (1) It is a defense to prosecution under § 9-717 that a person appearing in a state of nudity did so in a modeling class operated:

(a) By a proprietary school, licensed by the State of Tennessee; a college, junior college, or university supported entirely or partly by taxation;

(b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or,

(c) In a structure:

(i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and,

(ii) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and,

(iii) Where no more than one (1) nude model is on the premises at any one (1) time. (1998 Code, § 9-821)

9-722. Violations and penalty. Any violation of this chapter shall be punishable by a fine of not more than fifty dollars (\$50.00) per violation. Each day a sexually oriented business or sexually oriented business employee operates in violation of this chapter is a separate offense or violation. (1998 Code, § 9-822)

CHAPTER 8

REGULATIONS FOR WRECKER OPERATORS

SECTION

- 9-801. Purpose.
- 9-802. Definitions.
- 9-803. Wrecker classifications.
- 9-804. Permit required.
- 9-805. Administrator.
- 9-806. Application for permit.
- 9-807. Application for permit, application fee, expiration date, and renewal.
- 9-808. Investigation of applicant.
- 9-809. Equipment and requirements for towing vehicles.
- 9-810. Towing company's places of business and storage facilities.
- 9-811. Hold orders.
- 9-812. Notification required for vehicles held over thirty days.
- 9-813. Call and notification procedures.
- 9-814. Insurance.
- 9-815. Billing and charges for city approved wreckers.
- 9-816. Regulations for city approved wrecker.
- 9-817. Permit revocation/suspension.
- 9-818. Vehicles to be towed to place designated by owner--coercion at scene of accident prohibited.
- 9-819. Wreckers to go to scene of accident on call of owner or police only.
- 9-820. Solicitation of towing work by operator, etc., of towing car prohibited.
- 9-821. Solicitation of business by city employees.
- 9-822. Owner's request wreckers.

9-801. Purpose. The purpose of this chapter is:

- (1) To establish regulations and procedures to permit wrecker operators for the purpose of providing a rotation call list procedure for those operators who apply to remove wrecked or disabled vehicles at the request or call of the Bolivar Police Department.
- (2) To further ensure the safe and efficient removal, storage and safekeeping of any and all transport vehicles being towed and placed into the custody of such wrecker services;
- (3) To utilize only those wrecker services whose equipment, procedures and services conform to the following rules and regulations. (Ord. #12-004, May 2012)

9-802. Definitions. For the purposes of this chapter the following words and phrases shall have the meaning respectively ascribed to them by this section:

(1) "City approved wrecker" is all wreckers or towing operators permitted by the city under this chapter who qualify to be placed on the rotation call list to respond to requests for towing of vehicles made by the city. The city does not assume any responsibility for negligence or damage caused by wrecker or towing operator.

(2) "Storage" consists of storing a motor vehicle within a building or lot being used by the towing operator as their place of business.

(3) "Wrecker or towing operator" is any person engaged in the business of or offering the services of a wrecker or towing service, whereby motor vehicles are or may be towed or otherwise removed from one (1) place to another by the use of a motor vehicle adapted to and designed for that purpose. (Ord. #12-004, May 2012)

9-803. Wrecker classifications. For purposes of this chapter, wreckers are classified into four (4) classes: Class A, Class B, Class C, and Class D, with minimum requirements for each classification as follows:

(1) Class A: for towing passenger cars, pick-up trucks, small trailers, etc. This classification also includes "wheel lift" type vehicle transporters.

(a) The towing vehicle chassis shall have a minimum manufacturer's capacity of fourteen thousand (14,000) pounds or greater GVWR;

(b) Individual boom capacity of not less than four (4) tons;

(c) Individual power winch pulling capacity of not less than four (4) tons;

(d) A minimum of one hundred feet (100') of three-eighths inch (3/8"), or larger, cable on each drum;

(e) Wheel lift capable of picking up a passenger car or pick-up truck;

(f) Belt-type cradle tow plate or tow sling to pick up vehicles, and cradle or tow plate to be equipped with safety chain;

(g) Dollies are suggested, but not required; and

(h) Wheel lift: towing vehicles possessing equipment capable of lifting the vehicle by the wheels only, with nothing touching the vehicle body.

(i) Wheel lift towing vehicles shall meet all Class A requirements, excluding the belt-type cradle tow plate or tow sling.

(ii) Safety restraint straps (nylon straps with ratchets or the equivalent) shall be provided to secure the towed vehicle's tires into the wheel lift forks.

(2) Class B: for towing medium size trucks, trailers, etc.

(a) The towing vehicle chassis shall have a minimum manufacturer's capacity of twenty-six thousand (26,000) pounds or greater GVWR;

(b) Boom specifications:

- (i) Double boom: so constructed as to permit splitting, each boom to operate independently or jointly, individual boom capacity of no less than eight (8) tons and individual power winch pulling capacity of not less than eight (8) tons; or
- (ii) Single boom: with no less than a sixteen (16) ton capacity and a power winch pulling capacity of not less than sixteen (16) tons.
- (c) Two hundred feet (200'), or more, seven-sixteenths inch (7/16"), or larger, cable on each drum; and
- (d) Cradle tow plate or tow sling to pick up vehicle, cradle or tow plate to be equipped with safety chain.
- (3) Class C: for towing large trucks, road tractors, and trailers.
 - (a) The towing vehicle chassis shall have a minimum manufacturer's capacity of thirty-five thousand (35,000) pounds or greater GVWR;
 - (b) Boom specifications:
 - (i) Double boom so constructed as to permit splitting; each boom to operate independently or jointly; individual boom capacity of no less than twelve and one-half (12 1/2) tons; or
 - (ii) Single boom with no less than a twenty-five (25) ton capacity and a power winch pulling capacity of no less than twenty-five (25) tons.
 - (c) Two hundred feet (200'), or more, of nine-sixteenth inches (9/16"), or larger, cable on each drum;
 - (d) Air brakes constructed so as to lock wheels automatically upon failure;
 - (e) Only tandem axle trucks with two (2) live drive axles will be accepted as Class C; and
 - (f) An under-reach capable of towing an eighty thousand (80,000) pound tractor trailer combination shall be required on all Class C towing vehicles that are added to the towing list after July 1, 2008.
- (4) Class D: Vehicle transporters designed to tow or carry passenger cars, pick-up trucks, small trailer, etc. This classification includes "car carrier" or "rollback" type vehicle transporters.
 - (a) Car carrier vehicle transporters:
 - (i) The truck chassis shall have a minimum manufacturer's capacity of fourteen thousand (14,000) pounds or greater GVWR;
 - (ii) Lift cylinders:
 - (A) Two (2) with a minimum of three inch (3") bore each; or
 - (B) One (1) with a minimum of five and one-half inch (5 1/2") bore;

- (iii) Individual power winch pulling capacity of not less than four (4) tons;
- (iv) Fifty feet (50'), or more, of three-eighths inch (3/8"), or larger, cable on winch drum;
- (v) Two (2) safety chains for securing vehicle to carrier bed;
- (vi) Carrier bed shall be a minimum of sixteen feet (16') in length and a minimum of eighty-four inches (84") in width inside side rails;
- (vii) Cab protector, constructed of solid steel or aluminum, that extends to a height of four feet (4') above the floor or to a height at which it blocks the forward movement of the bumper of the vehicle being towed; and
- (viii) Straps with ratcheting capability that provide for the transporting of motorcycles. (Ord. #12-004, May 2012)

9-804. Permit required. Permits shall be granted only for "city approved wreckers" as provided herein. Wrecker or towing operators desiring to engage in the business of or offer the services of, a wrecker or towing service as a city approved wrecker upon the streets of the City of Bolivar, Tennessee, shall be issued a permit as provided by this chapter for each wrecker operated by said wrecker or towing operator. Permits shall be issued for a Class A through Class D wrecker as the vehicles meet the requirements of § 9-803. Any wrecker service utilized by the City of Bolivar shall be properly licensed and insured.

Every person qualified under this chapter shall be issued a permit by the city finance director for each wrecker approved by the city administrator, which permit shall at all times be kept with each wrecker. Such permit shall have printed thereon the year for which it is valid. (Ord. #12-004, May 2012)

9-805. Administrator. (1) The city administrator or his/her designated agent shall be the administrator of the provisions of this chapter;

(2) The city administrator shall approve permits, revoke or suspend permits, and otherwise administer the provisions of this chapter;

(3) The action of the city administrator in granting or refusing a permit or in revoking or suspending a permit shall be final except as it may be subject to review as provided by law. (Ord. #12-004, May 2012)

9-806. Application for permit. Any person applying for qualification as a city-approved wrecker shall provide the following information and assurances:

(1) Name and address of the person, firm, or corporation desiring the license.

- (2) The applicant is licensed and registered to do business in Tennessee.
- (3) Employs drivers that are twenty-one (21) years of age or older.
- (4) Display a highly visible sign with the towing company's name thereon at the business site of the towing company.
- (5) Be independent from other companies on the rotation list.
- (6) Ensure the tow driver has a valid driver's license with proper endorsement to drive the class of vehicle being operated.
- (7) Copies of employees' driver's license for a tow drivers file.
- (8) The location and full description of all property to be utilized in connection with the business.
- (9) The number of wreckers or towing cars owned or available for use by the applicant and a description of each wrecker sufficient to determine a proper classification under § 9-803 (i.e., Class A, Class B, etc.).
- (10) All wreckers are properly equipped for the applicable classification set forth in § 9-803 and contain required equipment set out in § 9-809.
- (11) The wrecker or towing operator will accept responsibility for any and all personal property left in towed or stored vehicles.
- (12) Maintain available space secured by fence or natural barrier sufficient to deter trespassing or vandalism for all disabled motor vehicles to be towed or otherwise removed from the place where they had been disabled.
- (13) The applicant will provide twenty-four (24) hour service, including holidays, and that he will have a qualified operator on duty at all times for each city approved wrecker location licensed hereunder.
- (14) The wrecker or towing operator will not release any vehicles impounded by the city without authorization by the police department, that a file will be maintained on all vehicle release forms and that this file will be made available for police inspection upon request. When no hold order is placed, the vehicle shall be released to the owner upon proof of ownership and when the necessary financial transactions between vehicle owner and wrecker service are completed.
- (15) The applicant will maintain a minimum of one (1) properly equipped and licensed wrecker throughout the year for which application is being made.
- (16) All local ordinances will be met in regards to vehicle storage, i.e., abandoned vehicle ordinances; and that failure to comply within thirty (30) days of notice will immediately eliminate the city approved status.
- (17) A listing of fees and charges for common towing services and for storage of disabled vehicles which the applicant shall agree will not be increased during the applicable calendar year except as provided in § 9-815(6). If the city administrator finds that such charges are excessive in any particular case, the operator shall be notified and the application for a city approved wrecker permit denied, unless the applicant shall agree to reduce those charges deemed excessive.

(18) Wrecker service owners with a felony conviction will not be allowed a permit for a city approved wrecker. (Ord. #12-004, May 2012)

9-807. Application for permit, application fee, expiration date, and renewal. (1) Any applicant for a permit under this chapter shall be charged an application fee of forty dollars (\$40.00). This initial fee shall cover all permits required for each wrecker owned and operated by the applicant.

(2) If an applicant changes his business location, or, adds or substitutes a new or different wrecker, there shall be a supplemental fee of ten dollars (\$10.00).

(3) There shall be an annual permit renewal fee of twenty dollars (\$20.00).

(4) All permits shall expire on December 31. (Ord. #12-004, May 2012)

9-808. Investigation of applicant. The city administrators shall cause to be investigated each applicant for a license to determine whether or not the applicant has the necessary equipment and facilities to qualify as a wrecker operator, and if the applicant is qualified, shall recommend to the city administrator that a city approved wrecker permit be issued to the applicant. The city administrator or his/her agent may inspect licensee's equipment or facilities at any time during business hours. The city administrator shall be advised when any rate in an application appears to be excessive upon consideration of the factors set forth in § 9-813. The city administrator shall direct or make such further investigation as he/she deems proper and grant or refuse a permit in his discretion. (Ord. #12-004, May 2012)

9-809. Equipment and requirements for towing vehicles.

(1) Towing companies shall be responsible for carrying the equipment necessary for removal of glass and other debris from the highway. The driver of the towing vehicle is responsible for the removal of all debris from the highway.

(2) Emergency equipment:

(a) At least one (1) functional, amber-colored, and rotating or strobe type light (LED lights are also permissible) shall be permanently mounted on the top of the towing vehicle. No other color will be approved. All emergency flashers and directional lights showing to the front must be amber in color.

(b) Sirens on towing vehicles are prohibited.

(3) Additional required equipment:

(a) At least one (1) heavy-duty push broom;

(b) Flood lights mounted at a height sufficient to illuminate the scene at night;

(c) One (1) shovel;

(d) One (1) axe;

(e) One (1) pinch bar, pry bar or crowbar;

- (f) One (1) set of bolt cutters;
 - (g) Minimum of one (1) fully charged twenty (20) pound or two (2) fully charged ten (10) pound fire extinguisher(s) having an Underwriters Laboratory (UL) rating of four (4) A: B: C: or more. The fire extinguisher must be securely mounted on the towing vehicle;
 - (h) Minimum of one (1) fifty (50) pound bag of a fluid absorption compound;
 - (i) Three (3) red emergency reflectors; and
 - (j) One (1) light bar. The towed vehicle must be capable of displaying all lights on the rear of the vehicle, while in tow. When this is not possible, a light bar must be attached to the rearmost vehicle while in tow. The bar must consist of two (2) tail lamps, two (2) stop lamps and two (2) turn signals. All lights on the light bar must be fully operational.
- (4) All towing vehicles shall display the towing company's name and address. Such information shall be painted on, or permanently affixed, to both sides of the towing vehicle. All lettering shall be at least three inches (3") high. Magnetic signs are not permitted. (Ord. #12-004, May 2012)

9-810. Towing company's places of business and storage facilities.

Towing companies must be equipped to provide an adequate storage lot or building for proper, safe and secure storage of all vehicles towed at the request of the police department.

(1) The place of business and storage facility shall be located within the towing company's approved zone.

(2) If storage facilities are not adjoined to the towing company's place of business, the towing company's storage facility must be identified with a highly visible sign that has the towing company's name, address and phone number thereon. No two (2) or more towing companies will be permitted to share the same storage facility.

(3) The towing company shall be responsible for storing, safekeeping and preventing vandalism of all towed vehicles and their contents.

(4) The towing company's place of business shall be staffed, between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, excluding legal holidays. The towing company's storage facility, if not adjoined with the place of business, shall be readily available for access to customers and members of the police department between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, excluding legal holidays.

(5) Vehicles towed at the request of a member of the police department shall be stored in an area of the storage facility with security fencing at least six feet (6') in height. (Ord. #12-004, May 2012)

9-811. Hold orders. A tow company must have an area of storage not opened to the public. An officer may request that a vehicle have a "hold order" placed on it. When the "hold order" is requested neither the general public nor

the owner/agent are allowed to the vehicle. The officer that placed the hold or a member of the Bolivar Police Department will contact the tow company if or when the order is lifted.

Vehicles that have no hold order may be released by the tow company at any time to an owner/agent of the vehicle. The owner/agent will be responsible for any tow and storage fees. Before releasing the vehicle the tow company will make copies of identification of the person to whom the vehicle is being released. (Ord. #12-004, May 2012)

9-812. Notification required for vehicles held over thirty days.

The Tennessee Department of Revenue will be notified of all vehicles held over thirty (30) days, except when arrangements for longer storage are made by the owner, as required by Tennessee Code Annotated, § 55-16-101. (Ord. #12-004, May 2012)

9-813. Call and notification procedures. (1) When an officer is dispatched to a crash, motorist assist, or any other request for assistance, the officer, after determining the need, shall contact the dispatcher. The dispatcher will notify the next scheduled towing company to respond, provided that the parties have not already made contact with a towing company of their choice. No towing company, whether or not on the towing list, shall remove a crashed vehicle from the scene without authorization from a law enforcement agency.

If emergency personnel or other emergency services are being performed and the immediate use of a towing vehicle is not required. Members of the police department should request the towing vehicle when all other services have been performed and are completed.

(2) Towing companies shall also be available for immediate response twenty-four (24) hours a day, seven (7) days a week.

(a) If a towing company fails to respond in a reasonable length of time, as determined by the member of the police department, the next scheduled towing company will be called and the first called towing company will lose its turn.

(b) If the police department receives a busy signal, the next scheduled towing company will be called and the first called towing company will lose its turn.

(c) Towing companies are restricted to a maximum of two (2) telephone numbers on the towing list. "Call waiting" and "call forwarding" are recommended; however, pagers, answering services, and beepers are not permitted. Cell phones are permitted.

(d) Towing companies shall be given all known information regarding the type of incident and equipment that may be required. A towing company shall answer, "yes" or "no" when asked if it can respond to the call in a reasonable amount of time.

(e) A towing company shall not refer a call to another towing company or substitute another company's towing vehicle to avoid losing its turn on the towing list.

(f) A towing company that refuses a call, or fails to respond promptly to a call, may be removed/suspended from the towing list.

(g) A towing company that fails to answer a call will lose the call, if two (2) calls are missed on the rotation of the towing list an investigation will be made and the company shall be notified of the status of its permit. (Ord. #12-004, May 2012)

9-814. Insurance. Before the city administrator shall approve any permit under this chapter including a renewal permit, the applicant shall deposit with the city administrator a certificate of insurance showing that the applicant has in force a policy issued by an insurance company authorized to transact business in the State of Tennessee as follows:

(1) Insurance must be sufficient to compensate for any loss of, or damage to, property entrusted to the wrecker service.

(a) Minimum vehicle liability amounts:

(i) Class A and D wrecker classification - three hundred thousand dollars (\$300,000.00);

(ii) Class B wrecker classification - five hundred thousand dollars (\$500,000.00);

(iii) Class C wrecker classification - seven hundred fifty thousand dollars (\$750,000.00).

(b) While in the care, custody, and control of the wrecker service operator, garage keepers liability to cover any loss by fire, theft, explosion, and collision.

(2) The certificate of insurance must contain an endorsement providing for a minimum of ten (10) days' notice to the city in the event of any cancellation of the policy.

(3) The owner of the wrecker service shall make written notification of any changes in insurance coverage (i.e., changing companies, vehicles, etc.) to the city administrator within ten (10) days prior to the change. (Ord. #12-004, May 2012)

9-815. Billing and charges for city approved wreckers. The applicants for a city approved wrecker permit shall be subject to regulation as to billing and charges for any call from the police department referred to the city approved wrecker under the call rotation system as follows:

(1) The owner of a wrecker or towing car shall have prepared billheads with his name and the address of his place of business printed thereon. The operator of the wrecker before towing a disabled vehicle shall prepare a bill on his billhead form in duplicate, the original of which shall be given to the owner

of the disabled vehicle or his authorized representative if available at the scene. This bill shall contain the following information:

- (a) Name and address of person engaging towing car.
 - (b) State license number of disabled vehicle.
 - (c) Storage rates per day or part thereof.
 - (d) An estimate of the amount to be charged for towing which may thereafter only be adjusted for good cause. The printing of a schedule of fees on a billhead marked as to services rendered shall be sufficient for this purpose.
- (2) The duplicate copy of the bill shall be retained by the wrecker or towing car owner for a period of one (1) year, and shall be subject to inspection by the city administrator or his duly authorized representative.
- (3) All charges for towing and storing a disabled vehicle, or other related charges, shall be reasonable.
- (4) All applicants for a permit shall file with their application a schedule of charges for routine services proposed to be charged for the calendar year for which the application is filed. This form shall be approved by the city administrator. The city administrator shall review the proposed charges and determine whether or not they are excessive. No application for a city approved wrecker shall be approved if the city administrator determines any portion of the fees to be excessive. Applicants may modify their proposed schedule of charges to reduce charges that the city administrator determines to be excessive. The city administrator shall consider the following factors in determining the reasonableness of charges for routine services:
- (a) The average charge for such services proposed by applicants for the ensuing calendar year;
 - (b) The median charge for such services proposed by applicants for the ensuing calendar year;
 - (c) The cost and labor, materials, equipment, and the reason for providing such services;
 - (d) Fees charged for similar services in this community or for other similar communities in Tennessee.
- (5) There may be a surcharge of one-half (1/2) of the basic towing fees for calls which are dispatched outside normal business hours.
- (6) Any change of rates shall be forwarded to the city administrator no later than ten (10) days prior to the proposed change. (Ord. #12-004, May 2012)

9-816. Regulations for city approved wrecker. A city approved wrecker permittee shall follow these regulations:

- (1) Permittees will not be permitted to operate wrecker equipment under more than one (1) company name out of the same location. A spouse, child or children, sibling, son-in-law, daughter-in-law, partner, stockholder, or other person having an interest in a business shall not be permitted to operate another wrecker out of the same location.

(2) Each city approved wrecker must have distinct and separate storage facilities.

(3) All permittees are expected to be familiar and comply with the traffic laws of the City of Bolivar and the State of Tennessee.

(4) Permittees will be familiar with and abide by all provisions of this chapter.

(5) No permittee shall charge unreasonable rates for services rendered.

(6) Permittees shall be available for twenty-four (24) hours service with vehicles in proper operating condition and a qualified operator on duty.

(7) Operators shall carry vehicles to any destination within the City of Bolivar at the owner's or operator's request when charges therefor have been prepaid.

(8) Permittees shall have a telephone number prominently posted for after-hours release of vehicles. The permittees may make an additional charge for releasing a vehicle other than during normal business hours, except when the location is otherwise open for business.

(9) The police department may direct that a police impoundment be towed to a city lot at no additional charge.

(10) Amber lights are to be used in the immediate vicinity of a wreck and while towing a vehicle.

(11) All operators shall respond to a wreck within fifteen (15) minutes, with an additional five (5) minute grace period for those wrecker services en-route, after being called, and except for extenuating or unusual circumstances, a response must be made within this time after the dispatch request is made to the wrecker operator. If the wrecker is engaged elsewhere or for any reason the wrecker operator cannot reasonably expect to respond within the above specified time, it shall be the duty of the wrecker operator to so advise the police department and decline to accept the call, whereupon the next wrecker operator on rotation shall be called. Class C wreckers shall be granted additional time to respond to a tow for a large truck, road tractor and trailers.

(12) No permittee shall refer or delegate police calls to other wrecker companies.

(13) No answering service, paging service or similar service or procedure may be used to forward a call to an owner or employee of the wrecker service during normal business hours. The operator may provide for an after-hours number which shall be provided to the city administrator.

(14) The first city approved wrecker operator at the scene shall tow the vehicle causing the greatest hazard as directed by the investigating police officer.

(15) No repairs or other additional services shall be performed except on written request of the owner.

(16) Wrecker or towing operators who fail to answer a call will lose the call. If two (2) calls are missed, an investigation will be made and suspension or removal as a city approved wrecker will be considered. Operators refusing a call

or failing to respond promptly to a call may be removed as a city approved wrecker.

(17) If additional equipment or recovery vehicles are needed to adequately complete a tow (i.e., tractor-trailer roll-over or difficult auto recovery), discretion of the responding wrecker service should be used in deciding what and whose additional equipment will be required. The severity of the situation and the estimated response time of additional equipment will be weighed by the officer at the scene, who is the deciding authority. (Ord. #12-004, May 2012)

9-817. Permit revocation/suspension. (1) The city administrator shall revoke or suspend the permit of any permittee on any of the following grounds:

(a) If the permit was procured by fraudulent conduct or false statement of a material fact or a fact concerning the applicant which was not disclosed at the time of his making the application that would have constituted just cause for refusing to issue the license.

(b) Failure of a city approved wrecker permittee to have an operable and properly equipped wrecker and qualified operator on duty at all times or to promptly respond to police calls.

(c) If the city approved wrecker permittee has knowingly overcharged or consistently overcharges.

(d) A violation of any provision of this chapter.

(e) The city administrator may revoke or suspend a permit for due cause not specified herein.

(2) Revocation of a permit shall terminate all authority and permission granted by such permit to the permittee. Any person whose permit has been revoked shall not be eligible to again apply for a permit for a period of one (1) year from the date of such revocation. Suspension of a permit shall be decided on a case-by-case basis. An appeal of a revocation or suspension may be made to the city administrator. (Ord. #12-004, May 2012)

9-818. Vehicles to be towed to place designated by owner--coercion at scene of accident prohibited. The wrecker operator may tow the wrecked or disabled vehicle to the operator's place of business; provided, if the owner or agent of the wrecked or disabled vehicle pays or secures the towing charges, then the wrecker operator shall pull the vehicle to any place designated by said owner or agent. It shall be unlawful for the owner of a wrecker, his agent, employee or representative at the scene of any accident to high-pressure or otherwise to coerce or insist upon any owner of a wrecked or disabled vehicle to sign a work order or agreement at the scene of the accident for any repairs to be made on such wrecked or disabled vehicle. (Ord. #12-004, May 2012)

9-819. Wreckers to go to scene of accident on call of owner or police only. It shall be unlawful for any wrecker operator, or his agent or

representative, to go to any place where an accident has occurred unless called by the driver or owner of a disabled vehicle, or his authorized representative, or by the police department dispatcher. In any event, the wrecker shall clean with the police dispatcher before going to the accident scene. It shall be unlawful for the owner of any wrecker or towing car, or his agent or representative, to go to the place of a wreck by reason of information received by shortwave or police radio. (Ord. #12-004, May 2012)

9-820. Solicitation of towing work by operator, etc., of towing car prohibited. It shall be unlawful to drive along any street and solicit towing work. A wrecker operator shall not proceed to the scene of a disabled motor vehicle without having been requested or notified to do so, as provided in § 9-818 of this chapter. Responding to a call upon notice from gas station attendants, taxicab drivers or unauthorized persons shall be considered a violation of this chapter. (Ord. #12-004, May 2012)

9-821. Solicitation of business by city employees. It shall be unlawful for any city employee to solicit business for any wrecker or towing car operator. Any employee guilty of violating the provisions of this section shall be subject to disciplinary action up to and including termination. (Ord. #12-004, May 2012)

9-822. Owner's request wreckers. Police officers shall honor the request of the owner or operator of a wrecked or disabled vehicle to call a particular wrecker service, whether a city approved wrecker or not. The officer shall radio the dispatcher who shall contact the wrecker operator requested to determine if the operator is willing and able to respond to the scene of the wreck for a disabled motor vehicle within twenty (20) minutes or, within thirty (30) minutes for a Class C wrecker. If so, the dispatcher shall dispatch the operator requested. The City of Bolivar assumes no liability or responsibility regarding owner's requested wreckers. If there is any traffic hazard or other reason why the vehicle cannot be left unattended or the requested operator cannot respond within the applicable time limit then the dispatcher shall dispatch a city approved wrecker. (Ord. #12-004, May 2012)

TITLE 10

ANIMAL CONTROL¹

CHAPTER

1. IN GENERAL.
2. DOGS AND CATS.
3. VICIOUS DOGS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Livestock at large--generally.
- 10-102. Dangerous or mischievous animals.
- 10-103. Seizure and disposition generally.
- 10-104. Keeping under conditions constituting nuisance.
- 10-105. Keeping hogs.
- 10-106. Confined animals--water, shelter, ventilation and food.
- 10-107. Clean enclosure required.
- 10-108. Violation of chapter declared nuisance.

10-101. Livestock at large--generally. It shall be unlawful for any person owning or being in charge of any cattle, cows, swine, sheep, horses, mules, goats, or any offensive animal, or any chickens, ducks, geese, turkeys, or other domestic fowl, to permit them or any of them to run at large in any street, alley or unenclosed lot within the city.² (1998 Code, § 10-101)

10-102. Dangerous or mischievous animals. It shall be unlawful for any person owning or being in charge of a dangerous or mischievous animal to permit the same to run at large. (1998 Code, § 10-102)

10-103. Seizure and disposition generally. Any animal or fowl found running at large in violation of this chapter may be seized by the health officer or any police officer and impounded in a suitable place provided or designated by the city council. The owner of any such impounded animal or fowl, if known, shall be notified immediately, either personally or by telephone or postcard, to

¹Charter reference

Corporate powers, animals and fowl: § 1.04(r).

²State law reference

Livestock running at large: Tennessee Code Annotated, § 44-8-101.

claim said animal or fowl by payment of all cost incurred by the city, within ten (10) days or the impounded animal or fowl will be humanely disposed of as the chief of police shall direct. If the owner is not known, then a public notice briefly describing said animal or fowl and giving notice of its impoundment and the time within which it may be claimed shall be run one time in the official city newspaper. In the event it is not claimed and the costs paid within ten (10) days, said animal or fowl may be sold, given away, or otherwise disposed of or humanely destroyed by the chief of police. When a sale is made, any proceeds over and above the costs incurred by the city shall be remitted to the owner of the animal or fowl sold, if known. Otherwise any such surplus shall be paid into the general fund of the city. (1998 Code, § 10-103)

10-104. Keeping under conditions constituting nuisance. 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.(1998 Code, § 10-104)

10-105. Keeping hogs. The keeping of hogs within the corporate limits of the city is prohibited except in pens or enclosures maintained in such a condition as not to be offensive or injurious to the health of humans, and located not less than five hundred feet (500') from any occupied building.¹(1998 Code, § 10-105)

10-106. Confined animals--water, shelter, ventilation and food. No animal or fowl of any kind shall be kept or confined in any place in the city where the water, shelter, ventilation and food are not adequate and sufficient for the preservation of its health, safe condition and wholesomeness for food if so intended.² (1998 Code, § 10-106)

10-107. Clean enclosure required. When animals or fowls are kept within the city, the building, structure, corral, pen or enclosure in which they are kept shall be maintained in a clean and sanitary condition at all times.³ (1998 Code, § 10-107)

¹Municipal code references

Feeding of garbage to swine: § 17-119.

²Municipal code reference

Seizure and disposition of dogs running at large: § 10-203.

³State law reference

Similar provisions: Tennessee Code Annotated, § 39-3-104.

10-108. Violation of chapter declared nuisance. It shall be a nuisance for any animal or fowl to be allowed to run at large or otherwise be kept in violation of any provision of this chapter. (1998 Code, § 10-109)

CHAPTER 2

DOGS AND CATS

SECTION

10-201. Rabies vaccination required.

10-202. Running at large--prohibited.

10-203. Seizure and disposition.

10-204. Barking or howling dogs.

10-201. Rabies vaccination required. It shall be unlawful for any person to own, keep or harbor any dog or cat without having the same duly vaccinated against rabies in accordance with the provisions of the state law.¹ (1998 Code, § 10-201, modified)

10-202. Running at large--prohibited. It shall be unlawful for any person to permit any dog or cat owned by him or under his control to run at large within the city. (1998 Code, § 10-202, modified)

10-203. Seizure and disposition. Any dog found running at large may be seized by the health officer, county rabies control officer or by any police officer and confined in a suitable place provided or designated by the city council. If said dog is wearing a tag, the owner shall be notified by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying the pound costs or the same will be destroyed. If said dog is not wearing a tag, the same shall be sold, given away, or destroyed, unless legally claimed by the owner within three (3) days. The owner of a dog found running at large shall be fined ten dollars (\$10.00) for the first such offense, twenty-five dollars (\$25.00) for the second such offense, and fifty dollars (\$50.00) for the third and each subsequent such offense. (1998 Code, § 10-203, modified)

10-204. Barking or howling dogs. No person shall harbor any dog which, by loud or frequent habitual barking, yelping or howling, shall become a nuisance to any neighbor of the owner or to the people passing upon the streets. (1998 Code, § 10-204)

¹State law references

Anti-Rabies Law: Tennessee Code Annotated, title 68, chapter 8.

CHAPTER 3

VICIOUS DOGS

SECTION

- 10-301. Definition of terms.
- 10-302. Confinement.
- 10-303. Leash and muzzle.
- 10-304. Signs.
- 10-305. Dog fighting.
- 10-306. Violations and penalty.

10-301. Definition of terms. (1) "Fighting dog." Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

(2) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog, or the parents or guardian of a child claiming ownership.

(3) "Potentially vicious dog" means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

(a) When unprovoked and off the property of the owner or keeper of the dog, inflicts a bite causing bodily injury, as defined in Tennessee Code Annotated, § 39-11-106, to a person or domestic animal; or

(b) When unprovoked and off the property of the owner or keeper of the dog, on two (2) or more separate occasions, chases, menaces or approaches a person or domestic animal in an aggressive manner or apparent attitude of attack;

(c) "Vicious dog" means any dog that without provocation and off the property of the owner or keeper of the dog, has attacked a person causing death or serious bodily injury, as defined by Tennessee Code Annotated, § 39-11-106, to such person.

(4) "Unconfined." A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides and a secure top attached to the sides. 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 (1'). All such pens or structures must be adequately lighted and kept in a clean, sanitary condition. (Ord. #12-007, Nov. 2012)

10-302. Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined. (Ord. #12-007, Nov. 2012)

10-303. Leash and muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal. (Ord. #12-007, Nov. 2012)

10-304. Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal. (Ord. #12-007, Nov. 2012)

10-305. Dog fighting. No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals. (Ord. #12-007, Nov. 2012)

10-306. Violations and penalty. Any persons violating any provision of this chapter shall be guilty of a civil offense, and upon conviction shall be subject to a fine that shall not exceed fifty dollars (\$50.00). (Ord. #12-007, Nov. 2012)

TITLE 11**MUNICIPAL OFFENSES¹****CHAPTER****1. MISCELLANEOUS.****CHAPTER 1****MISCELLANEOUS****SECTION**

11-101. Posting notices, etc.

11-102. Child Curfew Act adopted.

11-101. Posting notices, etc. No person in the city shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property in the city unless legally authorized to do so. (1998 Code, § 11-701)

11-102. Child Curfew Act adopted. The Board of Mayor and Alderman of the City of Bolivar, pursuant to Tennessee Code Annotated, § 39-17-1701, adopts the Child Curfew Act of 1995,² and shall become effective immediately upon adoption. (1998 Code, § 11-702)

¹Municipal code references

Animals and fowls: title 10.

Building and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

²The Child Curfew Act of 1995 is adopted by reference and available in the office of the city administrator.

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. RESIDENTIAL CODE.
6. MECHANICAL CODE.
7. ACCESSIBILITY CODE.
8. ENERGY CONSERVATION CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Amendments.
- 12-103. Available in administrator's office.
- 12-104. Building inspector, code enforcer, compliance officer--appointment; powers and duties.
- 12-105. Compensation.
- 12-106. Restrictions on building permits near state and federal highways.

¹Municipal code references

Building permit system: title 20.

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.

Charter reference

Authority to establish minimum standards, regulate building, etc.:
§ 1.04.

The City of Bolivar has established permit requirements and procedures to establish eligibility in the National Flood Insurance Program. See Ord. #07-007--Floodplain Zoning, of record in the office of the administrator.

12-107. Modifications.

12-108. 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,¹ 2012 edition, as prepared 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. (1998 Code, § 12-101, modified)

12-102. Amendments. The building code adopted by § 12-101 above is hereby altered and amended in the following respects:

(1) Section K404.2. Schedule of permit fees. This subsection is amended to add the following:

<u>Total Valuation</u>	<u>Fee</u>
\$100.00 and less	No fee, unless inspection required in which case a \$5.00 fee for each inspection shall be charged.
\$101.00 to \$2,000.00	\$5.00 per thousand or fraction thereof.
\$2,001.00 to \$15,000.00	\$10.00 for the first \$2,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$15,000.00.
\$15,001.00 to \$50,000.00	\$49.00 for the first \$15,000.00 plus \$2.50 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$136.50 for the first \$50,000.00 plus \$2.00 for each additional

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

thousand or fraction thereof, to and including \$100,000.00.

\$100,001.00 to \$500,000.00

\$236.50 for the first \$100,000.00 plus \$1.25 for each additional thousand or fraction thereof, to and including \$500,000.00.

\$500,001.00 and up

\$736.50 for the first \$500,000.00 plus \$0.75 for each additional thousand or fraction thereof.

(2) Section 104.2. Applications and permits. This subsection is amended to add the following:

For the moving of any building or structure, the fee shall be fifty dollars (\$50.00).

(3) Section 3303.1. Demolition: Construction documents. This subsection is amended to add the following:

For the demolition of any building or structure, the fee shall be twenty-five dollars (\$25.00).

(4) Section 112.1. Board of Appeals: General.

The mayor and council shall serve as the board of appeals.

(5) Section 113. Violations, is repealed. (1998 Code, § 12-102)

12-103. Available in administrator's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the administrator's office and shall be kept there for the use and inspection of the public. (1998 Code, § 12-103, modified)

12-104. Building inspector, code enforcer, compliance officer-- appointment; powers and duties.¹ The building official, with the approval of the mayor, shall appoint or designate a full-time employee code enforcer, compliance officer, building inspector who shall be responsible for enforcing the provisions of the building codes and compliance. The building inspector shall be directly responsible to and under the direct supervision of the city administrator

¹Municipal code reference

Authority of building inspector to inspect travel trailer parks: § 14-404.

Building inspector to enforce provisions: § 14-303.

Building inspector to inspect mobile home parks: § 14-329.

Building inspector to issue permit for mobile home park or travel trailer parks: § 14-506.

and shall have all the powers and duties prescribed for the building official in the building code as hereinabove modified and adopted. (Ord. #13-005, June 2013, modified)

12-105. Compensation. The building inspector, code enforcer, compliance officer shall receive a salary set forth by the mayor. (Ord. #13-005, June 2013)

12-106. Restrictions on building permits near state and federal highways. In order to guide and accomplish safe and coordinated development along state and federal highways within the city prior to issuing a building permit along state and federal highways for any new construction, the building inspector will be given the authority to refuse any building application until a contract agreement concerning curb-cut and access controls has been signed by both the applicant and the state department of transportation. (1998 Code, § 12-106)

12-107. Modifications. The following modifications to the above listed code are hereby adopted:

(1) **Definitions.** Whenever in any code, reference is made to the duties of a certain official named therein, that the designated official of the City of Bolivar 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.** All fees for inspections and permits under the above code shall be those fees as adopted by the city council by ordinance. (1998 Code, § 12-107)

12-108. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provisions of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

PLUMBING CODE¹

SECTION

12-201. Plumbing code adopted.

12-202. Available in administrator's office.

12-203. Plumbing inspector--appointment; powers and duties.

12-204. Modifications.

12-205. Violations and penalty.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings and the appurtenances thereto, within or without the 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 by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the plumbing code. (1998 Code, § 12-201, modified)

12-202. Available in administrator's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code adopted by this chapter has been placed on file in the administrator's office and is for public use and inspection. (1998 Code, § 12-202, modified)

12-203. Plumbing inspector--appointment; powers and duties. The mayor shall appoint or designate a plumbing inspector who shall be responsible for enforcing the provisions of the plumbing code. The plumbing inspector shall have all the powers and duties prescribed for the plumbing official in the code hereinabove adopted by reference and modified. (1998 Code, § 12-203)

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

12-204. Modifications. The following modifications to the above listed code are hereby adopted:

(1) **Definitions.** Whenever in any code, reference is made to the duties of a certain official named therein, that the designated official of the City of Bolivar 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.** All fees for inspections and permits under the above code shall be those fees as adopted by the city council by ordinance. (1998 Code, § 12-204)

12-205. 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 under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 3

ELECTRICAL CODE¹

SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in administrator's office.
- 12-303. Electrical inspector--appointment; authority and duties.
- 12-304. Unlawful to install, repair or alter electrical wiring without permit from electrical inspector.
- 12-305. Inspection fees.
- 12-306. Modifications.
- 12-307. Violations and penalty.

12-301. 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,² 2011 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the electrical code. (1998 Code, § 12-301, modified)

12-302. Available in administrator's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code adopted by the chapter has been placed on file in the administrator's office and shall be kept there for the public use and inspection. (1998 Code, § 12-302, modified)

12-303. Electrical inspector--appointment; authority and duties. The mayor shall appoint or designate an electrical inspector. It shall be his duty to enforce compliance with the electrical code as herein adopted by reference. He is authorized and directed to make any and all necessary inspections of electrical equipment and wiring, etc., to insure compliance with said code, and

¹Municipal code reference

Bolivar electric utilities board: title 2.

Electric power in mobile home parks: title 14.

Fire protection, fireworks and explosives: title 7.

²Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, MA 02169-7471.

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 the electrical code. (1998 Code, § 12-303)

12-304. Unlawful to install, repair or alter electrical wiring without permit from electrical inspector. It shall be unlawful for any person to install or to have installed any electrical wiring or installation in or on any building within the city without first obtaining a permit from the electrical inspector; nor shall any repairs, changes or additions be made in or to any wiring installed in or on any building without first obtaining a permit from the electrical inspector. (1998 Code, § 12-304)

12-305. Inspection fees. The fees to be charged by the electrical inspector shall be as fixed from time to time by the Bolivar Electric Power Board. (1998 Code, § 12-305)

12-306. Modifications. The following modifications to the above listed code are hereby adopted:

(1) **Definitions.** Whenever in any code, reference is made to the duties of a certain official named therein, that the designated official of the City of Bolivar 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.** All fees for inspections and permits under the above code shall be those fees as adopted by the city council by resolution and said fees for inspections and permits may be changed by resolution of the city council. (1998 Code, § 12-306)

12-307. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the electrical code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 4

GAS CODE¹

SECTION

- 12-401. Gas code adopted.
- 12-402. Available in administrator's office.
- 12-403. Gas inspector--appointment; authority and powers.
- 12-404. Unlawful to install or alter gas piping without permit from gas inspector.
- 12-405. Inspection fees.
- 12-406. Modifications.
- 12-407. Violations and penalty.

12-401. Gas code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of governing the safe installation of consumers' gas pipe lines and gas appliances for fuel gases, the International Fuel Gas Code,² 2012 edition, published 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 gas code. (1998 Code, § 12-401, modified)

12-402. Available in administrator's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-621, one (1) copy of the code adopted by this article is on file with the administrator and is available for public use and inspection. (1998 Code, § 12-402, modified)

12-403. Gas inspector--appointment; authority and powers. The mayor shall appoint or designate a gas inspector who shall be responsible for enforcing the provisions of the gas code. Said gas inspector shall be authorized and is hereby directed to make any and all necessary inspections of gas equipment, appliances, and piping to insure compliance with said code and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to discontinue gas service to any person or place not complying with the gas code. (1998 Code, § 12-403)

¹Municipal code reference

Gas system administration: title 19, chapter 2.

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

12-404. Unlawful to install or alter gas piping without permit from gas inspector. It shall be unlawful for any person to install, have installed, or alter, change or add to any gas piping or installation in or on any premises within the city without first obtaining a permit therefor from the gas inspector. (1998 Code, § 12-404)

12-405. Inspection fees. An inspection fee of twenty-five dollars (\$25.00) shall be assessed for each gas inspection inside the city limits of Bolivar, Tennessee. An inspection fee of thirty dollars (\$30.00) shall be assessed for each gas inspection outside the city limits of Bolivar, Tennessee. (Ord. #14-009, Nov. 2014)

12-406. Modifications. The following modifications to the above listed code are hereby adopted:

(1) **Definitions.** Whenever in any code, reference is made to the duties of a certain official named therein, that the designated official of the City of Bolivar 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.** All fees for inspections and permits under the above code shall be those fees as adopted by the city council by resolution and said fees for inspections and permits may be changed by resolution of the city council. (1998 Code, § 12-406)

12-407. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the gas 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.

CHAPTER 5

RESIDENTIAL CODE

SECTION

12-501. Residential code adopted.

12-502. Modifications.

12-503. Available in administrator's office.

12-504. Violations and penalty.

12-501. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing building, plumbing, electrical, and mechanical provisions, the International Residential Code,¹ 2012 edition, and all appendix and reference standards 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 residential code. (1998 Code, § 12-501, modified)

12-502. Modifications. The following modifications to the above listed codes are 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 Bolivar 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.** All fees for inspections and permits under the above code shall be those fees as adopted by the city council by ordinance.

(3) **Automatic sprinkler system standards.** Section R 313 pertaining to automatic sprinkler system for townhouses and residential dwellings for single family and double family dwellings is hereby deleted. (1998 Code, § 12-502)

12-503. Available in administrator's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the administrator's office and shall be kept there for the use and inspection of the public. (1998 Code, § 12-503, modified)

12-504. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. The violation of any section of this chapter

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

shall be punishable by a penalty under the general penalty provisions of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 6

MECHANICAL CODE

SECTION

12-601. Mechanical code adopted.

12-602. Modifications.

12-603. Available in administrator's office.

12-604. Violations and penalty.

12-601. 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, 2012 edition,¹ 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. (1998 Code, § 12-601, modified)

12-602. 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 Bolivar 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.** All fees for inspections and permits under the above code shall be those fees as adopted by the city council by ordinance. (1998 Code, § 12-602)

12-603. Available in administrator'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 administrator's office and shall be kept there for the use and inspection of the public. (1998 Code, § 12-603, modified)

12-604. 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

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

code. Each day a violation is allowed to continue shall constitute a separate offense. (1998 Code, § 12-604)

CHAPTER 7

ACCESSIBILITY CODE

SECTION

- 12-701. Accessibility code adopted.
- 12-702. Available in administrator's office.
- 12-703. Violations and penalty.

12-701. 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 North Carolina Accessibility Code, 1999 edition, Volume 1-C with the 2002 and the 2004 revisions and 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.

12-702. 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. (1998 Code, § 12-702, modified)

12-703. 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 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. (1998 Code, § 12-703)

CHAPTER 8

ENERGY CONSERVATION CODE

SECTION

- 12-801. Energy conservation code adopted.
- 12-802. Permit fees.
- 12-803. Available in administrator's office.
- 12-804. Violations and penalty.

12-801. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of energy-efficient building envelopes and the installation of energy-efficient mechanical, lighting and power systems to establish energy-efficient buildings using prescriptive and performance-related provisions which will make possible the use of new materials and innovative techniques that conserve energy, the International Energy Conservation Code,¹ 2009 edition, as prepared and maintained by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code. (1998 Code, § 12-801, modified)

12-802. Permit fees. An additional five dollars (\$5.00) for each building permit requiring this service shall be charged. (1998 Code, § 12-802)

12-803. Available in administrator's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-621, one (1) copy of this code is on file with the administrator and is available for public use and inspection. (1998 Code, § 12-803, modified)

12-804. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (1998 Code, § 12-804)

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

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Contagious disease to be reported to county health officer; quarantine.
- 13-102. Stagnant water.
- 13-103. Overgrown and dirty lots.
- 13-104. Littering.

13-101. Contagious disease to be reported to county health officer; quarantine. Whenever any case of a contagious disease exists or is suspected to exist in any household, it shall be the duty of any attending physician and the head of said household, or any other person in such household possessing knowledge of said facts, to immediately notify the county health officer, who may, if he deems it necessary, quarantine any household wherein a contagious disease exists. (1998 Code, § 13-101)

13-102. Stagnant water. It shall be unlawful for any property owner to allow stagnant water to stand upon any of his real estate within the city. (1998 Code, § 13-102)

13-103. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 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,

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

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

Wastewater treatment: title 18, chapter 2.

Charter reference

Authority to prescribe standards of health and sanitation: § 1.04(1).

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) Designation of public officer or department. The board of commissioners shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by the board of commissioners 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 § 13-103 of the Bolivar Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and 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

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) 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 board of commissioners 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 costs thereof shall be assessed against the owner of the property. The city 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. Upon the filing of the notice with the office of the register of deeds in Hardeman 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.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the board of commissioners to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

(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 administrator 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 the board of commissioners under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) 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.

13-104. Littering. It shall be unlawful for any person to place or throw any garbage, trash, waste paper or any other refuse material in or upon any street or other public way or place within the city except in authorized garbage containers.¹ (1998 Code, § 13-104)

13-105. Public expectoration. No person in the city shall expectorate upon any sidewalk or street or upon or within any public building except in receptacles provided for such purposes. (1998 Code, § 13-105)

¹Municipal code reference
Streets and sidewalks: title 16.

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Definitions.
- 13-202. Power and authority of city administrator.
- 13-203. Structures unfit for human occupation or use.
- 13-204. Conditions rendering structure unfit.
- 13-205. Procedure.
- 13-206. Findings of fact and order.
- 13-207. Service for complaints or order.
- 13-208. Condemnation, demolition on failure to comply with order.
- 13-209. Lien against property; action for debt; deposit and deposition of proceeds.
- 13-210. Enjoining enforcement of order.

13-201. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith;

(2) "Governing body" means the Mayor and Council of the City of Bolivar;

(3) "Municipality" means the City of Bolivar;

(4) "Owner" means the holder of title in fee simple and every mortgagee of record;

(5) "Parties in interest" means all individuals, associations, corporations and others who have interests of record in a structure and any who are in possession thereof;

(6) "Places of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited;

(7) "Public authority" means any housing authority or any officer who is in charge of any department or branch of the government of the municipality or state relating to health, fire, building regulations, or other activities concerning structures in the municipality;

(8) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (1998 Code, § 13-201)

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

13-202. Power and authority of city administrator. The city administrator shall be responsible for the enforcement and administration of the provisions of this chapter and is hereby vested with such powers and authority as may be necessary to carry out and effectuate the chapter's purposes and provisions which shall include but not necessarily be limited to the following powers in addition to others herein or elsewhere granted:

(1) To investigate conditions 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 examinations; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

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

(5) To delegate any of the city administrator's functions and powers under this chapter to such officers and agents as the city administrator may designate.

(6) To execute and cause to be properly recorded any and all instruments required to enforce the lien granted herein as against any property subject to this chapter. (1998 Code, § 13-202, modified)

13-203. Structures unfit for human occupation or use. All structures in the municipality used for human occupation that are unfit for human occupation and use 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 structure unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the municipality may be repaired, closed or demolished in the manner provided in this chapter. (1998 Code, § 13-203)

13-204. Conditions rendering structure unfit. The city administrator may determine that a structure is unfit for human occupation or use if the city administrator finds that conditions exist in such structure which are dangerous to or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring structures or other residents of the municipality. Such conditions may include the following (without limited 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; or uncleanliness. (1998 Code, § 13-204, modified)

13-205. Procedure. (1) Whenever a petition is filed with the city administrator by a public authority or by at least five (5) residents of the municipality charging that any structure is unfit for human occupation or use, or whenever it appears to the city administrator (on the city administrator's on motion) that any structure is unfit for occupation or use, the city administrator shall, if the city administrator's 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 city administrator (or the city administrator's designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint, and that:

(a) The owner or parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and

(b) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the city administrator.

(2) An answer to the complaint must be filed prior to the date set for hearing as listed in the complaint. (1998 Code, § 13-205, modified)

13-206. Findings of fact and order. (1) If, after such notice and hearing, the city administrator determines that the structure (or structures) under consideration is unfit for human occupation or use, the city administrator shall state in writing the city administrator's findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure, requiring the owner, within the time specified in the order, to repair, alter or improve such structure to render it fit for human occupation or use or to vacate and close the structure as a place of human occupation or use; or

(b) If the repair, alteration or improvement of the structure cannot be made at reasonable cost in relation to the value of the structure, requiring the owner, within the time period specified in the order, to remove or demolish such structure.

(2) Any such order shall provide at least sixty (60) days for the owner to comply unless the condition of the property constitutes, in the discretion of the city administrator, an immediate threat to the life and/or health of the residents of the city. In the event the condition of a structure constitutes an immediate threat to the life and/or health of the residents of the city, the city administrator may provide for a shorter time period for compliance. In such a case, the order shall describe the threat so posed. (1998 Code, § 13-206, modified)

13-207. Service of complaints or order. Complaints and orders issued by the city administrator pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the city administrator in the exercise of reasonable diligence, and the city administrator shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the municipality or in the absence of such newspaper, in one (1) printed and published in Hardeman County and circulating in the municipality. 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 Hardeman County, Tennessee, and such filing of the complaint and order shall have the same force and effect as other lis pendens notices provided by law. (1998 Code, § 13-207, modified)

13-208. Condemnation, demolition on failure to comply with order. (1) Condemnation. If the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure, the city administrator may cause such structure to be repaired, altered, or improved, or to be vacated and closed. Further, the city administrator may cause to be posted upon the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful."

(2) Demolition. If the owner fails to comply with an order to remove or demolish the structure, the city administrator may cause such structure to be removed or demolished. (1998 Code, § 13-208, modified)

13-209. Lien against property; action for debt; deposit and deposition of proceeds. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the city administrator shall be assessed against the owner of the property, and shall, upon the filing of the notice with the office of the register of deeds of Hardeman 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 collected by the municipality tax collector or Hardeman County trustee 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. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The

municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom the 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. If the structure is removed or demolished by the city administrator, the city administrator shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of removal or demolition, and any balance remaining shall be deposited in the chancery court by the city administrator, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (1998 Code, § 13-209, modified)

13-210. Enjoining enforcement of order. (1) Any person affected by an order issued by the city administrator may file a bill in the chancery court for an injunction restraining the city administrator from carrying out the provisions of the order, and the court may, upon the filing of the bill, issue a temporary injunction restraining the city administrator pending the final disposition of the cause; provided, that within sixty (60) days after the posting and service of the order of the city administrator, such person shall file the bill in the court. Hearings shall be had by the court on such bills within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

(2) The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the city administrator as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the city administrator shall be entitled to recover any damages for action taken pursuant to any order of the city administrator, or because of noncompliance by such person with any order of the city administrator. (1998 Code, § 13-210, modified)

CHAPTER 3

ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLES¹

SECTION

- 13-301. Short title.
- 13-302. Definitions.
- 13-303. Storing, parking or leaving dismantled or other such motor vehicle prohibited, declared nuisance; exceptions.
- 13-304. Notice to remove.
- 13-305. Responsibility for removal.
- 13-306. Notice procedure.
- 13-307. Content of notice.
- 13-308. Request for hearing.
- 13-309. Procedure for hearing.
- 13-310. Removal of motor vehicle from property.
- 13-311. Notice of removal.
- 13-312. Disposition of vehicles.
- 13-313. Contents of public sale notice.
- 13-314. Public sale.
- 13-315. Redemption of impounded vehicles.
- 13-316. Liability of owner or occupant.

13-301. Short title. This chapter shall be known and may be cited as the "abandoned, wrecked, dismantled or inoperative motor vehicle ordinance." (1998 Code, § 13-301)

13-302. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Building inspector/code compliance officer" is the director of traffic of the city.

(2) "City" is the City of Bolivar.

(3) "Junked motor vehicle" is any motor vehicle, as defined below, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate, and the

¹Municipal code reference

Motor vehicles and traffic: title 15.

condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

(4) "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf-carts, campers and trailers.

(5) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(6) "Private property" shall mean any real property within the city which is privately owned and which is not public property as defined in this section.

(7) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility. (1998 Code, § 13-302, modified)

13-303. Storing, parking or leaving dismantled or other such motor vehicle prohibited, declared nuisance; exceptions. No person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not, upon any public or private property within the city for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes. (1998 Code, § 13-303)

13-304. Notice to remove. Whenever it comes to the attention of the building inspector/compliance officer that any nuisance as defined in § 13-303 exists in the city, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. (1998 Code, § 13-304, modified)

13-305. Responsibility for removal. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or

inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city, the owner, or occupant of the private property where same is located, shall be liable for the expenses incurred. (1998 Code, § 13-305)

13-306. Notice procedure. The building inspector/compliance officer of the city shall give notice of removal to the owner or occupant of the private property where it is located, at least ten (10) days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address. (1998 Code, § 13-306, modified)

13-307. Content of notice. The notice shall contain the request for removal within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property. (1998 Code, § 13-307)

13-308. Request for hearing. The persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the city council or its designee within the thirty (30) day period of compliance prescribed in § 13-309 for the purpose of defending the charges by the city. (1998 Code, § 13-308)

13-309. Procedure for hearing. The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least thirty (30) days in advance thereof. At any such hearing the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. (1998 Code, § 13-309)

13-310. Removal of motor vehicle from property. If the violation described in the notice has not been remedied within the thirty-day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the council or its designee, the building inspector/compliance officer or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter. (1998 Code, § 13-310, modified)

13-311. Notice of removal. Within forty-eight (48) hours of the removal of such vehicle, the chief of police shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle or vehicles, is stored and the costs incurred by the city for removal. (1998 Code, § 13-311)

13-312. Disposition of vehicles. Upon removing a vehicle under the provisions of § 13-310, the city shall, after ten (10) days, cause it to be appraised. If the vehicle is appraised at seventy-five dollars (\$75.00) or less, the chief of police shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any and stating the location and appraised value of the vehicle. The chief of police, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over seventy-five dollars (\$75.00), the chief of police shall give notice of public sale not less than thirty (30) days before the date of the proposed sale. (1998 Code, § 13-312)

13-313. Contents of public sale notice. The notice of sale shall state:

- (1) The sale of abandoned property in the possession of the city.
- (2) A description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle.
- (3) The terms of sale.
- (4) The date, time and place of the sale. (1998 Code, § 13-313)

13-314. Public sale. The vehicle shall be sold to the highest and the best bidder. At the time of payment of the purchase price, the chief of police shall execute a certificate of sale in duplicate, the original of which to be given to the purchaser, and the copy thereof to be filed with the mayor of the city. Should the sale for any reason be invalid, the city's liability shall be limited to the return of the purchase price. (1998 Code, § 13-314)

13-315. Redemption of impounded vehicles. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the chief of police of such sum as he may determine and fix for the actual and reasonable expense of removal and any preliminary sale advertising expenses, not to exceed fifty dollars (\$50.00) plus three dollars (\$3.00) per day for storage for each vehicle redeemed. (1998 Code, § 13-315)

13-316. Liability of owner or occupant. Upon the failure of the owner or occupant of property on which abandoned vehicles have been removed by the

city to pay the unrecovered expenses incurred by the city in such removal, a lien shall be placed upon the property for the amount of such expenses. (1998 Code, § 13-316)

TITLE 14

ZONING AND LAND USE CONTROL¹

CHAPTER

1. MUNICIPAL REGIONAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOMES AND MOBILE HOME PARKS.
4. TRAVEL TRAILER PARKS.
5. MOBILE HOME AND/OR TRAVEL TRAILER PARKS PERMITS.
6. MUNICIPAL FLOODPLAIN ZONING ORDINANCE.
7. BOLIVAR REGIONAL PLANNING COMMISSION.

CHAPTER 1

MUNICIPAL REGIONAL PLANNING COMMISSION

SECTION

- 14-101. Established.
- 14-102. Membership; terms; vacancies; compensation.
- 14-103. Organization, rules, staff, finances.
- 14-104. Powers and duties.
- 14-105. Development fees.

14-101. Established. There is hereby established a planning commission for the city, to be known as the Bolivar Regional Planning Commission.² (1998 Code, § 14-101)

14-102. Membership; terms; vacancies; compensation. The planning commission established by § 14-101 shall consist of seven (7) members. One (1) of the members shall be the mayor of the city, one shall be a city councilman selected by the city council, and the five (5) remaining members shall be citizens appointed by the mayor. The term of the appointed members shall be for three (3) years, except that the appointment of the first planning commission, one of said members shall be selected for one year, one for two (2) years, and one for a term of three (3) years. All members shall receive fifty dollars (\$50.00) per

¹The City of Bolivar has established permit requirements and procedures to establish eligibility in the National Flood Insurance Program. See Ord. #07-007, of record in the office of the city administrator.

²State law reference

Tennessee Code Annotated, § 13-4-101.

meeting in which they attend. Any vacancies in appointed membership shall be filled for the unexpired term by the mayor, who shall have authority to remove any appointed member at his pleasure. The term of the member selected from the city council shall run concurrently with membership on said city council. (1998 Code, § 14-102, modified)

14-103. Organization rules, staff, finances. The planning commission shall elect its chairman from among its appointed members. The term of the chairman shall be for one year with eligibility for reelection. The commission shall adopt rules for and keep a record of its transactions, findings and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures for the commission, except for gifts, shall be within the amounts appropriated for the purpose by the city council. (1998 Code, § 14-103)

14-104. Powers and duties. The planning commission shall have all the powers, duties and responsibilities as set forth in Tennessee Code Annotated, title 13, chapters 4 and 7. (1998 Code, § 14-104)

14-105. Development fees. The Bolivar Mayor and City Council hereby adopts the following development fees for site plans, subdivision plats and increases the Bolivar Zoning Appeals (BZA) fees:

(1) Subdivision review and one (1) follow-up review and engineering review expenses, if needed:

Minor subdivision review (5 lots or fewer)	\$250.00
Major subdivision review (6 or more lots)	\$500.00
Additional plat revisions for either type subdivisions	\$150.00

(2) Site plan review and one (1) follow-up review, with engineering fees, if needed:

Site plan review	\$250.00
Additional site plan review	\$125.00

(3) Other special fees:

BZA meeting	\$250.00
Special called meeting for planning commission	\$300.00
Rezoning application fee	\$300.00

(Ord. #11-007, Sept. 2011)

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 Bolivar shall be governed by the "Zoning Ordinance, Bolivar, Tennessee," and any amendments thereto.¹ (1998 Code, § 14-201)

¹The zoning ordinance and any amendments thereto, are published as separate documents and are of record in the office of the city administrator.

CHAPTER 3

MOBILE HOMES AND MOBILE HOME PARKS

SECTION

- 14-301. Definitions.
- 14-302. Purpose of fees imposed by chapter.
- 14-303. Enforcement.
- 14-304. Appeals.
- 14-305. Review by court of record.
- 14-306. To be located on mobile home parks; exceptions.
- 14-307. Use of certain sites for parking and servicing of mobile homes.
- 14-308. State license required.
- 14-309. Location and planning.
- 14-310. Drainage requirements.
- 14-311. Size, dimensions and design.
- 14-312. Mobile home spaces generally.
- 14-313. Minimum number of spaces required.
- 14-314. Rental term for mobile home space.
- 14-315. Spacing, location and clearance of mobile homes.
- 14-316. Water supply.
- 14-317. Sewage disposal--adequate system required.
- 14-318. Sewage disposal--standards and specifications for sewer connections.
- 14-319. Septic tank systems when public sewer not available.
- 14-320. Refuse storage, collection and disposal.
- 14-321. Electric power.
- 14-322. Illumination.
- 14-323. Parking spaces.
- 14-324. Buffer strip.
- 14-325. Nonconforming mobile home parks.
- 14-326. Inspection by building inspector; right of entry.
- 14-327. Violations and penalty.

14-301. Definitions. For purposes of this chapter:

(1) "Health officer" means the county health officer or his duly authorized representative.

(2) "Mobile home" means a detached single-family dwelling unit with any or all of the following characteristics:

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

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

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

(3) "Mobile home park" means any plot of ground within the city on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

(4) "Mobile home space" means any plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(5) "Travel trailer" means a pickup camper, converted bus, tent trailer, tent, or similar device used for temporary portable housing or a unit which:

(a) Can operate independent of connections to external sewer, water and electrical systems;

(b) Contains water storage facilities and may contain a lavatory, kitchen sink and bath facilities; and

(c) Is identified by the manufacturer as a travel trailer.

(6) "Travel trailer park" means any plot of ground within the city on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located. (1998 Code, § 14-301)

14-302. Purpose of fees imposed by chapter. Fees charged under the permit requirements of this chapter are for inspection and the administration of this chapter. (1998 Code, § 14-302)

14-303. Enforcement. It shall be the duty of the county health officer and city building inspector to enforce provisions of this chapter.¹ (1998 Code, § 14-303)

14-304. Appeals. Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building inspector in the enforcement of this chapter, may appeal for and receive a hearing by the board of zoning appeals for an interpretation of pertinent provisions. In exercising tills power of interpretation, the board of zoning appeals shall be guided by procedures compatible with state law and may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or determination made by the building inspector. (1998 Code, § 14-304)

14-305. Review by court of record. Any person or persons or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the board of zoning appeals may seek review by a court of record of such decision

¹Municipal code reference

Building inspector: title 12, ch. 1.

in the manner provided by the laws of the State of Tennessee. (1998 Code, § 14-305)

14-306. To be located in mobile home parks; exceptions. (1) Except as provided in subsections (2) and (3) of this section it shall be unlawful for any person to cause to be placed, erected, inhabited, maintained or used in any way whatsoever, any mobile home within the corporate limits of the city, except in mobile home parks licensed in accord with this chapter.

(2) Subsection (1) of this section shall not apply to any mobile home located outside a licensed mobile home park on June 6, 1972, so long as it is inhabited, maintained or otherwise used to the same location. In the event such mobile home shall remain vacant for a period of one (1) year, the owner or custodian thereof shall, within a period not to exceed sixty (60) days thereafter, remove the mobile home and comply with all provisions of this chapter.

(3) Upon inspection and approval by the health officer and the building inspector, a mobile home may be used as a temporary residence in construction sites for which a building permit has been issued and at which adequate sewage disposal facilities have been provided. (1998 Code, § 14-308)

14-307. Use of certain sites for parking and servicing of mobile homes. Any mobile home site in the city with utility connections and other facilities constructed specifically for utilization as a permanent mobile home parking site in existence on June 6, 1972 may be utilized for parking and servicing of mobile homes. (1998 Code, § 14-309)

14-308. State license required. It shall be unlawful for any person to use, place, store or occupy any mobile home within the city or within any mobile home park in the city unless there is posted near the door of said mobile home a valid Tennessee license therefor. (1998 Code, § 14-310)

14-309. Location and planning. Mobile home parks may be located in any district specified in the zoning ordinance and shall conform to plans approved by the city planning commission. (1998 Code, § 14-311)

14-310. Drainage requirements. Every mobile home park shall be located on a well drained site and shall be so located that its drainage will not endanger any water supply.¹ (1998 Code, § 14-312)

14-311. Size, dimensions and design. The tract of land for the mobile home park shall comprise an area of not less than two (2) acres. The tract of

¹Municipal code reference
Water and sewers: title 18.

land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management. (1998 Code, § 14-313)

14-312. Mobile home spaces generally. (1) Mobile home spaces adequate for the type of facility they are designed to accommodate shall be provided in each mobile home park, with a minimum of one thousand (1,000) square feet for each space.

(2) Maximum dimensions of each space shall be forty feet by seventy-five feet (40' x 75'). The minimum depth shall be the length of the mobile home plus thirty feet (30') with end parking for automobiles, or plus fifteen feet (15') with side or street parking. (1998 Code, § 14-314)

14-313. Minimum number of spaces required. No mobile home park shall be opened for business until at least two (2) mobile home spaces have been completed and are ready for occupancy. (1998 Code, § 14-315)

14-314. Rental term for mobile home space. No mobile home space shall be rented in any mobile home park except for periods of thirty (30) days. (1998 Code, § 14-316)

14-315. Spacing, location and clearance of mobile homes. Mobile homes shall be so parked on each space that there will be at least fifteen feet (15') of open space between mobile homes or any attachment such as a garage or porch, and at least fifteen feet (15') end to end spacing between mobile homes and any building or structure. No mobile home shall be located closer than twenty feet (20') from any property line nor thirty-five feet (35') from the right-of-way of any public street or highway. (1998 Code, § 14-317)

14-316. Water supply. Where a public water supply is capable of furnishing each mobile home space a minimum of one hundred twenty-five (125) gallons of safe and potable water per day is available to a mobile home park, it shall be used exclusively. The development of an independent water supply to serve a mobile home park shall be made only after express approval has been granted by the commissioner of the state department of public health and written approval of plans and specifications has been granted by the county health office.¹ (1998 Code, § 14-318)

14-317. Sewage disposal--adequate system required. An adequate sewage disposal system, approved in writing by the county health officer, shall be provided for each mobile home park. (1998 Code, § 14-319)

¹Municipal code reference
Water and sewers: title 18.

14-318. Sewage disposal--standards and specifications for sewer connections. Each mobile home space in a mobile home park shall be equipped with at least a four inch (4") sewer connection, trapped below the frost line and reaching at least four inches (4") above the surface of the ground. Such sewer connection shall be protected by a concrete collar at least three inches (3") deep and extending twelve inches (12") from the connection in all directions. All sewer lines shall be laid in trenches separated at least ten feet (10') horizontally from any drinking water supply line.¹ (1998 Code, § 14-320)

14-319. Septic tank systems when public sewer not available.

(1) Where a public sewer system is not available, a septic tank and subsurface soil absorption system may be used for sewage disposal from a mobile home park, provided the soil characteristics are suitable and an adequate disposal area is available.

(2) The minimum size of any septic tank so installed under any condition shall be seven hundred fifty (750) gallons working capacity. If more than two (2) mobile homes are served by a single tank, the minimum liquid capacity of the tank shall be increased by one hundred seventy-five (175) gallons per each additional mobile home; provided, however, that no more than twelve (12) mobile homes shall be served by a single septic tank installation.

(3) Any such septic tank system shall be constructed in compliance with the provisions of Tennessee Department of Public Health Bulletin entitled "Recommended Construction of Large Septic Tank Disposal Systems for Schools, Factories and Institutions." (1998 Code, § 14-321)

14-320. Refuse storage, collection and disposal. The storage, collection and disposal of refuse in a mobile home park shall be so managed as to create no health hazard. All refuse shall be stored in flyproof, watertight and rodentproof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least twice per week.² (1998 Code, § 14-322)

14-321. Electric power. (1) An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space in a mobile home park and shall be weatherproof and accessible to the parked mobile home.

¹Municipal code reference
Plumbing code: title 12.

²Municipal code reference
Garbage and trash: title 17.

(2) All electrical installations shall be in compliance with the national electrical code and Tennessee Department of Insurance and Banking Regulation No. 15, entitled, "Regulations Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization.¹ (1998 Code, § 14-323)

14-322. Illumination. Each mobile home park shall be furnished with four hundred (400) watt mercury lamps at intervals of one hundred feet (100') approximately thirty feet (30') from the ground. (1998 Code, § 14-324)

14-323. Parking spaces. (1) Not less than two (2) motor vehicle parking spaces shall be provided for each mobile home space in a park, and shall be so located that access can be gained only from internal streets.

(2) The minimum size of such parking spaces shall be ten feet by twenty feet (10' x 20'). (1998 Code, § 14-326)

14-324. Buffer strip. An evergreen buffer strip consisting of a hedge of trees or shrubs spaced not more than ten feet (10') apart and allowed to grow to a height of at least ten feet (10') shall be planted along all boundaries of a mobile home park. (1998 Code, § 14-327)

14-325. Nonconforming mobile home parks. (1) Mobile home parks established prior to June 6, 1972 which do not comply and cannot be brought into compliance with the requirements of this chapter shall be considered nonconforming mobile home parks.

(2) Nonconforming mobile home parks shall comply with all state regulations applicable thereto which were in force prior to its establishment. (1998 Code, § 14-328)

14-326. Inspection by building inspector; right of entry. The city building inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The building inspector shall have the authority to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter. (1998 Code, § 14-329)

¹Municipal code reference

Electrical code: title 12.

Bolivar electric utilities board: title 2.

State law reference

Similar provisions: Tennessee Code Annotated, § 68-24-112.

14-327. Violations and penalty. (1) Any person who violates the provisions of this chapter or the rules and regulations adopted pursuant hereto, or fails to perform the reasonable requirements specified by the city building inspector or county health officer after receipt of thirty-five (35) days written notice of such requirements, shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense and each day of continued violation after receipt of such notice shall constitute a separate offense.

(2) Conflicts with other ordinances, laws and regulations. In any case where a provision of this chapter is found to be in conflict with another provision of this code or other ordinance of the city, the provisions which establish the higher standard for promotion and protection of the public health and safety shall prevail. (1998 Code, §§ 14-306 and 14-307)

CHAPTER 4

TRAVEL TRAILER PARKS

SECTION

14-401. Location.

14-402. Travel trailers located outside travel trailer park.

14-403. Minimum size of travel trailer space.

14-404. Inspection; authority to enter.

14-405. Term of occupancy of travel trailer spaces.

14-406. Standards for site planning improvement.

14-401. Location. Travel trailer parks shall be located in any district specified in the zoning ordinance of the city. (1998 Code, § 14-401)

14-402. Travel trailers located outside travel trailer park. It shall be unlawful for any person to cause to be serviced, maintained, occupied or used in any way in the city any travel trailer outside of a properly designated travel trailer park; provided, however, that this section shall not apply to the storage of travel trailers which are neither temporarily nor permanently occupied as dwelling units. (1998 Code, § 14-402)

14-403. Minimum size of travel trailer space. Each travel trailer space shall have a minimum width of thirty feet (30') and a minimum length of fifty feet (50'). (1998 Code, § 14-403)

14-404. Inspection; authority to enter. (1) The city building inspector or county health officer is hereby authorized and directed to make inspections to determine the condition of travel trailer parks for the purpose of safeguarding the health and safety of the occupants of travel trailer parks and of the general public.

(2) The building inspector or county health officer shall have the authority to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter. (1998 Code, § 14-404)

14-405. Term of occupancy of travel trailer spaces. Travel trailer spaces shall be rented by the day or week only, and the occupant of such space shall remain in the same travel trailer park not more than fourteen (14) days. (1998 Code, § 14-405)

14-406. Standards for site planning improvement. Travel trailer park site planning improvement shall conform to the standards established in regulations VI-XX of the state regulations governing the construction, operation

and maintenance of organized camps in Tennessee, as provided in Tennessee Code Annotated, title 68, chapter 110. (1998 Code, § 14-406)

CHAPTER 5

MOBILE HOME AND/OR TRAVEL TRAILER PARKS PERMITS

SECTION

- 14-501. Required.
- 14-502. Planning commission to approve plans as prerequisite to permit.
- 14-503. Requirement for plans.
- 14-504. Application.
- 14-505. Issuance of permit by building inspector.

14-501. Required. No place or site within the city shall be established or maintained by any person or group of persons as a mobile home or travel trailer park unless a valid permit has been issued by the city building inspector in the name of such person or persons for the specific mobile home park or travel trailer park. The city building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter. (1998 Code, § 14-501)

14-502. Planning commission to approve plans as prerequisite to permit. Before any permit for a mobile home park or travel trailer park shall be issued, a plan of each such proposed park shall be submitted to the planning commission for approval.¹ (1998 Code, § 14-502)

14-503. Requirement for plans. The plan for each mobile home park or travel trailer park shall be clearly and legibly drawn on a scale not smaller than one hundred feet to one inch (100' to 1"), and shall contain the following information and conform to the following requirements:

- (1) The date of the plan.
- (2) The name and address of owner of record.
- (3) The proposed name of park.
- (4) The north point and graphic scale.
- (5) A vicinity map showing location and acreage of the park.
- (6) The exact boundary lines of the tract by bearing and distance.
- (7) The names of owners of record of adjoining land.
- (8) Existing streets, utilities, easements, and water courses on and adjacent to the tract.
- (9) The proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated

¹Municipal code reference

Bolivar regional planning commission: title 2.

for public uses, and any land to be used for purposes other than mobile home spaces.

(10) Provisions for water supply, sewerage and drainage.

(11) Such additional information as may be required by the city to enable it to determine if the proposed park will comply with legal requirements.

(12) The owner's certification and any other certificates deemed necessary by the planning commission. (1998 Code, § 14-503)

14-504. Application. Application for a permit for a mobile home park or travel trailer park shall be filed in writing signed by the applicant, in triplicate, with the city building inspector. It shall be accompanied by a plan of the proposed park meeting the requirements enumerated in § 14-503 and approved by the planning commission. (1998 Code, § 14-504)

14-505. Issuance of permit by building inspector. Upon receipt of an application for a permit for a mobile home park or travel trailer park meeting all of the requirements of this chapter for the application filed, and upon payment of the required fee by or on behalf of the applicant, the building inspector shall issue the permit for which the application was made.¹ (1998 Code, § 14-506)

¹Municipal code reference
Building inspector: title 12.

CHAPTER 6

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

SECTION

- 14-601. Statutory authorization, findings of fact, purpose and objectives.
- 14-602. Definitions.
- 14-603. General provisions.
- 14-604. Administration.
- 14-605. Provisions for flood hazard reduction.
- 14-606. Variance procedures.
- 14-607. Legal status provisions.

14-601. Statutory authorization, findings of fact, purpose and objective. (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Bolivar, Tennessee Mayor and Aldermen, does ordain as follows:

(2) Findings of fact. (a) The Bolivar Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR ch. 1 (10-1-04 edition).

(b) Areas of Bolivar are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

(a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion; and

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this ordinance are:

(a) To protect human life, health and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;

(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodable area; and

(h) To maintain eligibility for participation in the National Flood Insurance Program. (Ord. #07-007, Nov. 2015)

14-602. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

(a) Accessory structures shall not be used for human habitation.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

(e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(2) "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

(3) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "new construction."

(4) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

(5) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' – 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

(6) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(7) "Area of special flood hazard" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(8) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

(9) "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

(10) "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(11) "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage (see "structure").

(12) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other

structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

(13) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(14) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(15) "Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the program.

(16) "Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(17) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

(18) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

(19) "Existing structures" see "existing construction."

(20) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(21) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(22) "Flood elevation determination" means a determination by the administrator of the water surface elevations of the base flood, that is, the flood

level that has a one percent (1%) or greater chance of occurrence in any given year.

(23) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(24) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

(25) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(26) "Flood insurance study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(27) "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(28) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(29) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(30) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(31) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(32) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which

due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(33) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

(34) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(35) "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(36) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

(37) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(38) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(39) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U. S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(40) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(41) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(42) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(43) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle," unless such transportable structures are placed on a site for one hundred eighty (180) consecutive days or longer.

(44) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(45) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the agency.

(46) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(47) "National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "New construction" means any structure for which the "start of construction" commenced after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

(49) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

(50) "North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

(51) "100-year flood" see "base flood."

(52) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(53) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(54) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(55) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(56) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(57) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a

basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(58) "State coordinating agency." The Tennessee Department of Economic and Community Development's Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the administrator to assist in the implementation of the National Flood Insurance Program for the state.

(59) "Structure," for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

(60) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(61) "Substantial improvement" means any repairs, reconstructions, rehabilitations, additions, alterations or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial repair or improvement; or

(b) In the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been preidentified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(62) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(63) "Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

(64) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #07-007, Nov. 2015)

14-603. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of Bolivar, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Bolivar, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47069C0145C, 47069C163C, 47069C164C, 47069C0235C, and 47069C0251C, dated September 28, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Bolivar, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Bolivar, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #07-007, Nov. 2015)

14-604. Administration. (1) Designation of ordinance administrator. The building inspector is hereby appointed as the administrator to implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFEs are available, or to the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFEs are available, or to the highest adjacent grade when applicable under this ordinance.

(iii) Design certificate from a registered professional engineer or architect that the proposed nonresidential flood-proofed building will meet the flood-proofing criteria in § 14-604(2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within unnumbered A zones, where flood elevation data are not available, the administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a nonresidential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to:

(a) Review of all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood

maps through the letter of map revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(e) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with § 14-604(2).

(f) Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with § 14-604(2).

(g) When floodproofing is utilized for a structure, the administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with § 14-604(2).

(h) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(i) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new substantial improvements, or other development in Zone A on the community FIRM meet the requirements of this ordinance.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-602 of this ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-604(2).

(j) All records pertaining to the provisions of this ordinance shall be maintained in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #07-007, Nov. 2015)

14-605. Provisions for flood hazard reduction. (1) General standards. In all flood prone areas the following provisions are required:

(a) New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(c) New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance; and

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said nonconformity is not further extended or replaced.

(2) Specific standards. These provisions shall apply to all areas of special flood hazard as provided herein:

(a) Residential construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a

structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of this section.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-602 of this ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-604(2).

(b) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one foot (1') above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-602 of this ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-604(2).

Buildings located in all A zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-604(2).

(c) Elevated building. All new construction or substantial improvements to existing buildings that include any fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finish grade; and

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of § 14-605(2) of this ordinance.

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one foot (1') above the level of the base flood elevation; or

(B) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three feet (3') in height above the highest adjacent grade.

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of § 14-605(2)(d) of this ordinance.

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed on identified flood hazard sites must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.

(C) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred eighty (180) consecutive days.

(e) Standards for subdivisions. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a floodprone area, any such proposals shall be reviewed to ensure that:

(i) All subdivision proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty (50) lots and/or five (5) acres in area.

(3) Standards for areas of special flood hazard with established base flood elevations and with floodways designated. Located within the areas of special flood hazard established in § 14-603(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other

developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in any increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

(b) New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of § 14-605.

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the areas of special flood hazard established in § 14-603(2), where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

(a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with § 14-605(2).

(5) Standards for streams without established base flood elevations or floodways (A Zones). Located within the areas of special flood hazard established in § 14-603, where streams exist, but no base flood data has been provided (A Zones), or where a floodway has not been delineated, the following provisions shall apply:

(a) When base flood elevation data or floodway data have not been provided in accordance with § 14-603, then the administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of § 14-605. Only if data is not available from these sources, then the following provisions (b) and (c) shall apply:

(b) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty

feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(c) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet (3') above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of § 14-605(2), and "elevated buildings."

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the areas of special flood hazard established in § 14-603(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of § 14-605(2), and "elevated buildings."

(b) All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be floodproofed to at least three feet (3') above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide

such certification to the administrator as set forth above and as required in § 14-604(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(d) The administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-603 are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-604 and 14-604(1) shall apply.

(8) Standards for unmapped streams. Located within Bolivar, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

(a) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-604. (Ord. #07-007, Nov. 2015)

14-606. Variance procedures. The provisions of this section shall apply exclusively to areas of special flood hazard within Bolivar, Tennessee.

(1) Board of zoning appeals. (a) The Bolivar Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(c) In passing upon such applications, the board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- (i) The danger that materials may be swept onto other property to the injury of others;
- (ii) The danger to life and property due to flooding or erosion;
- (iii) The susceptibility of the proposed facility and its contents to flood damage;
- (iv) The importance of the services provided by the proposed facility to the community;
- (v) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- (vi) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (vii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (viii) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (ix) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (x) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(d) Upon consideration of the factors listed above, and the purposes of this ordinance, the board of floodplain review may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.

(e) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #07-007, Nov. 2015)

14-607. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of Bolivar, Tennessee, the most restrictive shall in all cases apply.

(2) Validity. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (Ord. #07-007, Nov. 2015)

CHAPTER 7

BOLIVAR REGIONAL PLANNING COMMISSION¹

SECTION

14-701. Established.

14-702. Membership; terms; vacancies; compensation.

14-703. Organization, rules, staff, finances.

14-704. Powers and duties.

14-701. Established. There is hereby established a planning commission for the city, to be known as the Bolivar Regional Planning Commission. (1998 Code, § 2-501)

14-702. Membership; terms; vacancies; compensation. The planning commission established by § 2-501 shall consist of seven (7) members. One (1) of the members shall be the mayor of the city, one (1) shall be a city councilman selected by the city council, and the five (5) remaining members shall be citizens appointed by the mayor. The term of the appointed members shall be for three (3) years, except that the appointment of the first planning commission, one (1) of said members shall be selected for one (1) year, one (1) for two (2) years, and one (1) for a term of three (3) years. All members shall serve without compensation. Any vacancies in appointed membership shall be filled for the unexpired term by the mayor, who shall have authority to remove any appointed member at his pleasure. The term of the member selected from the city council shall run concurrently with membership on said city council. (1998 Code, § 2-502)

14-703. Organization, rules, staff, finances. The planning commission shall elect its chairman from among its appointed members. The term of the chairman shall be for one (1) year with eligibility for reelection. The commission shall adopt rules for and keep a record of its transactions, findings and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may

¹Municipal code reference

Planning commission to approve plans as prerequisites to permit for mobile home parks: § 14-502.

Zoning ordinance: title 14.

State law reference

Creation of planning commission, appointment of members, term of office, vacancies: Tennessee Code Annotated, § 13-4-101.

require. The expenditures for the commission, except for gifts, shall be within the amounts appropriated for the purpose by the city council.¹ (1998 Code, § 2-503)

14-704. Powers and duties. The planning commission shall have all the powers, duties and responsibilities as set forth in Tennessee Code Annotated, title 13, chapters 4, and 7. (1998 Code, § 2-504)

¹State law reference

Similar provisions: Tennessee Code Annotated, § 13-4-102

TITLE 15**MOTOR VEHICLES, TRAFFIC AND PARKING¹****CHAPTER**

1. MISCELLANEOUS.
2. TRAFFIC ADMINISTRATION.
3. CITATIONS FOR VIOLATIONS.
4. TRAFFIC VIOLATIONS BUREAU.
5. TRAFFIC ENGINEER.
6. TRAFFIC DIVISION.
7. RESERVED FOR FUTURE USE.
8. ACCIDENTS.
9. PEDESTRIANS.
10. ONE-WAY STREETS AND ALLEYS.
11. STOP AND YIELD INTERSECTIONS.
12. TURNING MOVEMENTS.
13. SPEED REGULATIONS.
14. TRAFFIC-CONTROL DEVICES.
15. STOPPING, STANDING AND PARKING.
16. SIZE, LOAD, CONDITION AND EQUIPMENT OF VEHICLES.
17. BICYCLES, MOTORCYCLES AND MOTOR-DRIVEN CYCLES.

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

- 15-101. Definitions.
- 15-102. Obedience to chapter.
- 15-103. Duty of police to enforce traffic laws.
- 15-104. Authority of police to direct traffic.

¹Municipal code references

Traffic commission: title 2.

Court costs for traffic violations: title 3.

Garbage collection vehicles: title 17.

Abandoned, wrecked, etc., vehicles: title 9.

Streets and sidewalks: title 16.

Vehicles for hire: title 9.

State law reference

Motor vehicles: Tennessee Code Annotated, title 55.

- 15-105. Fire fighters may direct traffic.
- 15-106. Obedience to traffic officers.
- 15-107. Persons propelling pushcarts or riding, driving animals subject to provisions of chapter.
- 15-108. Obedience by public employees.
- 15-109. Use of roller skates, roller blades, skateboards, coasters, or other similar play vehicles.
- 15-110. Riding on portions of vehicles not intended for passengers.
- 15-111. Authorized emergency vehicles--operation generally.
- 15-112. Operation of other vehicles upon approach.
- 15-113. Following, parking near fire apparatus.
- 15-114. Driving over fire hose.
- 15-115. Driving in processions.
- 15-116. When permits required for processions.
- 15-117. Driving through funeral or other processions.
- 15-118. Identification of funeral procession.
- 15-119. Driving on sidewalk.
- 15-120. Limitations on backing.
- 15-121. Authority to resist use of cycles and non-motorized vehicles.
- 15-122. Clinging to vehicles.
- 15-123. Opening and closing vehicle doors.
- 15-124. Boarding or alighting from moving vehicles.
- 15-125. Driving on controlled--access roadways.
- 15-126. Driving through safety zones.
- 15-127. Play streets--authority to establish
- 15-128. Vehicular traffic restricted.
- 15-129. Compliance with financial responsibility law required.
- 15-130. Engine compression braking devices regulated.
- 15-131. Adoption of state traffic statutes.

15-101. Definitions. As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

(1) "Authorized emergency vehicle." Fire department vehicles, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police.

(2) "Bicycle." Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than twenty inches (20") in diameter.

(3) "Business district." The territory contiguous to and including a highway when within any six hundred feet (600') along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which

occupy at least three hundred feet (300') of frontage on one (1) side or three hundred feet (300') collectively on both sides of the highway.

(4) "Central business district." All streets and portions of streets within the area described as follows: All that area bounded by Jefferson Street on the north; by Water Street on the east; by Lafayette Street on the south; and by Washington Street on the west.

(5) "Commercial vehicle." Every vehicle designed, maintained, or used primarily for the transportation of property.

(6) "Controlled-access highway." Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(7) "Crosswalk." (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(8) "Curb loading zone." A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(9) "Driver." Every person who drives or is in actual physical control of a vehicle.

(10) "Freight loading zone." A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

(11) "Highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. The terms "street" and "highway" are synonymous and interchangeable.

(12) "Intersection." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

(13) "Laned roadway." A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(14) "Motor vehicle." Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(15) "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.

(16) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, and every bicycle with a motor attached.

(17) "Official time standard." Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in this city.

(18) "Official traffic-control devices." All signs, signals, markings and devices not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(19) "Park or parking." The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(20) "Parking meter." A mechanical device located upon a public street or sidewalk in a place regularly designed as a parking zone as hereinafter defined, which device shall record a certain number of minutes by the use of a clock mechanism determining the period of time for which parking privileges may be extended to the person so depositing a coin.

(21) "Parking meter zone." A certain designated and marked off section of the public street within the marked boundaries where the vehicle may be temporarily parked and allowed to remain for such period of time as the parking meter attached thereto may indicate.

(22) "Passenger curb loading zone." A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(23) "Pedestrian." Any person afoot.

(24) "Police officer." Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(25) "Private road or driveway." Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(26) "Railroad." A carrier of person or property upon cars, other than streetcars, operated upon stationary rails.

(27) "Residence district." The territory contiguous to and including a highway not comprising a business district.

(28) "Railroad train." A steam engine, electric or other motor vehicle, with or without cars coupled thereto, operated upon rails.

(29) "Right-of-way." The privilege of the immediate use of the roadway.

(30) "Roadway." That portion of a street between the regularly established curb lines.

(31) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(32) "Sidewalk." That portion of a street between the curb lines and the adjacent property lines.

(33) "Stand" or "standing." Means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

(34) "Stop." When required means complete cessation from movement.

(35) "Stop" or "stopping." When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(36) "Street." Every way set apart for public travel, except alleyways, bridle paths, and foot paths.

(37) "Through highway." Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this title.

(38) "Traffic." Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

(39) "Traffic division." The traffic division of the police department of this city, or in the event a traffic division is not established, then said term, whenever used herein, shall be deemed to refer to the police department of this city.

(40) "Traffic-control signal." Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(41) "Vehicle." Any device by which any person or property may be transported upon a public highway, except those operated upon rails and permanent tracks. (1998 Code, § 15-101)

15-102. Obedience to chapter. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter. (1998 Code, § 15-102)

15-103. Duty of police to enforce traffic laws. It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city.¹ (1998 Code, § 15-103)

15-104. Authority of police to direct traffic. Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.² (1998 Code, § 15-104)

15-105. Fire fighters may direct traffic. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.³ (1998 Code, § 15-105)

15-106. Obedience to traffic officers. No person shall wilfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (1998 Code, § 15-106)

15-107. Persons propelling pushcarts or riding, driving animals subject to provisions of chapter. Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except such provisions as by their very nature can have no application.⁴ (1998 Code, § 15-107)

¹Municipal code references

Police: title 6.

Powers and duties of police department generally: title 6.

Control of traffic at excavation sites: title 16.

²Municipal code reference

Police: title 6.

³Municipal code references

Fire prevention and protection: title 7.

Duties and responsibilities of fire department generally: title 7.

⁴State law reference

Persons riding animals or driving animal-drawn vehicles: Tennessee Code Annotated, § 55-8-105.

15-108. Obedience by public employees. The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this state, county or city. It shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.¹ (1998 Code, § 15-108)

15-109. Use of roller skates, roller blades, skateboards, coasters, or other similar play vehicles. (1) No person upon roller skates, roller blades, skateboards, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk. When so crossing such person shall be granted all the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by this code.

(2) It shall be unlawful for any person or persons to use roller skates, roller blades, skateboards, coasters, or similar vehicles, toys or articles on wheels or a runner in the business district of the city, which is more particularly described as follows: All that area bounded by Jefferson Street on the north; by Water Street on the east; by Lafayette Street on the south; and by Jones Street on the west.

(3) No person shall use roller skates, roller blades, skateboards, coasters, or other similar play vehicles, on any public or private property where signs have been posted at the entrance or displayed prominently on the property prohibiting such use. (1998 Code, § 15-109)

15-110. Riding on portions of vehicles not intended for passengers. No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. (1998 Code, § 15-110)

15-111. Authorized emergency vehicles--operation generally.

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

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

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

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

¹State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-106.

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

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

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds such audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with a least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle; provided, however, that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.¹ (1998 Code, § 15-111)

15-112. Operation of other vehicles upon approach. (1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals required by § 15-111, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.² (1998 Code, § 15-112)

15-113. Following, parking near fire apparatus. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet (500') or drive

¹Municipal code reference

Other vehicles to yield right-of-way upon approach of authorized emergency vehicles: § 15-112.

State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-108.

²Similar provisions: Tennessee Code Annotated, § 55-8-132.

into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.¹ (1998 Code, § 15-113)

15-114. Driving over fire hose. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.² (1998 Code, § 15-114)

15-115. Driving in processions. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe. (1998 Code, § 15-115)

15-116. When permits required for processions. No funeral procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the forces of the United States Army or Navy, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as set forth herein which may apply. (1998 Code, § 15-116)

15-117. Driving through funeral or other processions. 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 as required in this title. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers. (1998 Code, § 15-117)

15-118. Identification of funeral procession. A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic division. (1998 Code, § 15-118)

¹State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-168.

²State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-169.

15-119. Driving on sidewalk. The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.¹ (1998 Code, § 15-119)

15-120. Limitations on backing. The driver of vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.² (1998 Code, § 15-120)

15-121. Authority to restrict use of cycles and non-motorized vehicles. (1) The city traffic engineer is hereby authorized to determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles, horse-drawn vehicles or other non-motorized traffic and shall erect appropriate signs giving notice thereof.

(2) When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs. (1998 Code, § 15-121)

15-122. Clinging to vehicles. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.³ (1998 Code, § 15-122)

15-123. Opening and closing vehicle doors. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (1998 Code, § 15-123)

15-124. Boarding or alighting from moving vehicles. No person shall board or alight from any vehicle while such vehicle is in motion. (1998 Code, § 15-124)

15-125. Driving on controlled-access roadways. No person shall drive a vehicle onto or from any controlled-access roadway except at such

¹Municipal code reference
Streets and sidewalks: title 16.

²State law reference
Similar provisions: Tennessee Code Annotated, § 55-8-163.

³State law reference
Similar provisions: Tennessee Code Annotated, § 55-8-174.

entrances and exits as are established by public authority.¹ (1998 Code, § 15-125)

15-126. Driving through safety zones. No vehicle shall at any time be driven through or within a safety zone. (1998 Code, § 15-126)

15-127. Play streets--authority to establish. The city traffic engineer shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.² (1998 Code, § 15-127)

15-128. Vehicular traffic restricted. Whenever authorized signs are erected designating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and drivers of such vehicles shall exercise the greatest care in driving upon any such street or portion thereof. (1998 Code, § 15-128)

15-129. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

¹State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-126.

²Municipal code reference

streets and sidewalks: title 16.

(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 (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by 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. (1998 Code, § 15-129)

15-130. Engine compression braking devices regulated. (1) All truck tractor and semi-trailers operating within the City of Bolivar shall conform to the visual exhaust system inspection requirements, 40 CFR 202.22, of the Interstate Motor Carriers Noise Emission Standards.

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

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

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

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

(3) Violations of this section shall subject the offender to a fine of fifty dollars (\$50.00) per offense.

(4) This section shall be supplemental to other noise control ordinances and regulations¹ of the city. (1998 Code, § 15-130)

15-131. Adoption of state traffic statutes. All violations of state regulations for the operation of vehicles committed within the corporate limits of the municipality and which are defined by state law are hereby designated and declared to be offenses against the City of Bolivar also. This provision shall not apply to any offenses in which the state courts have exclusive jurisdiction. (1998 Code, § 15-1901)

¹Municipal code reference

Offenses against peace and quiet: title 11, chapter 3.

CHAPTER 2

TRAFFIC ADMINISTRATION

SECTION

15-201. Records of violations required.

15-202. Record of traffic cases; report to department of safety.

15-203. Files on drivers.

15-204. Emergency and experimental regulations; testing of devices.

15-205. Disposition of fines and forfeitures.

15-201. Records of violations required. (1) The police departments or the traffic division thereof shall keep a record of all violations of the traffic ordinance of the city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.

(2) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(3) All such records and reports shall be public records. (1998 Code, § 15-201)

15-202. Record of traffic cases; report to department of safety.

(1) The city judge shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to the city court or its traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to said court or traffic violations bureau.

(2) Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other ordinance of the city or law regulating the operation of vehicles on highways the city judge shall prepare and immediately forward to the state department of safety an abstract of the convicted or forfeited bail, certified by the city judge to be true and correct. Convictions involving the illegal parking or standing of a vehicle need not be included.

(3) Said abstract must be made upon a form furnished by the state department of safety and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the

registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited and the amount of the fine or forfeiture as the case may be.

(4) Every court of record shall also forward a like report to the state department of safety upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

(5) The failure, refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal. (1998 Code, § 15-202)

15-203. Files on drivers. (1) The police department or the traffic division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

(2) The traffic division shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, shall attempt to discover the reasons therefor and shall take whatever steps are lawful and reasonable to prevent the same or to have the licenses of such persons suspended or revoked.

(3) Such records shall accumulate during at least a five (5) year period and from that time on such records shall be maintained complete for at least the most recent five (5) year period. (1998 Code, § 15-203)

15-204. Emergency and experimental regulations; testing of devices. (1) The chief of police by and with the approval of the city traffic engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic laws of this city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulations shall remain in effect for more than ninety (90) days.

(2) The city traffic engineer may test traffic-control devices under actual conditions of traffic. (1998 Code, § 15-204)

15-205. Disposition of fines and forfeitures. All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this chapter shall be paid into the general fund of the city. (1998 Code, § 15-205)

CHAPTER 3

CITATIONS FOR VIOLATIONS

SECTION

- 15-301. Forms and records.
- 15-302. Issuance of citation.
- 15-303. Disposition and records of citations.
- 15-304. Illegal cancellation of citations.
- 15-305. Audit of records and reports.
- 15-306. Failure to answer citation.
- 15-307. Placing citation on illegally parked vehicle.
- 15-308. Warrants to be issued for persons failing to appear.
- 15-309. Copy of citation as lawful complaint.

15-301. Forms and records. (1) The city administrator shall provide books to include traffic citation forms for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances in the city court. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed and approved jointly by the mayor and the chief of police.

(2) The city administrator shall issue such books to the chief of police or his duly authorized agent and shall maintain a record of every book so issued and shall require a written receipt for every such book.

(3) The chief of police shall be responsible for the issuance of such books to individual members of the police department. The chief of police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein. (1998 Code, § 15-301, modified)

15-302. Issuance of citation. Except when authorized or directed under state law to immediately take a person before a judge for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall take the name, address, and operator's license number of said person, the registered number of the motor vehicle involved and such other pertinent information as may be necessary, and shall issue to him, in writing, on a form provided by the city administrator, a traffic citation containing a notice to answer to the charge against him in the city court at a time at least five (5) days after such alleged violation to be specified in said citation. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. (1998 Code, § 15-302, modified)

15-303. Disposition and records of citations. (1) Every police officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any provisions of this chapter or other traffic ordinances of the city shall deposit the original and a duplicate copy of the citation with his immediate superior officer who shall cause the original to be delivered to the city court and the duplicate copy to the central records section of the police department. Another duplicate copy of the citation shall be retained in the traffic citation book and shall be delivered by such superior officer to the city administrator, together with such book when all traffic citations therein have been used.

(2) Upon the filing of such original citation in the city court, the citation may be disposed of only by trial in city court or by other official action by the court, including forfeiture of bail or by payment of a fine to the traffic violations bureau thereof.

(3) The chief of police shall require the return to him of each traffic citation and all copies thereof, except that copy required to be retained in the book, which has been soiled or upon which any entry has been made and has not been issued to an alleged violator.

(4) The chief of police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the police department a record of the disposition of the charge by the city court or its traffic violations bureau.

(5) The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the city judge or by any court on traffic violation charges and which are delivered to the police department for service, and of the final disposition of all such warrants.

(6) It shall be unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter or deface a traffic citation or any copy thereof or the record of the issuance or disposition of any traffic citation, complaint, or warrant in a manner other than as required in this chapter. (1998 Code, § 15-303, modified)

15-304. Illegal cancellation of citations. It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided by this chapter. (1998 Code, § 15-304)

15-305. Audit of records and reports. (1) Every record of traffic citations, complaints thereon and warrants issued therefor shall be audited at least quarterly by the city administrator who shall submit a report of such audit together with a summary thereof to the mayor. Such reports shall be public records.

(2) For the purpose of this chapter, the city administrator or his duly authorized representatives shall have access at all times to all necessary

records, files and papers of the city court, its traffic violations bureau, and the police department. (1998 Code, § 15-305, modified)

15-306. Failure to answer citation. It shall be unlawful for any person to fail to answer a traffic citation issued to him. (1998 Code, § 15-306)

15-307. Placing citation on illegally parked vehicle. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code or other ordinance of this city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the city administrator, for the driver to answer to the charge against him within five (5) days during the hours and at a place specified in the citation. (1998 Code, § 15-307, modified)

15-308. Warrants to be issued for persons failing to appear. In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the city court of traffic violations bureau, or if any person fails or refuses to deposit bail within the time required, the city judge shall issue a warrant for his arrest. (1998 Code, § 15-308)

15-309. Copy of citation as lawful complaint. In the event the form of citation provided under §15-301, includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offense alleged in the citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this code. (1998 Code, § 15-309)

CHAPTER 4

TRAFFIC VIOLATIONS BUREAU

SECTION

15-401. Established, purpose.

15-402. Authority and duties.

15-403. City judge to designate fines payable to bureau.

15-404. Waiver of court appearance; payment of fine to bureau;
acknowledgment of conviction.

15-405. Records and reports.

15-401. Established, purpose. A traffic violations bureau is hereby established to assist the city court with the clerical work of traffic cases. The bureau shall be under the supervision of the city administrator's office. (1998 Code, § 15-401, modified)

15-402. Authority and duties. The traffic violations bureau shall:

(1) Accept designated fines, issue receipts, and represent in court such violators as are permitted and desired to plead guilty, waive court appearance, and give power of attorney.

(2) Receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting officer and witnesses, if any, to be present.

(3) Keep an easily accessible record of all violations of which each person has been guilty during the preceding twelve (12) months, whether such guilt was established in court or in the traffic violations bureau.

(4) Follow such procedure as may be prescribed by applicable provisions of this code or as may be required by any laws of this state. (1998 Code, § 15-402)

15-403. City judge to designate fines payable to bureau. The city judge shall designate the specified offenses under this chapter or the state traffic laws in respect to which payments of fines may be accepted by the traffic violations bureau in satisfaction thereof, and shall specify by suitable schedules the amount of such fines for first, second, and subsequent offenses, provided such fines are within the limits declared by law or applicable provision of this code, and shall further specify what number of such offenses shall require appearance before the court. (1998 Code, § 15-403)

15-404. Waiver of court appearance; payment of fine to bureau; acknowledgment of conviction. (1) Any person charged with an offense for which payment of a fine may be made to the traffic violations bureau shall have the option of paying such fine within the time specified in the notice of arrest at

the traffic violations bureau upon entering a plea of guilty and upon waiving appearance in court; or he may elect to deposit the required lawful bail and be tried in city court under a plea of not guilty.

(2) Payment of a fine to the bureau shall be deemed an acknowledgment of conviction of the alleged offense and the bureau, upon accepting the prescribed fine, shall issue a receipt to the violator. (1998 Code, § 15-404)

15-405. Records and reports. The traffic violations bureau shall keep records and submit summarized monthly reports to the mayor of all notices issued and arrests made for violations of traffic laws and provisions of this code relating to traffic, of all fines collected by the bureau or the court, and of the final disposition or present status of every case. Such records shall be so maintained as to show all types of violations and the totals of each, and shall be public records. (1998 Code, § 15-405)

CHAPTER 5**TRAFFIC ENGINEER****SECTION**

15-501. Office established.

15-502. Chief of police to serve as traffic engineer.

15-503. Duties generally.

15-501. Office established. The office of city traffic engineer is hereby established. (1998 Code, § 15-501)

15-502. Chief of police to serve as traffic engineer. The chief of police shall serve as city traffic engineer in addition to his other functions. (1998 Code, § 15-502)

15-503. Duties generally. It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions, to plan the operation of traffic on the streets and highways of the city, to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by this chapter and other ordinances of the city. (1998 Code, § 15-503)

CHAPTER 6

TRAFFIC DIVISION

SECTION

15-601. Established.

15-602. Duties generally.

15-603. Investigation of accidents.

15-604. Cooperation with the traffic engineer in accident studies.

15-605. Accident report files.

15-606. Annual report.

15-601. Established. There is hereby established in the police department of the city a traffic division, to be under the control of an officer of police appointed by and directly responsible to the chief of police.¹ (1998 Code, § 15-601)

15-602. Duties generally. It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate accidents and to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed upon the traffic division by this chapter and any other traffic ordinances of the city. (1998 Code, § 15-602)

15-603. Investigation of accidents. It shall be the duty of the traffic division, assisted by other police officers of the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents. (1998 Code, § 15-603)

15-604. Cooperation with the traffic engineer in accident studies. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures. (1998 Code, § 15-604)

15-605. Accident report files. The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards

¹Municipal code reference
Police: title 6.

referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer. (1998 Code, § 15-605)

15-606. Annual report. The traffic division shall annually prepare a traffic report which shall be filed with the mayor. Such report shall contain information on traffic matters in this city as follows:

(1) The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent traffic accident data.

(2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police.

(3) The plans and recommendations of the division for future traffic safety activities. (1998 Code, § 15-606)

CHAPTER 7

RESERVED FOR FUTURE USE

CHAPTER 8

ACCIDENTS

SECTION

15-801. Immediate notice to police required.

15-802. Reports required.

15-803. Reports confidential.

15-801. Immediate notice to police required. The driver of a vehicle involved in an accident in the city resulting in injury to or death of any person or property damage to an apparent extent of fifty dollars (\$50.00) or more shall immediately by the quickest means of communication give notice of such accident to the police department.¹ (1998 Code, § 15-801)

15-802. Reports required. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any persons or total property damage to an apparent extent of four hundred dollars (\$400.00) or more shall, within twenty (20) days after such accident, forward a written report of such accident to the police department or a copy of any report he is required to forward to the state. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat.² (1998 Code, § 15-802, modified)

15-803. Reports confidential. (1) All accident reports made by persons involved in accidents or by garages as required by §§ 15-801, 15-802, and 15-804 shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department or other governmental agencies having use of the records for accident prevention purposes or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the identity of a person involved in an accident may be disclosed when such identity is not otherwise known or when such person denies his presence at such accident.

(2) All accident reports and supplemental information filed in connection with the administration of the laws of this state relating to the deposit of security or proof of financial responsibility shall be confidential and

¹State law reference

Similar provisions: Tennessee Code Annotated, § 55-10-106.

²State law reference

Similar provisions: Tennessee Code Annotated, § 55-10-107.

not open to general public inspection, nor shall copying of lists of such reports be permitted, except, however, that such reports and supplemental information may be examined by any person named therein or by his representative designated in writing.

(3) No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the police department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law.¹ (1998 Code, § 15-805)

¹State law reference

Similar provisions: Tennessee Code Annotated, § 55-10-114.

CHAPTER 9

PEDESTRIANS¹

SECTION

- 15-901. Subject to traffic regulations.
- 15-902. Right-of-way in crosswalks.
- 15-903. To use right half of crosswalks.
- 15-904. To cross at right angles; exception.
- 15-905. Crossing at other than crosswalks.
- 15-906. Obedience to railroad signals.
- 15-907. Pedestrians on roadways.
- 15-908. Soliciting rides or business.
- 15-909. Drivers to exercise due care.

15-901. Subject to traffic regulations. Pedestrians shall be subject to traffic-control signals as provided in §§ 15-1405 and 15-1406 of this code, but at all other places pedestrians shall have the privileges and shall be subject to the restrictions stated in this chapter.² (1998 Code, § 15-901)

15-902. Right-of-way in crosswalks. (1) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(3) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.³ (1998 Code, § 15-902)

¹State law reference

Right-of-way of pedestrians led by guide dog or carrying identifying cane: Tennessee Code Annotated, § 55-8-180.

²State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-133.

³State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-134.

15-903. To use right half of crosswalks. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.¹ (1998 Code, § 15-903)

15-904. To cross at right angles; exception. No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk; provided, however, that at intersections where traffic-control signals have traffic stopped in all directions these provisions shall not apply to pedestrians crossing within the area common to both intersecting roadways. (1998 Code, § 15-904)

15-905. Crossing at other than crosswalks. (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

(4) No pedestrian shall cross a roadway other than in a crosswalk in any business district.² (1998 Code, § 15-905)

15-906. Obedience to railroad signals. No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. (1998 Code, § 15-906)

15-907. Pedestrians on roadways. (1) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(2) Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.³ (1998 Code, § 15-907)

¹State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-137.

²State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-135.

³State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-138.

15-908. Soliciting rides or business. (1) No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(2) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.¹ (1998 Code, § 15-908)

15-909. Drivers to exercise due care. Notwithstanding any other provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.² (1998 Code, § 15-909)

¹State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-139.

²State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-136.

CHAPTER 10**ONE-WAY STREETS AND ALLEYS¹****SECTION**

15-1001. Signs required; placement and maintenance.

15-1002. Direction of movement on streets during certain periods restricted.

15-1001. Signs required; placement and maintenance. Whenever this code or any ordinance of this city designates any one-way street or alley, the city traffic engineer shall place and maintain signs giving notice thereof. No such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (1998 Code, § 15-1001)

15-1002. Direction of movement on streets during certain periods restricted. (1) The city traffic engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The city traffic engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

(2) It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section. (1998 Code, § 15-1002)

¹Municipal code reference

Streets and sidewalks: title 16.

State law reference

One-way roads and rotary traffic islands: Tennessee Code Annotated, § 55-8-122.

CHAPTER 11

STOP AND YIELD INTERSECTIONS

SECTION

- 15-1101. Designation of stop and yield intersections by traffic engineer.
- 15-1102. Stop and yield signs--streets and intersections requiring.
- 15-1103. Specification; illumination; placement.
- 15-1104. Vehicle entering stop intersection.
- 15-1105. Vehicle entering yield intersection.
- 15-1106. Emerging from alley, driveway or building.
- 15-1107. Blocking intersections.

15-1101. Designation of stop and yield intersections by traffic engineer. The city traffic engineer is hereby authorized to determine and designate intersections where a particular hazard exists upon other than through streets and to determine:

(1) Whether vehicles shall stop at one (1) or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required, or

(2) Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in § 15-1105(1), in which event he shall cause to be erected a yield sign at every place where obedience thereto is required. (1998 Code, § 15-1101)

15-1102. Stop and yield signs--streets and intersections requiring. Whenever this code or any ordinance of the city designates and describes a through street it shall be the duty of the city traffic engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the city traffic engineer upon the basis of an engineering and traffic study. (1998 Code, § 15-1102)

15-1103. Specifications; illumination; placement. (1) Every stop sign shall bear the word "Stop" in letters not less than eight inches (8") in height. Every yield sign shall bear the word "Yield" in letters not less than seven inches (7") in height. Every stop sign and every yield sign shall, at nighttime, be rendered luminous by internal illumination or by a floodlight projected on the face of the sign, or by efficient reflecting elements in the face of the sign.

(2) Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway. (1998 Code, § 15-1103)

15-1104. Vehicle entering stop intersection. (1) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(2) Such driver, after having stopped, shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.¹ (1998 Code, § 15-1104)

15-1105. Vehicle entering yield intersection. (1) The driver of a vehicle who is faced with a yield sign at the entrance to a through highway or other public roadway is not necessarily required to stop, but is required to exercise caution in entering the highway or other roadway and to yield the right-of-way to other vehicles which have entered the intersection from the highway or other roadway, or which are approaching so closely on the highway or other roadway as to constitute an immediate hazard, and the driver having so yielded may proceed when the way is clear.

(2) Where there is provided more than one (1) lane for vehicular traffic entering a through highway or other public roadway, if one (1) or more lanes at such entrance is designated a yield lane by an appropriate marker, this subsection shall control the movement of traffic in any lane so marked with a yield sign, even though traffic in other lanes may be controlled by an electrical signal device or other signs, signals, markings or controls.² (1998 Code, § 15-1105)

¹State law references

Vehicle approaching or entering intersection: Tennessee Code Annotated, § 55-1-128.

²State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-130.

15-1106. Emerging from alley, driveway or building. The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.¹ (1998 Code, § 15-1106)

15-1107. Blocking intersections. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (1998 Code, § 15-1107)

¹State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-150.

CHAPTER 12

TURNING MOVEMENTS

SECTION

- 15-1201. Required position and method of turning at intersections.
- 15-1202. Turning markers, signs, etc., indicating course of travel.
- 15-1203. Restricted turn signs.
- 15-1204. Limitations on "U" turns.

15-1201. Required position and method of turning at intersections. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) **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.

(2) **Left turns on two-way roadways.** At any intersection where the traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) **Left turns on other than two-way roadways.** At any intersection where traffic is restricted to one direction on one (1) 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.¹ (1998 Code, § 15-1201)

15-1202. Turning markers, signs, etc., indicating course of travel.

(1) The city traffic engineer is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by this code, state law or other ordinance of the city.

¹State law reference

Similar provisions Tennessee Code Annotated, § 55-8-140.

(2) When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.¹ (1998 Code, § 15-1202)

15-1203. Restricted turn signs. (1) The city traffic engineer is hereby authorized to determine those intersections at which drivers of vehicles shall make no right, left, or "U" turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

(2) All persons operating vehicles on the streets of the city shall obey all authorized signs prohibiting right, left or "U" turns. (1998 Code, § 15-1203)

15-1204. Limitations on "U" turns. No person operating a vehicle in the city shall turn such vehicle so as to proceed in the opposite direction upon any street in a business district or upon any other street unless such movement can be made in safety and without interfering with other traffic. (1998 Code, § 15-1204)

¹State law reference

Local authority to place turn markers, etc.,: Tennessee Code Annotated, § 55-8-140(d).

CHAPTER 13**SPEED REGULATIONS¹****SECTION**

15-1301. Speed limit generally.

15-1302. Specific limits.

15-1303. Regulations of speed by signals.

15-1301. Speed limit generally. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street of this city in excess of thirty (30) miles per hour, except where signs have been placed authorizing speeds in excess of thirty (30) miles per hour, but never to exceed forty-five (45) miles per hour.² (1998 Code, § 15-1301)

15-1302. Specific limits. It shall be unlawful for any person to operate or drive a motor vehicle at a speed in excess of fifteen (15) miles per hour:

(1) Through any intersection, except on a through street or on a street regulated by traffic-control signals or signs which stop or require traffic to yield on the intersecting street.

(2) Through any school zone or near any playground in this city when official signs indicating such speed limits have been posted by the traffic engineer. The provisions of this subsection are applicable to school zones where there are no playgrounds, only when the children are out for recess or when the children are going to or leaving school during its opening or closing hours.

(3) Through any congested area when official signs indicating such speed limit have been posted by the traffic engineer. (1998 Code, § 15-1302)

15-1303. Regulations of speed by signals. The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof. (1998 Code, § 15-1303)

¹State law reference

Speed regulations generally: Tennessee Code Annotated, §§ 5-8-152 through 55-8-157.

²State law reference

Authority to establish speed limits: Tennessee Code Annotated, § 55-8-153.

CHAPTER 14

TRAFFIC-CONTROL DEVICES¹

SECTION

- 15-1401. Installation and maintenance.
- 15-1402. Manual for traffic-control devices.
- 15-1403. Obedience required.
- 15-1404. Devices to be in place before certain regulation enforced.
- 15-1405. Traffic-control legend.
- 15-1406. Signals at places other than intersections.
- 15-1407. Obedience to signal indicating approach of train.
- 15-1408. Pedestrian-control signals.
- 15-1409. Flashing signals.
- 15-1410. Display of unauthorized devices.
- 15-1411. Interference with devices or signs.
- 15-1412. Designation of crosswalks and safety zones.
- 15-1413. Traffic lanes.

15-1401. Installation and maintenance. The city traffic engineer shall place and maintain traffic-control signs, signals and devices when as required under this code and other traffic ordinances of the city to make effective the provisions of such code and ordinances, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic laws of this code and other traffic ordinances of the city or under state law or to guide or warn traffic. (1998 Code, § 15-1401)

15-1402. Manual for traffic-control devices. All traffic-control signs, signals and devices shall conform to the Manual on Uniform Traffic Control Devices for Streets and highways as supplemented and amended, published by the Public Roads Administration (Bureau of Public Roads) of the Federal Government. (1998 Code, § 15-1402)

15-1403. Obedience required. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with this code and other traffic ordinances of the city, unless otherwise directed by a traffic or police officer, subject to the exceptions granted

¹State law reference

Traffic-control devices generally: Tennessee Code Annotated, § 55-8-110.

the driver of an authorized emergency vehicle in this chapter.¹ (1998 Code, § 15-1403)

15-1404. Devices to be in place before certain regulations enforced. No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.² (1998 Code, § 15-1404)

15-1405. Traffic-control legend. Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution" or "Stop" or exhibiting different colored lights successively one at a time or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green alone or "Go."

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

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Yellow alone or "Caution" when shown following the green or "Go" signal.

(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 cross the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(3) 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

¹State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-109(a).

²State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-109(b).

entering the intersection and shall remain standing until green or "Go" is shown alone; provided however, that nothing in this code or other traffic ordinances of the city shall be construed as prohibiting turns on a red signal after coming to a complete stop where an official sign is posted by the appropriate authorities permitting such turns, if such a turn will not endanger other traffic lawfully using said intersection.

(b) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(4) Red with green arrow.

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.¹ (1998 Code, § 15-1405)

15-1406. Signals at places other than intersections. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. (1998 Code, § 15-1406)

15-1407. Obedience to signal indicating approach of train.

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(c) A railroad train approaching within approximately one thousand five hundred feet (1,500') of the highway crossing emits a signal

¹State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-110.

audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

(d) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.¹ (1998 Code, § 15-1407)

15-1408. Pedestrian-control signals. Whenever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place such signals shall indicate 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 a sidewalk or safety zone while the wait signal is showing.² (1998 Code, § 15-1408)

15-1409. Flashing signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

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

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

(2) This section shall not apply to railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in § 15-1407 of this code.³ (1998 Code, § 15-1409)

¹State law reference

Similar provisions: Tennessee Code Annotated, § 58-8-145.

²State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-111.

³State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-112.

15-1410. Display of unauthorized devices. (1) No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the city traffic engineer is hereby empowered to remove the same or cause it to be removed without notice.¹ (1998 Code, § 15-1410)

15-1411. Interference with devices or signs. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon or any other part thereof.² (1998 Code, § 15-1411)

15-1412. Designation of crosswalks and safety zones. The city traffic engineer is hereby authorized:

(1) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

(2) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. (1998 Code, § 15-1412)

15-1413. Traffic lanes. (1) The city traffic engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

(2) Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the

¹State law reference

Similar provisions: Tennessee code annotated, § 55-8-113.

²State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-114.

boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement. (1998 Code, § 15-1413)

CHAPTER 15

STOPPING, STANDING AND PARKING¹

SECTION

- 15-1501. Prohibited in certain specified places.
- 15-1502. Obstructing traffic.
- 15-1503. Parking in alleys.
- 15-1504. Parking for display of vehicle for sale or repair.
- 15-1505. Parking adjacent to schools.
- 15-1506. Parking on narrow street.
- 15-1507. Parking on one-way streets.
- 15-1508. Parking on divided highways.
- 15-1509. Parking near hazardous or congested areas.
- 15-1510. All-night parking.
- 15-1511. Removal of illegally parked vehicles.
- 15-1512. Manner of parking on roadways.
- 15-1513. Angle parking.
- 15-1514. Lights on parked vehicles.
- 15-1515. Curb loading zones--designation.
- 15-1516. Standing in passenger zone.
- 15-1517. Standing in freight loading zone.
- 15-1518. Designation of public carrier stops and stands.
- 15-1519. Stopping, Standing, parking of busses, taxicabs.
- 15-1520. Use of bus, taxicab stands by other vehicles prohibited.
- 15-1521. Permit for loading or unloading at angle to curb.
- 15-1522. Presumption in reference to illegal parking.
- 15-1523. Parking prohibited at all times on designated streets.
- 15-1524. Parking prohibited during certain times on designated streets.
- 15-1525. Parking time limited.
- 15-1526. Parking restrictions to be indicated by appropriate signs.
- 15-1527. Application of section.
- 15-1528. Provisions not exclusive.
- 15-1529. Vehicle weights.

15-1501. Prohibited in certain specified places. (1) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

¹Municipal code references

Parking spaces in mobile home park: title 14.

Taxicabs subject to general parking regulations: title 9.

- (a) On a sidewalk.
 - (b) In front of public or private driveway.
 - (c) Within an intersection.
 - (d) Within fifteen feet (15') of a fire hydrant.
 - (e) On a crosswalk.
 - (f) Within twenty feet (20') of a crosswalk at an intersection.
 - (g) Within thirty feet (30') upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
 - (h) Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless the city traffic engineer indicates a different length by signs or markings.
 - (i) Within fifty feet (50') of the nearest rail of a railroad crossing.
 - (j) Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet (75') of said entrance.
 - (k) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
 - (l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (m) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
 - (n) At any place where official signs prohibit stopping.
- (2) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.¹ (1998 Code, § 15-1501)

15-1502. Obstructing traffic. No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for free movement of vehicular traffic. (1998 Code, § 15-1502)

15-1503. Parking in alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. (1998 Code, § 15-1503)

¹State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-160.

15-1504. Parking for display of vehicle for sale or repair. No person shall park a vehicle upon a roadway for the principal purpose of:

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency. (1998 Code, § 15-1504)

15-1505. Parking adjacent to schools. (1) The city traffic engineer shall erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

- (2) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as provided herein, no person shall park a vehicle in any such designated place. (1998 Code, § 15-1505)

15-1506. Parking on narrow streets. (1) The city traffic engineer is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty feet (20'), or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty feet (30').

- (2) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign. (1998 Code, § 15-1506)

15-1507. Parking on one-way streets. The city traffic engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violations of any such sign. (1998 Code, § 15-1507)

15-1508. Parking on divided highways. In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such roadway unless signs are erected to permit such standing or parking. The city traffic engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such roadway and to erect signs giving notice thereof. (1998 Code, § 15-1508)

15-1509. Parking near hazardous or congested areas. (1) The city traffic engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred feet (100') in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(2) When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand or park a vehicle in any such designated place. (1998 Code, § 15-1509)

15-1510. All-night parking. No person shall park a vehicle on any street for a period of time longer than thirty (30) minutes between the hours of 2:00 A.M. and 5:00 A.M. of any day except in case of an emergency. (1998 Code, § 15-1510)

15-1511. Removal of illegally parked vehicles. (1) Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the city under the circumstances hereinafter enumerated.

(a) When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

(b) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(c) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(2) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(3) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice as hereinabove provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the

reasons for such removal, and the name of the garage or place where the vehicle is stored.¹ (1998 Code, § 15-1511)

15-1512. Manner of parking on roadways. Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches (18") of the right-hand curb.² (1998 Code, § 15-1512)

15-1513. Angle parking. (1) The city traffic engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any federal aid or state highway within this city unless the state department of highways and public works has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(2) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

(3) On those streets which have been signed or marked by the city traffic engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (1998 Code, § 15-1513)

15-1514. Lights on parked vehicles. (1) Whenever a vehicle is lawfully parked upon a street or highway during the hours between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet (500') upon such street or highway no lights need be displayed upon such parked vehicle.

(2) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet (500') upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps which shall exhibit white or amber light on the roadway side visible from a distance five hundred feet (500') to the

¹State law reference

Officers authorized to remove illegally stopped vehicles: Tennessee Code Annotated, § 55-8-159.

²State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-161(a).

front of the vehicle and a red light visible from a distance of five hundred feet (500') to the rear of the vehicle.

(3) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. (1998 Code, § 15-1514)

15-1515. Curb loading zones--designation. The city traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section and §§ 15-1516 and 15-1517 are applicable. (1998 Code, § 15-1515)

15-1516. Standing in passenger zone. No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes. (1998 Code, § 15-1516)

15-1517. Standing in freight loading zone. (1) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

(2) The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone. (1998 Code, § 15-1517)

15-1518. Designation of public carrier stops and stands. The city traffic engineer is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs. (1998 Code, § 15-1518)

15-1519. Stopping, standing, parking of buses, taxicabs. (1) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

(2) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading and unloading passengers or their

baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

(3) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen inches (18") from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(4) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. (1998 Code, § 15-1519)

15-1520. Use of bus, taxicab stands by other vehicles prohibited.

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (1998 Code, § 15-1520)

15-1521. Permit for loading or unloading at angle to curb. (1) The city traffic engineer is authorized to issue special permits for the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.

(2) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. (1998 Code, § 15-1521)

15-1522. Presumption in reference to illegal parking. (1) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(2) The foregoing stated presumption shall apply only when the procedure as prescribed in §§ 15-306 and 15-309 has been followed. (1998 Code, § 15-1522)

15-1523. Parking prohibited at all times on designated streets. When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any streets or parts of streets so designated. (1998 Code, § 15-1523)

15-1524. Parking prohibited during certain hours on designated streets. When signs are erected giving notice thereof, no person shall park a vehicle between the hours specified thereon on any day except Sundays and public holidays on any of the streets or parts of streets so designated. (1998 Code, § 15-1524)

15-1525. Parking time limited. (1) When signs are erected giving notice thereof no person shall park a vehicle for a period of time longer than indicated on such signs.

(2) Two hour parking limits in certain designated area. No vehicle shall park for longer than two (2) hours on Main and Market Streets from Jackson Street to Lafayette Street and Washington Street to Water Street, effective Monday through Friday from the hours of 9:00 A.M. to 5:00 P.M. with the exception of holidays. The fine for violating this section will be fifteen dollars (\$15.00) for first offense and twenty-five dollars (\$25.00) for second offense and subsequent offenses. (1998 Code, § 15-1525)

15-1526. Parking restrictions to be indicated by appropriate signs. Whenever by this code or any other ordinance of this city any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the city traffic engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense. (1998 Code, § 15-1526)

15-1527. Application of section. The provisions of this section prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device. (1998 Code, § 15-1527)

15-1528. Provisions not exclusive. The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the

stopping, standing or parking of vehicles in specified places or at specified times. (1998 Code, § 15-1528)

15-1529. Vehicle weights. (1) No vehicle over ten thousand (10,000) pounds gross vehicle weight shall be parked on any public street within the City of Bolivar, Tennessee, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only be entering such street at the intersection nearest the destination of the vehicle and proceeding therefrom no farther than the nearest intersection thereafter.

(2) Each twenty-four (24) hour period that such vehicle is parked upon a public street shall constitute a violation of this section and shall be punishable by a fine up to fifty dollars (\$50.00). (1998 Code, § 15-1529, modified)

CHAPTER 16**SIZE, LOAD, CONDITION AND EQUIPMENT OF VEHICLES¹****SECTION**

15-1601. Motor vehicles to be equipped as provided by state law.

15-1602. Load restrictions.

15-1603. Commercial vehicles restricted.

15-1601. Motor vehicles to be equipped as provided by state law.

It shall be unlawful to operate any motor vehicle within the city unless the same is equipped with such muffler, lights, brakes, horn and other equipment as is required by state law. (1998 Code, § 15-1701)

15-1602. Load restrictions.

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the weight designated on such signs at any time upon any of the streets of the city. (1998 Code, § 15-1702)

15-1603. Commercial vehicles restricted.

When signs are erected giving notice thereof, no person shall operate any commercial vehicle exceeding the gross weight designated on such signs at any time upon any of the streets of the city, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding therefrom no farther than the nearest intersection thereafter. (1998 Code, § 15-1703)

¹Municipal code reference

Mechanical conditions and equipment requirements for taxicabs: title 9.

State law reference

Vehicle equipment generally; Tennessee Code Annotated, § 5-9-201.

CHAPTER 17

BICYCLES, MOTORCYCLES AND MOTOR-DRIVEN CYCLES¹

SECTION

- 15-1701. Responsibility of parent or guardian.
- 15-1702. Application of section.
- 15-1703. Applicability of general traffic regulations.
- 15-1704. Obedience to traffic signals, etc., turns.
- 15-1705. Riding on seats required.
- 15-1706. Number of riders permitted.
- 15-1707. Speed.
- 15-1708. Driving on right-hand side of street; passing other vehicles.
- 15-1709. Emerging from alley, driveway or building.
- 15-1710. Clinging to moving vehicles.
- 15-1711. Riding more than two abreast prohibited; exception.
- 15-1712. Carrying articles.
- 15-1713. Parking.
- 15-1714. Riding on sidewalks.
- 15-1715. Lights.
- 15-1716. Sounding device required; use of sirens, whistles prohibited.
- 15-1717. Brakes.
- 15-1718. Use of paths.

15-1701. Responsibility of parent or guardian. The parent or guardian of any child under eighteen (18) years of age shall not authorize or knowingly permit such child to violate any of the provisions of this section.² (1998 Code, § 15-1801)

15-1702. Application of section. The provisions of this chapter shall apply whenever any bicycle, motorcycle, or motor-driven cycle is operated upon any street or other place within the corporate limits of the city provided for the travel of vehicles. (1998 Code, § 15-1802)

¹State law references

Bicycles generally: Tennessee Code Annotated, § 55-8-171 through 55-8-177.

Motorcycles generally: Tennessee Code Annotated, §§ 55-9-302 through 55-9-306.

²State law reference

Parent or guardian knowingly permitting minor to violate laws relating to motorcycles: Tennessee Code annotated, § 55-9-307.

15-1703. Applicability of general traffic regulations. Every person riding or operating a bicycle, motorcycle, or motor-driven cycle upon any street or alley in the city shall be subject to the provisions of this code, this chapter and all other traffic ordinances, rules and regulations of the city applicable to the driver or operator of other vehicles except when in conflict with the special provisions of this chapter and except as to those provisions of this chapter or other ordinances, rules and regulations which by their nature can have no application.¹ (1998 Code, § 15-1803)

15-1704. Obedience to traffic signals, etc., turns. Any person operating or riding any bicycle, motorcycle, or motor-driven cycle upon any street in the city shall obey the instructions of official traffic signals, stop signs and all other signs and control devices, unless otherwise directed by a police or traffic officer. Whenever authorized signs are erected indicating that no right or left "U" turn is permitted, no person riding or operating a bicycle, motorcycle, or motor-driven cycle shall disobey the direction of any such sign, except where such person dismounts from such vehicle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. (1998 Code, § 15-1804)

15-1705. Riding on seats required. The driver and all passengers of a bicycle, motorcycle, or motor-driven cycle operated upon any street in the city shall ride upon or astride permanent and regular seats attached thereto.² (1998 Code, § 15-1805)

15-1706. Number of riders permitted. No bicycle, motorcycle, or motor-driven cycle shall be used, while being operated upon any street within the city, to carry more persons at one (1) time than the number for which it is designed and equipped.³ (1998 Code, § 15-1806)

15-1707. Speed. No person shall drive a bicycle, motorcycle, or motor-driven cycle upon any street within the city at a speed greater than that prescribed for other vehicles or at a greater speed than is reasonable and prudent under the conditions and circumstances then existing. (1998 Code, § 15-1807)

¹State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-172.

²State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-173(a).

³State law reference

Similar provisions: Tennessee Code Annotated, § 8-55-173(b).

15-1708. Driving on right-hand side of street; passing other vehicles. Every person riding or driving a bicycle, motorcycle, or motor-driven cycle upon a street within the city shall ride as near to the right-hand side of such street as practicable and shall exercise due care when passing a standing vehicle or one proceeding in the same direction.¹ (1998 Code, § 15-1808)

15-1709. Emerging from alley, driveway or building. The rider or driver of a bicycle, motorcycle, or motor-driven cycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across such alleyway, driveway or building, yield the right-of-way to all pedestrians approaching or traveling on such sidewalk or sidewalk area, and, upon entering the street, shall yield the right-of-way to all vehicles approaching or traveling on such street. (1998 Code, § 15-1809)

15-1710. Clinging to moving vehicles. No person riding upon any bicycle, motorcycle, or motor-driven cycle shall attach the same or himself to any vehicle upon any street within the corporate limits of the city. (1998 Code, § 15-1810)

15-1711. Riding more than two abreast prohibited; exception. Persons riding or operating bicycles, motorcycles, or motor-driven cycles upon the streets of the city shall not ride more than two (2) abreast, except upon paths or other roadways that may be set aside for the exclusive use of bicycles, motorcycles, or motor-driven cycles.² (1998 Code, § 15-1811)

15-1712. Carrying articles. No person operating a bicycle, motorcycle, or motor-driven cycle upon any street within the city shall carry any package, bundle or article which prevents the rider or operator from keeping both hands upon the handlebar or other steering apparatus.³ (1998 Code, § 15-1812)

15-1713. Parking. (1) On streets. No person shall park a bicycle, motorcycle, or motor-driven cycle upon a street in such a position as to interfere with the safety or movement of other vehicles or pedestrian traffic. When such

¹State law reference

Similar provision: Tennessee Code Annotated, § 55-8-175(a).

²State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-175(b).

³State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-176.

vehicles are parked upon the streets, they shall be placed in a designated parking space.

(2) **On sidewalks.** No person shall park a motorcycle or motor-driven cycle upon any sidewalk in the city, except dealers in such vehicles may park a motorcycle or motor-driven cycle upon a sidewalk in front of their places of business for display purposes, provided that it is parked in such a position as not to interfere with the safety or movement of pedestrian and other traffic thereon, and provided further, that it is parked parallel to and as near as practicable to the inside or outside edge of the sidewalk. A motor bicycle may be parked on a sidewalk in the city, provided that it is parked in such a position as not to interfere with the safety or movement of pedestrian and other traffic thereon, and provided further, that it is parked parallel to and as near as practicable to the inside or outside edge of the sidewalk. (1998 Code, § 15-1813)

15-1714. Riding on sidewalks. (1) No person shall ride a bicycle, motorcycle or motor-driven cycle upon a sidewalk within a business district.

(2) No person fifteen (15) or more years of age shall ride a bicycle upon any sidewalk in any district.

(3) Whenever any person is riding a bicycle, motorcycle or motor-driven cycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (1998 Code, § 15-1814)

15-1715. Lights. (1) Every bicycle, motorcycle and motor-driven cycle shall be equipped with at least one and not more than two headlights, which shall be constructed, equipped, arranged and focused so that at all times mentioned hereinafter in this section, under normal atmospheric conditions and on a level roadway, a light sufficient to render clearly discernible a person two hundred feet (200') ahead will be produced, but such lights shall not project a glaring light to persons in front of such headlights.

(2) Every bicycle, motorcycle, and motor-driven cycle shall be equipped with and carry at the rear thereof a taillight or lamp of a type which exhibits a yellow or red light which will, at all times hereinafter mentioned in this section, under normal atmospheric conditions and on a level roadway, be plainly visible from a distance of three hundred feet (300') to the rear thereof.

(3) No person shall ride or drive a bicycle, motorcycle, or motor-driven cycle upon any street within the city during the period from one-half (1/2) hour after sunset to one half (1/2) hour before sunrise or at any other time when there is not sufficient light to render clearly discernible any person on such roadway at a distance of two hundred feet (200') ahead, unless equipped with headlights

and taillights as required by this section and unless such lights are burning and fully meet the requirements of this section.¹ (1998 Code, § 15-1815)

15-1716. Sounding device required; use of sirens, whistles prohibited. No person shall operate a bicycle, motorcycle, or motor-driven cycle upon any street in the city unless it is equipped with a horn, bell or other sounding device capable of giving a signal audible for a distance of at least one hundred and fifty feet (150'); provided, however, that no bicycle, motorcycle, or motor-driven cycle shall be equipped with nor shall any person use thereon any siren or whistle. (1998 Code, § 15-1816)

15-1717. Brakes. Every bicycle, motorcycle, and motor-driven cycle when ridden or driven upon any street in the city shall be equipped with at least one brake, which may be operated by hand or foot. (1998 Code, § 15-1817)

15-1718. Use of paths. Wherever a usable path for bicycles, motorcycles and motor-driven cycles has been provided adjacent to a roadway riders of such vehicles shall use such path and shall not use the roadway. (1998 Code, § 15-1818)

¹State law reference

Similar provisions: Tennessee Code Annotated, § 55-8-177.

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. DEDICATION AND ACCEPTANCE OF STREETS.
4. PROPERTY NUMBERING.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Use of public ways for parades, assemblies, etc.
 16-102. Deposition debris on public ways.
 16-103. Arrest and penalties for violations.
 16-104. Basketball goals alongside or within public rights-of-way.

16-101. Use of public ways for parades, assemblies, etc. (1) It is unlawful for any person, without the written permission of the mayor, to conduct or participate in any parade or to march on the sidewalk or streets of the city or to walk, ride or stand in organized groups on said sidewalks or streets while carrying banners, placards, signs or the like, or to sit, kneel, or recline on the sidewalks or street of the city, or to engage in public speaking, group singing, or any other similar distracting activity on any of the sidewalks or

¹Municipal code references

- Blocking intersections: title 15.
- Buildings and building regulations: title 12.
- Deposit of garbage on streets or sidewalks: title 17.
- Driving on sidewalks: title 15.
- Internal streets in mobile home parks: title 14.
- Littering streets and public ways: title 13.
- Motor vehicles and traffic: title 15.
- One-way streets and alleys: title 15.
- Stop and yield intersections: title 15.
- Stopping, standing and parking of motor vehicles: title 15.
- Superintendent of streets and sanitation: title 1.
- Unlawful to deposit beer cans, bottles, etc., on streets or public places: title 11.

streets of the city, or to assemble in groups on any sidewalk or street in such numbers or manner as to block or interfere with the customary and normal use thereof by the public unless the persons so assembled in such groups are engaged in watching a march or parade authorized under this section; provided, however, that no such written permission shall be required for a bona fide funeral procession en route to a cemetery or for any parade or march by any unit of the Tennessee National Guard or the United States Army, Navy, Air Corps, or Marine Corps, or by personnel of the police or fire department of the city.

(2) The City of Bolivar will charge a fifteen dollar (\$15.00) permit fee that must be paid at city hall two (2) weeks prior to the event, along with the requirement of certificate of liability insurance for each event scheduled naming the certificate holder as the City of Bolivar and also known as an additional insured on the event holder's policy. (1998 Code, § 16-101)

16-102. Depositing debris on public ways. It shall be unlawful for any person to throw or place nails, tacks, bottles, rocks, bricks, paper, trash or other debris of any kind on a sidewalk or street of the city. (1998 Code, § 16-102)

16-103. Arrest and penalties for violations. (1) Any member of the police force or any other duly authorized law enforcement official is authorized to arrest, with or without warrant, any person violating any of the provisions of this chapter.

(2) Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine of not less than two dollars (\$2.00) and not more than fifty dollars (\$50.00). (1998 Code, § 16-103)

16-104. Basketball goals alongside or within public rights-of-way.

(1) No portable or fixed basketball goal shall be placed, erected or maintained on or alongside the right-of-way of any public street within the municipal limits of the City of Bolivar so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right-of-way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of fifty dollars (\$50.00). (1998 Code, § 16-104)

CHAPTER 2

EXCAVATIONS

SECTION

- 16-201. Permit--required.
- 16-202. Application.
- 16-203. Fee and replacement costs.
- 16-204. Surety bond.
- 16-205. Permit not required for excavations by public service companies.
- 16-206. Work to be completed expeditiously.
- 16-207. Protective fences, barriers, etc., to be provided.
- 16-208. Illumination.
- 16-209. Unauthorized removal of warning barriers and lights.
- 16-210. Control of traffic at excavation sites.
- 16-211. Removal of debris and cleaning up.
- 16-212. Classification of excavation as emergency.
- 16-213. Emergency excavations without permit.
- 16-214. Inspections and regulations.
- 16-215. Drawings of subterranean structures and installations to be maintained.
- 16-216. Exemption of city from permit requirements and from liability for damages.
- 16-217. Restrictions on excavations after streets paved or repaved; notice.

16-201. Permit--required. It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any street or sidewalk, make or cause to be made any excavation in or under the surface of any street, sidewalk or other public way or place in the city for any purpose unless such person shall first have obtained an excavation permit therefor from the city administrator. (1998 Code, § 16-201, modified)

16-202. Application. No permit shall be issued pursuant to the preceding section unless a written application therefor is submitted to the city administrator. The application shall state the name and address of the applicant, the nature, location and purpose of the excavation, the date of commencement and date of completion of the excavation, and such other data as may reasonably be required by the city administrator. (1998 Code, § 16-202, modified)

16-203. Fee and replacement costs. A permit fee shall be charged by the city administrator for each permit issued pursuant to § 16-201. The fee shall be in the amount of one dollar (\$1.00) plus such sum as will be sufficient to cover any costs which the city will likely incur in replacing the pavement, etc., unless

the permittee expressly agrees, with the city's permission, to perform all restoration work in accordance with specifications prescribed by the superintendent of streets and sanitation. (1998 Code, § 16-203, modified)

16-204. Surety bond. Before an excavation permit is issued, the applicant shall deposit with the city administrator a surety bond in the amount of ten thousand dollars (\$10,000.00) payable to the city, issued by a surety company authorized to do business within the state. Such bond shall be conditioned upon the permittee's compliance with this chapter and shall secure and hold the city and its officers harmless against any and all claims, judgments and other costs arising from the excavation and other work covered by the excavation permit or for which the city, the city council or any city officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee and further conditioned that the permittee will fill up, restore and place in good and safe condition as near as may be to its original condition, to the satisfaction of the superintendent of streets and sanitation, all openings and excavations made under the excavation permit and that said permittee will maintain any public way where an excavation is made by him in as good condition for the period of twenty-four (24) months after said work shall have been done, usual wear and tear excepted, as it was in before said work was done; provided, however, that nothing contained in this section shall be construed to require the permittee to maintain any pavement restored at his expense by the city if such restoration should prove defective. (1998 Code, § 16-204, modified)

16-205. Permit not required for excavations by public service companies. All persons operating public utilities in the city under franchises granted by the city and having the right either by general or special permits on to enter upon streets and open and excavate pavements, sidewalks, or disturb the surface thereof by excavation or other work shall not be required to apply for permit but shall be required to perform the work and bring it to completion as promptly as practicable and to that end shall employ an adequate standing force. Any person operating any such public utility shall, however, comply with other requirements of this chapter, including the surety bond requirement. (1998 Code, § 16-205)

16-206. Work to be completed expeditiously. Any person making an excavation under provisions of this chapter shall prosecute with diligence and expedition all excavation work covered by such permit and shall promptly complete the work and restore the street, sidewalk or alley to its original condition, or as near as may be, as soon as practicable and in any event not later than the date specified in the excavation permit therefor. (1998 Code, § 16-206)

16-207. Protective fences, barriers, etc., to be provided. Any person making an excavation under provisions of this chapter shall erect and maintain such fences, railings or barriers about the site of the excavation work as may be necessary to provide a minimum of encroachment upon streets and sidewalks and to prevent danger to persons using the city street, alley, or sidewalk. Such protective barriers shall be maintained until the work has been completed or the danger removed. (1998 Code, § 16-207)

16-208. Illumination. All excavations of streets or sidewalks in the city shall be illuminated at night by suitable and sufficient lights or flares placed around the excavation or upon excavated materials, structures or other obstructions at the site of the excavation. Such lights or flares shall be kept burning throughout the night until the excavation is completed and filled in, to warn all persons that there is danger. (1998 Code, § 16-208)

16-209. Unauthorized removal of warning barriers and lights. It shall be unlawful for anyone without proper authority to remove or tear down the fence or railing or other protective barriers or any lights installed or erected for the protection of the public at any excavation of streets or sidewalks in the city. (1998 Code, § 16-209)

16-210. Control of traffic at excavation sites. The city administrator shall prescribe such appropriate measures as he may deem necessary to assure that traffic conditions shall remain as nearly normal as possible in the vicinity of the excavation of a street or sidewalk in the city. Such measures may include the temporary closing of streets to all traffic, in which event the administrator shall promptly notify the police and fire departments of the action taken. Where flagmen are deemed necessary by the administrator, they shall be provided by the excavation permittee at his own expense. (1998 Code, § 16-210, modified)

16-211. Removal of debris and cleaning up. Immediately upon completion of any excavation work under provisions of this chapter, or at any time the superintendent of streets and sanitation shall so order, the person making such excavation shall see that all streets and private properties involved are thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from the excavation work. In the event such cleanup is not effected within twenty-four (24) hours after order by the superintendent of streets and sanitation, it may be done by the city and the cost thereof charged to the excavation permittee. (1998 Code, § 16-211, modified)

16-212. Classification of excavation as emergency. In order to ensure the safety and convenience of the traveling public and whenever the public interest generally shall so require, the city administrator may declare any excavation authorized under provisions of this chapter to be an emergency and

require the excavation permittee to employ sufficient crews and equipment twenty-four (24) hours a day in order to complete the work as soon as possible. (1998 Code, § 16-212, modified)

16-213. Emergency excavations without permit. In the event of any emergency in which a sewer, main, conduit or utility in or under any street in the city breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person upon whose premises such emergency occurs shall, without an excavation permit, immediately take such emergency measures as may be necessary to cure or remedy the dangerous conditions for the protection of property, life, health and safety of the public. However, any person taking such emergency action, shall apply for an excavation permit not later than the end of the next succeeding day during which the city administrator's office is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit under this chapter. (1998 Code, § 16-213, modified)

16-214. Inspections and regulations. The city administrator and superintendent of streets and sanitation shall make such inspections as are reasonably necessary in the enforcement of this chapter. The city administrator shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter.¹ (1998 Code, § 16-214, modified)

16-215. Drawings of subterranean structures and installations to be maintained. Users of subsurface street space in the city shall maintain accurate drawings, plans, and profiles showing the location and character of all underground structures including abandoned installations. Corrected maps shall be filed with the city administrator within sixty (60) days after new installations, changes or replacements are made. (1998 Code, § 16-215, modified)

16-216. Exemption of city from permit requirements and from liability for damages. (1) The provisions of this chapter shall not be applicable to any excavation work under the direction of competent city authorities by employees of the city or by any contractor of the city performing work for and in behalf of the city necessitating openings or excavations in streets.

(2) None of the provisions of this chapter shall be construed as imposing upon the city or any official or employee thereof any liability or responsibility for damages to any persons injured by the performance of any excavation work for which an excavation permit is issued under provisions of

¹Municipal code reference

Superintendent of streets and sanitation: title 1.

this chapter, nor shall the city or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of the issuance of any permit or the inspection and approval of any excavation work under provisions of this chapter. (1998 Code, § 16-216)

16-217. Restrictions on excavations after streets paved or repaved; notice. (1) When a new street or sidewalk in the city is paved or a preexisting street or sidewalk is repaved, no excavations shall be permitted therein for five (5) years after enactment of the ordinance or resolution providing for such paving or repaving.

(2) Any necessary excavation in new streets or sidewalks to be paved or in preexisting streets or sidewalks to be repaved shall be completed not later than forty-five (45) days before such paving or repaving is commenced.

(3) All owners of property abutting on such streets or sidewalks to be paved or repaved and all affected utility companies shall be given sufficient notice to enable them to complete all necessary excavations within the time required. (1998 Code, § 16-217)

CHAPTER 3

DEDICATION AND ACCEPTANCE OF STREETS

SECTION

16-301. Required for street to receive legal status.

16-302. Appearance of street on approved plat; majority vote of council required.

16-303. Construction specifications.

16-301. Required for street to receive legal status. No street, road, or other way, however designated, shall receive the legal status of a public street until dedicated to the city by the owner or owners and accepted by resolution of the city council. (1998 Code, § 16-301)

16-302. Appearance of street on approved plat; majority vote of council required. The council shall not accept any such street unless it appears on a subdivision plat or street plat approved by the Bolivar Municipal-Regional Planning Commission; however, if disapproved by the planning commission, the city council may still accept such street if resolution is passed by a majority vote of the entire membership. (1998 Code, § 16-302)

16-303. Construction specifications. The council will require all new streets, prior to being accepted by the city, to meet the following construction specifications:

(1) Minimum right-of way widths. (a) Minor residential streets, marginal access streets and dead-end streets, fifty feet (50').

(b) Collector streets and commercial-industrial subdivision streets, sixty feet (60').

(2) Minimum pavement widths. (a) Minor residential streets, marginal access streets and dead end streets, twenty-eight feet (28') (face of curb to face of curb).

(b) Collector streets and commercial-industrial subdivision streets, thirty-six feet (36') (face of curb to face of curb).

(3) Roadway improvements. (a) Base: A compacted base course six inches (6") deep and three feet (3') wider than the width of the pavement on each side of the street shall be installed on all streets, including cul-de-sac, temporary turnarounds and access streets to adjoining properties, according to the method specified in Section 303, Standard Specifications for Roads and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revisions thereto. Wetting of the stone before compaction may be done at a point of origin or on the job site at the option of the contractor. In all cases the

center line of a roadway shall coincide with the center line of the right-of-way dedicated for such road or street.

After completion of the basic course, the city's public works department shall be contacted to inspect the smoothness and depth of the base course before the prime coat may be applied.

(b) Prime coat: After a thoroughly compacted base has been established, a prime coat shall be applied as specified in section 402, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, the latest revision thereto.

(c) Curbs and gutters: All streets shall provide curbs and gutters as indicated below:

(i) Concrete curbs and integral gutters shall not be less than eighteen inches (18") wide at the base, twelve inches (12") high, six inches (6") across the top of the curb, six inches (6") on the face of the curb, and a seven inch (7") thick gutter. Backfill shall be towards the curb and higher than the curb to ensure drainage of surface water into the drainage system. Where access streets to adjoining properties are provided, curbs and gutters shall be extended to the property line.

(ii) One-half inch to three-fourths inch (1/2" to 3/4") expansion and contraction joints for curbs and gutters shall be placed at intervals not exceeding forty feet (40').

(4) Storm drainage. (a) An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than fifteen inches (15"). Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot (1') below the roadbed.

(b) If necessary to determine proper drainage facilities, the planning commission or city engineer may require the developer to outline the entire drainage area of the proposed construction along with a map showing the various streets and parcels and indicating the general flow of the surface water, either by contours or by means of arrows running with the flow. Any existing storm drainage with the size, grade and elevations of the pipes and elevations of the inlets, as nearly as can

be shown. Also, area tributaries to the various proposed inlets shall be outlined and the number of acres contained in each indicated by figures adjacent to the inlet to which they are applicable.

(c) Since curbs and gutters are required, all streets shall provide catch basins at all low points, and at intermediate locations as necessary to prevent overloading of the street gutters, but at least every six hundred feet (600'). Catch basins shall be the curb and gutter inlet type and shall empty into collection mains of adequate size with outfalls leading to existing storm sewers or approved waterways. When easements are required for drainage facilities outside the road right-of-way, the easements shall be at least fifteen feet (15') in width and shall be indicated on the final plat. (1998 Code, § 16-303)

CHAPTER 4

PROPERTY NUMBERING

SECTION

- 16-401. Property numbering required.
- 16-402. Address number to be provided by building inspector.
- 16-403. Noncompliance.
- 16-404. Compliance required within sixty days.
- 16-405. Violations and penalty.

16-401. Property numbering required. It shall be the duty of the owners, occupants or lessees of all dwellings, apartment houses, hotels, commercial establishments, and other buildings to number properties and/or buildings with numerals indicating the building's street address. The numerals shall be not less than four inches (4") in height and so located as to be readily visible from the street in daylight or when a light is shined upon it at night. (1998 Code, § 16-401)

16-402. Address number to be provided by building inspector. The building inspector of the city shall on all building permits for new residences, building structures or places of business, excepting sheds and accessory buildings provide an address number. (1998 Code, § 16-402)

16-403. Noncompliance. If the owner, occupant or lessee of any building shall fail, refuse, or neglect to post the number as required or replace it when necessary the city's building code enforcer shall cause a written notice to be served on such person directing that the number be properly posted or replaced. Any such person not complying with said notice within ten (10) days after receipt thereof shall be deemed to be in violation of this chapter. (1998 Code, § 16-403)

16-404. Compliance required within sixty days. (1) The owners, occupants or lessees shall number said dwellings, apartment houses, hotels, commercial establishments, and other buildings in accordance with the provisions of this chapter within sixty (60) days after passage and publication.

(2) Sixty (60) days after the passage of this chapter all incorrect house numbers shall be removed and the correct number substituted; and it shall be the duty of the building code enforcer to notify the owners or occupants who fail to comply with the provisions of this chapter, and if not corrected within two (2) weeks from such notification the parties shall be deemed to be in violation of this chapter. (1998 Code, § 16-405)

16-405. Violations and penalty. Any person found guilty of violating any of the provisions of this chapter shall, upon conviction thereof, be fined in a sum not to exceed fifty dollars (\$50.00). (1998 Code, § 16-404)

TITLE 17**REFUSE AND TRASH DISPOSAL¹****CHAPTER****1. GARBAGE AND TRASH.****CHAPTER 1****GARBAGE AND TRASH²****SECTION**

- 17-101. Definitions.
- 17-102. Accumulation prohibited; storage, disposal generally.
- 17-103. Containers--required.
- 17-104. Specifications; to be kept covered.
- 17-105. Location.
- 17-106. Maintenance.
- 17-107. Removal of defective containers.
- 17-108. Wet garbage to be drained and wrapped.
- 17-109. Collectors not responsible for removal of refuse from ground; preparation of leaves, packing material, etc., for collection.
- 17-110. Accumulation of lumber, boxes, barrels, etc.
- 17-111. Superintendent of streets and sanitation to supervise collection.
- 17-112. Collection schedules.
- 17-113. Permit for private collectors.
- 17-114. Collection vehicles.
- 17-115. Disposal to be at approved sites.
- 17-116. Method of disposal generally.
- 17-117. Deposit in streams, drains, etc., prohibited.
- 17-118. Deposit on streets or sidewalks.
- 17-119. Feeding to swine.
- 17-120. Implementation of fees for the collection, removal and disposal of refuse.
- 17-121. Unauthorized use of dumpsters.

¹Municipal code reference

Property maintenance regulations: title 13.

²Charter reference

Authority to provide for collection and disposal of garbage, etc.:§ 1.04(m).

Municipal code references

Refuse storage, collection and disposal in mobile home parks: title 14.
Superintendent of streets and sanitation: title 1.

17-101. Definitions. For the purposes of this chapter:

(1) "Ashes" means and includes all ashes of wood, coal and coke, and residue resulting from the combustion of any material or substance, and soot, cinders, slag and charcoal.

(2) "Garbage" means and includes rubbish, ashes, refuse, trash, and all other putrescible and nonputrescible, combustible and noncombustible waste materials except sewage, body wastes, or recognizable industrial by-products, from all residences and establishments, public and private.

(3) "Rubbish" means and includes all leaves, branches of trees, chips, shavings, paper, pasteboard, grass, rags, straw, boots, shoes, hats and all other combustible matter not specifically set out in this chapter. (1998 Code, § 17-101)

17-102. Accumulation prohibited, storage, disposal generally. All persons within the city shall keep their premises in a clean and sanitary condition, free from accumulations of garbage, offal, filth, and trash except when stored between intervals of collection as provided in this chapter. (1998 Code, § 17-102)

17-103. Containers--required. Each owner, occupant, tenant, subtenant, lessee or other person using or occupying any building, house, structure or grounds within the corporate limits of the city, where garbage or other substances defined in this chapter accumulate or are likely to accumulate, shall provide an adequate number of suitable containers, of a type approved by the health officer, for the storage of such refuse. (1998 Code, § 17-103)

17-104. Specifications; to be kept covered. Containers required by § 17-103 shall be constructed of strong and durable metal or plastic not readily corrodible, and shall be rodent and insect-proof and of a capacity not exceeding thirty-two (32) gallons and not less than twenty (20) gallons, except that the maximum capacity shall not apply in cases where the city is equipped to handle containers of similar construction mechanically. Such containers shall be equipped with handles to facilitate emptying and shall be equipped with tight-fitting lids or covers, constructed of the same material and of such design as to preclude the free access of flies and other insects and to prevent the container from collecting water during rains. The lid or cover shall be kept in place at all times except when refuse is being deposited therein or removed therefrom. Plastic garbage bags will be acceptable if they are securely tied. (1998 Code, § 17-104)

17-105. Location. Garbage containers required by this chapter shall be placed in such convenient and accessible locations for collections as may be designated by the garbage collection agency. (1998 Code, § 17-105)

17-106. Maintenance. Garbage cans shall be maintained in a clean and sanitary manner and shall be thoroughly cleaned by washing or other methods as often as necessary to prevent the breeding of flies and the occurrence of offensive odors. (1998 Code, § 17-106)

17-107. Removal of defective containers. The superintendent of streets and sanitation is hereby authorized to confiscate and remove refuse containers from the premises of residences and establishments, public and private, when such containers are not suitable for the healthful and sanitary storage of garbage. Such containers shall be removed and disposed of at a place and in a manner designated by the street department only after the owner of such containers has been duly notified of such impending action. (1998 Code, § 17-107, modified)

17-108. Wet garbage to be drained and wrapped. Wet garbage shall be drained of all liquids and wrapped in paper or other equivalent material prior to placing it in the garbage container. (1998 Code, § 17-108)

17-109. Collectors not responsible for removal of refuse from ground; preparation of leaves, packing material, etc. for collection. In no case will it be the responsibility of the garbage collecting agency of the city to shovel or pick up from the ground any accumulations of garbage including leaves, lawn clippings, brush, and packing materials. All such materials shall be placed in containers of the type described in this chapter or cut and bailed, tied, bundled, stacked or packaged so as not to exceed thirty-six inches (36") in length and seventy-five (75) pounds in weight. (1998 Code, § 17-109)

17-110. Accumulation of lumber, boxes, barrels, etc. It shall be unlawful for any person to permit to accumulate and remain on any premises in the city, improved or vacant, owned or occupied by him or on any public or private street, any lumber, boxes, barrels, bricks, stones or similar materials, unless the same is placed on open racks that are elevated not less than eighteen inches above the ground, and evenly piled or stacked so that such materials will not afford harborage for rats. (1998 Code, § 17-110)

17-111. Superintendent of streets and sanitation to supervise collection. The collection of garbage within the city shall be under the supervision of the superintendent of streets and sanitation.¹ (1998 Code, § 17-111, modified)

¹Municipal code reference

Superintendent of streets and sanitation: title 1.

17-112. Collection schedules. In the residential areas of the city, garbage shall be picked up at least once each week on such days as shall be designated by the superintendent of streets and sanitation. Garbage pickups shall be daily in the business district and for outlying businesses requiring daily pickups. (1998 Code, § 17-112, modified)

17-113. Permit for private collectors. No person shall engage in the business of collecting refuse or removing the contents of any refuse container for any purpose whatsoever, who does not possess a permit to do so from the superintendent of streets and sanitation. Such permit may be issued only after the applicant's capability of complying with the requirements of this chapter has been fully determined. Such permit may be suspended or revoked upon the violation of any of the terms of this chapter. (1998 Code, § 17-113, modified)

17-114. Collection vehicles. The collection of garbage within the city shall be by means of vehicles with beds constructed of impervious materials and easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and public thoroughfares. Provisions shall be made to prevent the scattering of refuse over the streets and thoroughfares by effective coverings or closed truck beds.¹ (1998 Code, § 17-114)

17-115. Disposal to be at approved sites. The disposal of garbage in any quantity by any person in any place, public or private within the city other than at the site or sites designated for such purpose by the city council is expressly prohibited. (1998 Code, § 17-115)

17-116. Method of disposal generally. The disposal of all garbage shall be by methods approved by the county health officer. Such methods shall provide the maximum practical rodent, insect, and nuisance control at the place of disposal. (1998 Code, § 17-116)

17-117. Deposit in streams, drains, etc., prohibited. It shall be unlawful for any person to dump or deposit garbage in any form into any stream, ditch, storm sewer, or other drain within the city.² (1998 Code, § 17-117)

¹Municipal code reference
Motor vehicles and traffic: title 15.

²Municipal code reference
Water and sewers: title 18.

17-118. Deposit on streets or sidewalks. It shall be unlawful for any person to deposit, place or throw upon the streets or sidewalks of the city any paper, rags, fruit rinds or refuse of any kind.¹ (1998 Code, § 17-118)

17-119. Feeding to swine. No garbage shall be fed to swine within the city unless such garbage has first been heated to at least two hundred twelve degrees Fahrenheit (212° F) and held there at least thirty (30) minutes in apparatus and by methods approved by the state department of agriculture as set forth in the state garbage feeding law.² (1998 Code, § 17-119)

17-120. Implementation of fees for the collection, removal and disposal of refuse. (1) Refuse shall mean and include garbage, rubbish and refuse as those terms are generally defined except that dead animals, fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded there from and shall not be stored therewith.

(2) Commercial or other non-residential business is determined by class; type of business and number of employees.

(3) Monthly fees are to be implemented for the collection, removal and disposal of refuse.³ (1998 Code, § 17-120)

17-121. Unauthorized use of dumpsters. Unlawful use from depositing garbage, rubbish, ashes, refuse or trash, or any other waste materials in dumpsters is prohibited unless authorized by the City of Bolivar Sanitation Department. Violation of this chapter shall be punishable by a fine not to exceed fifty dollars (\$50.00). (Ord. #12-003, April 2012)

¹Municipal code reference
Streets and sidewalks: title 16.

²Municipal code reference
Keeping hogs: title 10.

State law reference
Garbage feeding law: Tennessee Code Annotated, § 44-2-401 through 44-2-408.

³Fees for refuse collection, removal and disposal (and amendments thereto) are of record in the office of the city administrator.

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWERS AND SEWERAGE USE.
2. BUILDING SEWERS.
3. CROSS-CONNECTIONS, AUXILIARY INTAKES, BYPASSES AND INTER-CONNECTIONS
4. WATER AND SEWER SYSTEM ADMINISTRATION.
5. GREASE INTERCEPTOR REQUIREMENTS.

CHAPTER 1

SEWERS AND SEWERAGE USE²

SECTION

- 18-101. Definitions.
- 18-102. Applicability.
- 18-103. Unsanitary disposition of waste.
- 18-104. Discharge of untreated sewage into natural outlet.
- 18-105. Unauthorized privies, septic tanks, etc.
- 18-106. Connection to public sewers required.
- 18-107. Private sewage disposal restricted.
- 18-108. Unauthorized discharges to sanitary sewer.
- 18-109. Disposition of unpolluted drainage and industrial cooling water.
- 18-110. Unauthorized discharge into public sewers.
- 18-111. Authority and duty of superintendent in determining acceptability of material to be discharged to public sewers.
- 18-112. Grease and sand interceptors.

¹Municipal code references

- Building, utility and residential codes: title 12.
- Refuse disposal: title 17.

²Municipal code references

- Bolivar electric utilities board: title 2.
- Bolivar utilities board rules and regulations: title 2.
- Deposit of garbage in streams, drains, etc.: title 17.
- Drainage requirements in mobile home parks: title 14.
- Water supply in mobile home parks: title 14.

State law reference

- Sewers and waterworks: Tennessee Code Annotated, § 7-35-101, et seq.

- 18-113. Maintenance and inspection of preliminary treatment facilities.
- 18-114. Compliance with federal pretreatment standards.
- 18-115. Control manholes.
- 18-116. Standards for measurements, tests and analyses of wastes.
- 18-117. Powers and duties of superintendent in conducting inspections.
- 18-118. Superintendent to observe safety rules while inspecting private property.
- 18-119. Maliciously damaging or interfering with sewers.
- 18-120. Violation of chapter--notice to cease.
- 18-121. Liability for damages.
- 18-122. Violations and penalty.

18-101. Definitions. As used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "BOD (Biochemical Oxygen Demand)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) Centigrade expressed in milligrams per liter.

(2) "Building drain" means 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 feet (5') (1.5 meters) outside the inner face of the building wall.

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

(4) "Combined sewer" means a sewer receiving both surface runoff and sewage.

(5) "Cooling water" means the water discharge from any system of condensation, air conditioning, cooling, refrigeration, or other system but which shall be free from odor and oil. It shall contain no polluting substances which would produce BOD and suspended solids each in excess of ten parts per million by weight.

(6) "Garbage" means solid wastes from the domestic and commercial preparation, cooling, and dispensing of food, and from the handling, storage, and sale of produce.

(7) "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business manufacturing processes, as distinct from sanitary sewage.

(8) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(9) "Normal sewage" shall be regarded as "normal" for Bolivar if analyses show by weight a daily average of not more than two thousand five hundred (2,500) pounds (300 parts per million) of BOD, and not more than four

hundred seventeen (417) pounds (50 parts per million) of other soluble matter (grease and oil) each, per million gallons of daily flow.

(10) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(11) "Properly shredded garbage" means the wastes from the preparation, cooling, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") (1.27 centimeters) in any dimension.

(12) "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(13) "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm and surface water.

(14) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

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

(16) "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

(17) "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.

(18) "Sewer" means a pipe or conduit for carrying sewage.

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

(20) "Storm drain" or "storm sewer" means a sewer which carries storm and surface waters and drainage, but not sewage and industrial wastes other than unpolluted cooling water.

(21) "Superintendent" means the superintendent of sewage works and water pollution control of the city or his authorized deputy, agent, or representative.

(22) "Suspended solids" means solids that are in suspension in water, sewage, or other liquids and removable by laboratory filtering.

(23) "Unpolluted water" or "waste" means any water or waste approved by the state department of public health for discharge into a natural watercourse.

(24) "Watercourse" means a channel in which a flow of water occurs either continuously or intermittently. (1998 Code, § 18-101)

18-102. Applicability. The provisions contained in this chapter apply to any user of the city's sewerage system regardless of whether said user is located inside or outside the corporate limits of the city. (1998 Code, § 18-102)

18-103. Unsanitary disposition of waste. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste. (1998 Code, § 18-103)

18-104. Discharge of untreated sewage into natural outlet. It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (1998 Code, § 18-104)

18-105. Unauthorized privies, septic tanks, etc. Except as provided in this chapter, 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. (1998 Code, § 18-105)

18-106. Connection to public sewers required. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official order to do so, provided that said public sewer is within one hundred feet (100') (30.5 meters) of the property line. (1998 Code, § 18-106)

18-107. Private sewage disposal restricted. The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with provisions of this chapter and county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available. (1998 Code, § 18-107)

18-108. Unauthorized discharges to sanitary sewer. No person shall discharge or cause to be discharged any stormwater or unpolluted industrial process waters to any sanitary sewer. (1998 Code, § 18-108)

18-109. Disposition of unpolluted drainage and industrial cooling water. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer or natural outlet. (1998 Code, § 18-109)

18-110. Unauthorized discharge into public sewers. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a health hazard or nuisance:

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

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

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

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

(5) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F), sixty-five degrees Centigrade (65° C).

(6) Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (32° to 150° F), zero and sixty-five degrees Centigrade (0° to 65° C).

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

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

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

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

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

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

(13) Materials which exert or cause unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, fuller's earth, lime slurries, and lime excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions); unusual BOD (above 300 mg/l), chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; unusual volume of flow or concentration of wastes constituting "slugs" as defined in § 18-101.

(14) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(15) Waters or wastes containing suspended solids in excess of three hundred (300) mg/l. (1998 Code, § 18-110)

18-111. Authority and duty of superintendent in determining acceptability of material to be discharged to public sewers. (1) In forming his opinion as to the acceptability of the wastes enumerated in § 18-110, the superintendent shall give consideration of such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors, and may:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (c) Require control over the quantities and rates of discharge.

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges, as authorized by this chapter.

(2) If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and the state department of public health, and subject to the requirements of all applicable codes, ordinances, and laws. (1998 Code, § 18-111)

18-112. Grease and sand interceptors. Grease, oil, and sand interceptors shall be provided when in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection. (1998 Code, § 18-112)

18-113. Maintenance and inspection of preliminary treatment facilities. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (1998 Code, § 18-113)

18-114. Compliance with federal pretreatment standards. Any industry connected to the municipal sanitary sewer system must, as a minimum, comply with all applicable provisions of 40 CFR part 128 (federal pretreatment standards). (1998 Code, § 18-114)

18-115. Control manholes. When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (1998 Code, § 18-115)

18-116. Standards for measurements, tests and analyses of wastes. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health association

and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole connected to the public sewer. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb, and property. (1998 Code, § 18-116)

18-117. Powers and duties of superintendent in conducting inspections. The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties in the city, including private property through which the city holds an easement, for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the land and source of discharge to the sewers or waterways or facilities for waste treatment. (1998 Code, § 18-117)

18-118. Superintendent to observe safety rules while inspecting private property. While performing the necessary work on private properties referred to in § 18-117, the superintendent or city 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 city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-115. In addition, all pertinent Occupational Safety and Health Act requirements shall be met. (1998 Code, § 18-118)

18-119. Maliciously damaging or interfering with sewers. Any person who shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewerage works shall be guilty of disorderly conduct, a misdemeanor. (1998 Code, § 18-119)

18-120. Violation of chapter—notice to cease. Any person found to be violating any provision of this chapter except § 18-119 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall,

within the period of time stated in such notice, permanently cease all violations. (1998 Code, § 18-120)

18-121. Liability for damages. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (1998 Code, § 18-121)

18-122. Violations and penalty. Any person who shall continue any violation beyond the time limit provided for in § 18-120 shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding fifty dollars (\$50.00) for each violation. (1998 Code, § 18-122, modified)

CHAPTER 2

BUILDING SEWERS

SECTION

- 18-201. Permit required.
- 18-202. Classes of permit.
- 18-203. Owner liable for installation costs and damages.
- 18-204. Required for each building; exceptions.
- 18-205. When use of old building sewers authorized.
- 18-206. Standards for materials and installation.
- 18-207. Natural and augmented drainage requirements.
- 18-208. Connection of surface runoff to building sewer prohibited.
- 18-209. Standards for connecting to public sewer; supervision and approval by superintendent.
- 18-210. Excavations; protection against public hazard; restoration.
- 18-211. Notice of completion of building sewer for inspection.

18-201. Permit required. Before the owner of any property within or beyond the corporate limits of the city installs and connects to the city sewer a building sewer, he or his agent shall make application to the superintendent for, and have issued to him, a permit to do so. (1998 Code, § 18-201)

18-202. Classes of permit. There shall be two (2) classes of building sewer permits:

- (1) Residential and commercial.
- (2) Industrial. (1998 Code, § 18-202)

18-203. Owner liable for installation costs and damages. All costs and expenses incident to the installation and connection of a 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. (1998 Code, § 18-204)

18-204. Required for each building, exceptions. A separate and independent building sewer shall be required for every building; provided, however, that where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building, and the whole considered as one building sewer. (1998 Code, § 18-205)

18-205. When use of old building sewers authorized. 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. (1998 Code, § 18-206)

18-206. Standards for materials and installation. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. (1998 Code, § 18-207)

18-207. Natural and augmented drainage requirements. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (1998 Code, § 18-208)

18-208. Connection of surface runoff to building sewer prohibited. No person shall make connection of foot downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (1998 Code, § 18-209)

18-209. Standards for connecting to public sewer; supervision and approval by superintendent. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. The connection shall be under the supervision of the superintendent or his representative and any deviation from the prescribed procedures and materials must be approved by the superintendent before installation. (1998 Code, § 18-210)

18-210. Excavations; protection against public hazard; restoration. 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, other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. All pertinent Occupational Safety and Health Act requirements shall be met. (1998 Code, § 18-211)

18-211. Notice of completion of building sewer for inspection. The person to whom a building sewer permit has been issued shall notify the

superintendent when the building sewer is ready for inspection and connection to the public sewer. (1998 Code, § 18-212)

CHAPTER 3**CROSS-CONNECTIONS, AUXILIARY INTAKES, BYPASSES
AND INTER-CONNECTIONS****SECTION**

- 18-301. Definitions.
- 18-302. Compliance with Tennessee Code Annotated.
- 18-303. Regulated.
- 18-304. Permit required.
- 18-305. Inspections.
- 18-306. Right of entry for inspections.
- 18-307. Correction of violations.
- 18-308. Required devices.
- 18-309. Nonpotable supplies.
- 18-310. Statement required.
- 18-311. Penalty; discontinuance of water supply.
- 18-312. Provision applicable.

18-301. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter:

(1) "Air-gap" shall mean a vertical, physical separation between a water supply and overflow rim of a non-pressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than two inches (2"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two inches (2").

(2) "Atmospheric vacuum breaker" shall mean a device, which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a inter-connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point, which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances onto the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross-connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. Bypass arrangements, jumper connections, removable sections, and swivel or changeover devices, through which or because of which backflow could occur, and are considered to be cross-connections.

(9) "Double check detector assembly" shall mean an assembly of two (2) independently operating approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(10) "Double check valve assembly" shall mean an assembly of two (2) independently operating approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(11) "Fire protection systems" shall be classified in six different classes in accordance with AWWA Manual M14-Second edition 1990. The six (6) classes are as follow:

Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

Class 3 shall be those with direct connection from public water supply mains, plus one or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary

water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems or where antifreeze or other additives are used.

Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(12) "Inter-connection" shall mean any system of piping or other arrangements whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(13) "Manager" shall mean the Manager of the Bolivar Utility Water System or his duly authorized deputy, agent or representative.

(14) "Person" shall mean any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(15) "Potable water" shall mean water, which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(16) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s) with tightly closing shut-off valve on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(17) "Public water supply" shall mean the Bolivar Utility Water System, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(18) "Reduce pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves plus properly located resilient seated test cocks for the testing of the check valves and the relief valves.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e. the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (1998 Code, § 18-301)

18-302. Compliance with Tennessee Code Annotated. The Bolivar Utility Water System shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Bolivar Utility Water System shall comply with Tennessee Code Annotated, § 68-221-711, as well as the Rules and Regulations for Public Water Systems and Drinking Water Quality, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, bypasses and inter-connections; and shall establish an effective, on-going program to control these undesirable water uses. (1998 Code, § 18-302)

18-303. Regulated. (1) No water service connection to any premises shall be installed or maintained by the Bolivar Utility Water System unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the utility system if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross-connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such inter-connection is at all times under the direction of the manager of the Bolivar Utility Water System.

(3) If, in the judgment of the manager or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the manager shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

(5) For new installations, the manager or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service

(6) For existing premises, personnel from the Bolivar Utility Water System shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (1998 Code, § 18-303)

18-304. Permit required. (1) New installations. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Bolivar Utility Water System for approval.

(2) Existing installation. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from the Bolivar Utility Water System. (1998 Code, § 18-304)

18-305. Inspections. The manager or his designated agent shall inspect all properties served by the public water supply. No one can at any time install a water connection with the public water supply for water service, fire protection or any other purpose without first contacting the Bolivar Utility Water System. (1998 Code, § 18-305)

18-306. Right of entry for inspections. The manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Bolivar Utility Water System for the purpose of inspecting the piping system therein for cross-connection, auxiliary intakes, bypasses or inter-connections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections, and shall be grounds for disconnection of water service. (1998 Code, § 18-306)

18-307. Correction of violations. (1) Any person found to have cross-connections, auxiliary intakes, bypasses or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, an appropriate amount of time shall be assigned by the manager or his

representative, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross-connections, auxiliary intakes, bypasses or inter-connections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, or the Bolivar Utility Water System, shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within the time limits established by the manager or his representatives, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the manager shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two (2) systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing. (1998 Code, § 18-307)

18-308. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

- (a) Impractical to provide an effective air-gap separation;
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the utility that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;
- (c) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;
- (d) There is likelihood that protective measures may be subverted, altered or disconnected;
- (e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;
- (f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection system) approved by the Tennessee Department of Environment and Conservation and the utility, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the utility prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or the occupant of the premises.

(3) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by Bolivar Utility Water System as needing protection:

(a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly, except:

(i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

(ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflows prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(4) The manager or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(5) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person approved by Bolivar Utility Water System who is knowledgeable in the proper installation. Only licensed

sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device. All fittings shall be of brass construction, unless otherwise approved by the utility, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum, of twelve inches (12") plus the nominal diameter of the device above either:

(i) The floor;

(ii) The top of opening(s) in the enclosure; or

(iii) Maximum flood level, whichever is higher, maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in nonremovable enclosures shall have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/back-siphonage through the drain may occur.

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by Bolivar Utility Water System. Being inside the enclosure shall protect the complete assembly, including valve stems and hand wheels.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention device two and one-half inches (2 1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four inches (4") thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of forty degrees Fahrenheit (+40° F) with an outside temperature of minus thirty degrees Fahrenheit (-30° F) and a wind velocity of fifteen (15) miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one (1) device has been installed and the continuance of service is critical, the utility shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the utility may require the installation of a duplicate device.

(p) The utility shall require the occupant of the premises to keep any backflow prevention devices working properly; and to make all indicated repairs promptly. Qualified personnel shall make repairs acceptable to the utility. Expense of such repairs shall be borne by the owner for occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to premises. Likewise the removal,

bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be grounds for discontinuance of water 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 utility.

(6) **Testing of devices.** The customer is responsible for having device(s) inspected annually (no less than ten (10) months and no more than twelve (12) months from the previous inspection) by a qualified person possessing a valid cross-connection certification from the Tennessee Department of Environment and Conservation, Division of Water Supply. A copy of the annual inspection report indicating an approved inspection must be filed with the utility within thirty (30) days of the inspection date. Annual inspection reports must contain, at a minimum, the following information:

- (a) Customer name;
- (b) Business name;
- (c) Business 911 address;
- (d) Device type;
- (e) Device manufacture;
- (f) Device model number;
- (g) Device serial number;
- (h) Device location;
- (i) Testing operator's name;
- (j) Testing operator's phone number;
- (k) Testing operator's license number;
- (l) Testing equipment manufacture;
- (m) Testing equipment serial number;
- (n) Date of test;
- (o) Time of test.

The utility may elect to perform follow-up device integrity testing and a site inspection. (1998 Code, § 18-308)

18-309. Nonpotable supplies. The potable water supply made available to premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color coding of pipelines, in accordance with (OSHA) Occupational Safety and Health Act guidelines, shall be required in

locations where in the judgment of the utility, such coding is necessary to identify and protect the potable water supply. (1998 Code, § 18-309)

18-310. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the utility a statement of the nonexistence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses or inter-connections. Such statement shall contain an agreement that no cross-connections, auxiliary intakes, bypasses or inter-connections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (1998 Code, § 18-310)

18-311. Penalty; discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the manager may discontinue the public water supply service to any premises upon which there is found to be a cross-connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross-connection, auxiliary intake, bypass or inter-connection has been eliminated. (1998 Code, § 18-311)

18-312. Provision applicable. The requirements contained in this chapter shall apply to all premises served by the Bolivar Utility Water System and are hereby made part of the condition required to be met for the Bolivar Utility Water System to provide water service to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the chapter is entitled to a due process hearing upon timely request. (1998 Code, § 18-312)

CHAPTER 4**WATER AND SEWER SYSTEM ADMINISTRATION****SECTION**

- 18-401. Application and scope.
- 18-402. Definitions.
- 18-403. Application and service agreement for service.
- 18-404. Service charges for temporary service.
- 18-405. Connection charges.
- 18-406. Water and sewer main extensions.
- 18-407. Water and sewer main extension variances.
- 18-408. Meters.
- 18-409. Safety.
- 18-410. Customer billing and payment policy.
- 18-411. Termination or refusal of service.
- 18-412. Access to customers' premises.
- 18-413. Inspections.
- 18-414. Customer's responsibility for systems' property.
- 18-415. Customer's responsibility for violations.
- 18-416. Supply and resale of water.
- 18-417. Unauthorized use of or interference with water supply.
- 18-418. Limited use of unmetered private fire line.
- 18-419. Damages to property due to water pressure.
- 18-420. Liability for cutoff failures.
- 18-421. Restricted use of water.
- 18-422. Interruption of service.
- 18-423. Schedule of rates.
- 18-424. Consolidation of water, sewer and gas utilities.

18-401. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (Ord. #13-002, May 2013)

18-402. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the city under either an express or implied contract.

(2) "Dwelling" means any single residential unit or house occupied for residential purposes. Each separate apartment unit, duplex unit or other multiple dwelling units shall be considered a separate dwelling and shall require a separate meter.

(3) "Service line" shall consist of the pipeline extending from any water or sewer main of the city to private property. Where a meter and meter box are

located on private property, the service line shall be construed to include the pipeline extending from the city's water main to and including the meter and meter box.

(4) Any other structure or group of structures operating a business or enterprise shall not include more than one (1) business. Multiple businesses in the same building shall require a separate meter.

(5) All industrial and non-residential commercial buildings constructed prior to July 1, 2013, shall be grandfathered and not subject to the provisions of § 18-402(4), except that the owner of the property shall pay for the actual usage of water and sewer on the minimum charge for water and sewer multiplied by the total number of electrical meters present on the property, whichever is higher. (Ord. #13-002, May 2013)

18-403. Application and service agreement for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard service agreement and pay a connection fee of fifty dollars (\$50.00) before service is supplied. The connection fee shall not be refundable. If, for any reason, a customer, after signing a service agreement for services, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter, the liability of the city to the applicant shall be limited to the return of any fee made by such applicant. (Ord. #13-002, May 2013)

18-404. Service charges for temporary service. There will be no temporary service connections available. (Ord. #13-002, May 2013)

18-405. Connection charges. Service lines will be laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new water or sewer service line will be laid by the city, the applicant shall pay a nonrefundable connection charge of fifty dollars (\$50.00).

When service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city.

The city will install the sewer service line from the public sewer to the property line. The property owner or tenant shall maintain and keep in repair the sewer service line from the building to the public sewer in the street. (Ord. #13-002, May 2013)

18-406. Water and sewer main extensions.¹ Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

All such extensions shall be installed either by city forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such water and/or sewer mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains. Said mains shall be maintained by the developer of construction for one (1) year.

The applicant for the building sewer permit for a connection into public sewer shall notify the Bolivar Utility Office when the sewer is ready for inspection. The connections shall be inspected by the superintendent or his representative. (Ord. #13-002, May 2013)

18-407. Water and sewer main extension variances. Whenever the Bolivar Utility Board is of the opinion that it is to be in the best interest of the city and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the Bolivar Utility Board.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons. (Ord. #13-002, May 2013)

18-408. Meters. All meters shall be installed, tested, repaired, and removed only by the city.

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

¹Municipal code reference

Construction of building sewers: title 18, chapter 2.

passage of such water being registered fully by the meter. (Ord. #13-002, May 2013)

18-409. Safety. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. #13-002, May 2013)

18-410. Customer billing and payment policy. Water and sewer bills shall be rendered monthly and shall designate a standard net payment period for all members of not less than fifteen (15) days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all members a late payment charge not to exceed ten percent (10%) for any portion of the bill paid after the net payment period.

Payment must be received in the Bolivar Utility Department no later than 4:30 P.M. on the due date. If the due date falls on Saturday, Sunday, or a holiday, net payment will be accepted if paid on the next business day no later than 4:30 P.M.

Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made or the correction of the problems that resulted in the termination of service in a manner satisfactory to the water and sewer department, plus the payment of a reconnection charge of twenty-five dollars (\$25.00) if the reconnection is made during regular business hours.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (Ord. #13-002, May 2013)

18-411. Termination or refusal of service. Basis of termination or refusal. The city shall have the right to discontinue water and sewer service or to refuse to connect service for a violation of, or a failure to comply with this chapter, the rules and regulations, but not limited to the nonpayment of bills. (Ord. #13-002, May 2013)

18-412. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (Ord. #13-002, May 2013)

18-413. Inspections. The city shall have the right, but shall not be obligated to inspect any installation or plumbing systems before water and/or sewer service is furnished or any later time. The city reserves the right to refuse service or to discontinue service to any premises not in compliance with this chapter, the rules and regulations of the Bolivar Utility Department, or other requirements of the city. An inspection fee of fifteen dollars (\$15.00) shall be assessed for each inspection.

Any failure to inspect or reject a customer's installation or plumbing systems shall not render the city liable nor responsible for any loss or damage that might have been avoided had such inspection or rejection been made. (Ord. #13-002, May 2013, as amended by Ord. #14-007, Sept. 2014)

18-414. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his/her premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by customer. (Ord. #13-002, May 2013)

18-415. Customer's responsibility for violations. Where the city furnished water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (Ord. #13-002, May 2013)

18-416. Supply and resale of water. All water shall be supplied within the city exclusively by the city, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the city. (Ord. #13-002, May 2013)

18-417. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the city's stopcocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (Ord. #13-002, May 2013)

18-418. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water

is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (Ord. #13-002, May 2013)

18-419. Damages to property due to water pressure. The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (Ord. #13-002, May 2013)

18-420. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

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

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

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

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (Ord. #13-002, May 2013)

18-421. Restricted use of water. In times of emergencies or in times of water shortage the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (Ord. #13-002, May 2013)

18-422. Interruption of service. The city will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (Ord. #13-002, May 2013)

18-423. Schedule of rates.¹ All water and sewer service shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution. (Ord. #13-002, May 2013)

18-424. Consolidation of water, sewer and gas utilities. (1) The city water and sewer utility consisting of the existing water supply and distribution system and the sanitary sewage collection and disposal system of the city and the gas utility distribution system of the city are hereby consolidated into one (1) city department.

(2) The combined utility shall be known as the City of Bolivar Utility Department. All improvements, extensions, betterments and additions thereto, at any time hereafter made, shall become part of the City of Bolivar Utility Department.

(3) There is hereby created the office of director of utilities. Such director shall be appointed by the mayor.

(4) The director of utilities shall have charge of the maintenance, repair and operation of the City of Bolivar Utility Department. In addition, he/she shall perform such other duties as may be assigned to him/her by the mayor and utility board.

(5) All employees assigned to the maintenance and operation of the City of Bolivar Utility Department shall be under the supervision and direction of the director. (Ord. #13-002, May 2013)

¹Rate schedules for water and sewer are available in the office of the city administrator.

CHAPTER 5

GREASE INTERCEPTOR REQUIREMENTS

SECTION

- 18-501. Installation requirements.
- 18-502. Prohibited discharge.
- 18-503. Existing food service facilities.
- 18-504. Proposed and remodeled food service facilities.
- 18-505. General criteria--location.
- 18-506. General criteria--design.
- 18-507. Grease interceptor sizing.
- 18-508. Grease interceptor maintenance.
- 18-509. Permit requirements.
- 18-510. Administrative requirements.
- 18-511. Monitoring, inspection, and entry.
- 18-512. Emergency suspension of services.
- 18-513. Enforcement.

18-501. Installation requirements. All existing, proposed or newly remodeled food service facilities inside the Bolivar Utility Department wastewater service area which are likely to discharge grease to Bolivar Utility Department's sanitary sewer system will be required to install an approved, properly operated and maintained grease interceptor. All users found to be operating without a grease interceptor as specified in this policy will be given one hundred eighty (180) days to install an approved grease interceptor at the user's expense. This one hundred eighty (180) day period shall include the following:

- (1) A maximum of ninety (90) days to submit plans and obtain Bolivar Utility Department's approval on those plans.
- (2) After plans approval, the remaining time will be applied to the installation of the interceptor.
- (3) All interceptors must be inspected and approved by Bolivar Utility Department's manager before being placed into service. (Ord. #11-008, Oct. 2011)

18-502. Prohibited discharge. Janitor sinks or fixtures, which have potential to discharge black water to the grease interceptor, will not discharge through the grease interceptor unless specifically approved by the Bolivar Utility Department's manager. (Ord. #11-008, Oct. 2011)

18-503. Existing food service facilities. Existing food service facilities may connect any fixture to a grease interceptor, except fixtures which may discharge black water to the grease interceptor. Garbage grinder and dishwasher

connections are not recommended. Food particles from garbage grinders take up storage capacity in the grease interceptor and may require that the interceptor be pumped more frequently. Dishwashers discharge hot water and soap into the interceptor, which can melt grease stored inside the interceptor into the customer's service line and the public sewer system where grease hardens and causes line clogs. Any grease blockages or overflows will result in enforcement actions by Bolivar Utility Department's manager. (Ord. #11-008, Oct. 2011)

18-504. Proposed and remodeled food service facilities. Proposed and remodeled food service facilities may not connect janitor sinks, garbage grinders, dishwashers and black water fixtures to a grease interceptor. In order to discharge black water into the grease interceptor, approval must be granted by Bolivar Utility Department. (Ord. #11-008, Oct. 2011)

18-505. General criteria--location. Each grease interceptor will be installed and connected so that it may be easily accessible for inspection, cleaning, and removal of the intercepted grease at any time. A grease interceptor may not be installed in part of the building unless approved by Bolivar Utility Department. Location of the grease interceptor will meet the approval of Bolivar Utility Department. The best location is in an area outside of an outside wall, but upstream from the black water drain line. (Ord. #11-008, Oct. 2011)

18-506. General criteria--design. Grease interceptors will be constructed in accordance with Bolivar Utility Department standards and will have a minimum of two (2) compartments with fittings designed for grease retention. Other grease removal devices or technologies not meeting the grease interceptor definition in § 18-501 will be subject to the written approval of the utility manager. Such approval will be based on demonstrated removal efficiencies of the proposed technology. Under sink traps and in floor units must be approved by Bolivar Utility Department. Access to grease interceptors will be provided by two (2) manholes terminating one inch (1") above a finished grade with cast iron frame and cover. Covers will be gas tight in construction. In areas where additional weight loads may exist, the grease interceptor will be designed to have adequate load bearing capacity (example: vehicular traffic in parking or driving areas). Wastewater discharging to the grease interceptor will enter only through the inlet pipe of the interceptor. Each grease interceptor will have only one (1) inlet and one (1) outlet pipe.

All grease interceptors will have a capacity of not less than one thousand (1,000) gallons nor exceed a capacity of three thousand (3,000) gallons, then multiple units in series will be installed. Grease interceptor designs represent minimum standards for normal usage. Installations with heavier usage require more stringent measures for which the user is responsible and will pay the costs

to provide additional measures if required by Bolivar Utility Department. (Ord. #11-008, Oct. 2011)

18-507. Grease interceptor sizing. The size of a grease interceptor will be determined by the following formula:

Restaurants:

$(S) \times (GS) \times (HR/12) \times (LF) = \text{Interceptor Capacity (in gallons)}$

GS = Number of seats in dining area

GS = Gallons of wastewater per seat (use 20 gallons for ordinary restaurants, use 10 gallons for single service restaurants)

HR = Number of hours restaurant is open

LF = Loading factor (use 1.25 for interstate highway, 1.00 other freeways, 1.00 recreational area, 0.80 main highway and 0.50 other highways)

Other Establishments with Commercial Kitchens:

$(M) \times (GM) \times (LF) = \text{Interceptor Capacity (in gallons)}$

M = Meals prepared per day

GM = Gallons of wastewater per meal (use five gallons)

LF = Loading factor (use 1.00 with dishwashing machine and 0.50 without dishwashing machine) (Ord. #11-008, Oct. 2011)

18-508. Grease interceptor maintenance. (1) Pumping. All grease interceptors will be maintained at the user's expense. Maintenance will include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor, for the purpose of reducing the volume to be disposed, is prohibited. The pumping frequency will be determined by Bolivar Utility Department and the user.

(2) Repairs. Necessary repairs to the user's interceptor can be made by an outside source at the user's expense. If an outside source is used, all repairs must be inspected by Bolivar Utility Department before the interceptor is placed back into service.

(3) Pumping frequency and disposal. Grease interceptors must be pumped out completely at the determined schedule to prevent carry over of grease into the sanitary sewer collection system. All waste removed from each grease interceptor must be disposed at the proper location. In no way will the pumpage be returned to any private or public portion of the sanitary sewer collection system.

(4) Additives. Any additive(s) placed into the grease interceptor or building discharge line system on a constant, regular, or scheduled basis will be

reported to the manager. Such additives will include, but not be limited to enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease. The use of additives will in no way be considered as a substitution to the maintenance procedures required herein.

(5) Chemical treatment. Chemical treatment such as drain cleaners, acid and other chemicals designed to dissolve or remove grease will not be allowed to enter the grease interceptor. (Ord. #11-008, Oct. 2011)

18-509. Permit requirements. Permit. It will be unlawful for any facility producing grease to discharge waste into the sanitary sewer collection system without authorization from Bolivar Utility Department. Bolivar Utility Department may require an application for approval of grease interceptors. This will be handled through Bolivar Utility Department. If, after examining the information contained in the grease interceptor permit application, it is determined that the proposed discharge does not conflict with the provisions of this chapter a permit may be issued allowing the discharge of such wastes into the sanitary sewer collection system. The terms and conditions of the permit may be subject to modification by Bolivar Utility Department as limitations or requirements as identified in this chapter are modified or other just cause exists. The user will be informed of any proposed changes at least thirty (30) days prior to the effective date of the change(s). Any changes or new conditions in the permit will include a reasonable time schedule for compliance. As a condition precedent to the granting of a permit, the permittee under this section will agree to hold harmless Bolivar Utility Department and Bolivar Utility Department employees from any liabilities arising from the permit holder's operations under this permit. (Ord. #11-008, Oct. 2011)

18-510. Administrative requirements. Manifest. All pumpage from grease interceptors will be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer will be given a copy of the original manifest by the hauler. (Ord. #11-008, Oct. 2011)

18-511. Monitoring, inspection, and entry. (1) Monitoring. When required for the purpose of this chapter, the user shall provide, operate and maintain, at the user's expense, safe and accessible monitoring facilities (such as a suitable manhole) at all times to allow observation, inspection, sampling, and flow measurement of the building sewer or internal drainage systems. There shall be ample room in or near such monitoring facility to allow accurate sampling and preparation of samples for analysis. Samples outside of normal testing will be at the user's expense. When the physical location and hydraulic conditions are suitable, a manhole or similar facility existing on the sanitary sewer collection system may be utilized as the user's manhole when agreed to by both the user and the manager.

(2) Inspection and entry. Authorized personnel of Bolivar Utility Department, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this chapter, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this chapter. (Ord. #11-008, Oct. 2011)

18-512. Emergency suspension of services. Bolivar Utility Department may suspend water or sewer service when such suspension is necessary, in the opinion of the manager, in order to stop an actual or threatened discharge which:

- (1) Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;
- (2) Causes stoppages or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system;
- (3) Causes interferences to the Publicly Owned Treatment Works (POTW); or
- (4) Causes Bolivar Utility Department to violate any condition of its National Pollution Discharge Elimination System (NPDES) permit.

Water or sewer service may be suspended when a user required to operate a grease interceptor is found to be in noncompliance with the regulations stated in this chapter. Any person notified of a suspension of the water or sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, Bolivar Utility Department shall take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize damage to the POTW system or sewer connection or endangered to any individuals. Bolivar Utility Department shall reinstate the water or sewer service when such conditions causing the suspension have passed or been eliminated. A detailed written statement submitted by the user describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to Bolivar Utility Department within fifteen (15) days of the date of occurrence. (Ord. #11-008, Oct. 2011)

18-513. Enforcement. The manager shall have the administrative authority to enforce this chapter. Whenever Bolivar Utility Department finds that any user has violated or is violating this chapter, or any prohibition, limitation, or requirements contained herein, the manager will implement Bolivar Utility Department's Enforcement Response Plan. Enforcement response necessary to initiate corrective action may include but not be limited to the following:

- (1) Notice of violation. Bolivar Utility Department may serve upon any user a written notice stating the nature of violation. Within fifteen (15) days of the date of notice, a plan for the satisfactory correction thereof shall be

submitted to the manager by the user. Each day's violation of this chapter shall be considered a separate offense, with a fifty dollar (\$50.00) fine.

(2) Authorization. The manager is authorized to promulgate such rules as shall be reasonable and necessary to carry out the provisions of this chapter according to its terms and intent. (Ord. #11-008, Oct. 2011)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. UTILITY DEPARTMENT FRANCHISE AGREEMENT.

CHAPTER 1

UTILITY DEPARTMENT FRANCHISE AGREEMENT

SECTION

19-101. Franchise agreement.

19-101. Franchise agreement. Franchise agreements may be viewed in the office of the city administrator.

TITLE 20

MISCELLANEOUS

CHAPTER

1. CIVIL DEFENSE.
2. DIRECTOR OF CIVIL DEFENSE.
3. BUILDING PERMIT SYSTEM.
4. ALARM SYSTEMS.

CHAPTER 1

CIVIL DEFENSE¹

SECTION

- 20-101. Created; purpose.
- 20-102. Authority and responsibility.
- 20-103. Civil defense corps.
- 20-104. Immunity of persons acting under this chapter from civil liability.
- 20-105. Fiscal controls.

20-101. Created; purpose. There is hereby created the Hardeman County Emergency Management Agency, which shall be a joint operation by the City of Bolivar and the County of Hardeman for the purpose of organizing and directing emergency management for the citizens of the entire county. All other emergency management agencies within the corporate limits of Hardeman County shall be considered as parts of the countywide emergency management resources and when such agencies operate out of their corporate limits it shall be at the direction of, subordinate to, and as a part of the Hardeman County Emergency Management Agency. (1998 Code, § 20-101)

20-102. Authority and responsibility. (1) In accordance with relevant federal and state law, the Hardeman County Emergency Management Agency is authorized to assist the regular government of the county and governments of all political subdivisions therein as may be necessary due to enemy-caused emergency or natural disasters, including but not limited to storms, floods, fires, explosions, tornadoes, hurricanes, drought, or peacetime man-made disasters, which might occur affecting the lives, health, safety, welfare, and property of the

¹State law reference

Civil defense: Tennessee Code Annotated, § 58-2-101.

Local civil defense organizations: Tennessee Code Annotated, § 58-2-117.

citizens of the county. The emergency management agency is authorized to perform such duties and functions as may be necessary on account of such disasters. It is hereby designated the official agency to assist regular forces in time of such emergencies.

(2) The county emergency management agency shall be responsible for preparation and readiness against enemy-caused and natural emergencies arising in the county, to establish and coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1998 Code, § 20-102)

20-103. Civil defense corps. The Hardeman County Civil Defense Corps is hereby created. The civil defense corps shall be under the direction of the director of civil defense and his staff members with delegated authority; it shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the civil defense emergency plan, to be prepared under the direction of the director of civil defense. (1998 Code, § 20-103)

20-104. Immunity of persons acting under this chapter from civil liability. The duties prescribed in this chapter are an exercise by the city and county of governmental functions for the protection of the public peace, health and safety and neither the city, county, the agents and representatives of the city and county nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to person or property as the result of said activity. No person owning or controlling real estate or other premises for the purpose of sheltering persons during an actual, impending or practice enemy attack, or his successors in interest, shall be civilly liable for the death of or injury to any person on or about such real estate or premises under such license, privilege or other permission or for loss of or damage to the property of such person. The right of any person to receive benefits of compensation to which he might otherwise be entitled under Workers' Compensation Law or any pension law or Act of Congress, shall not be affected by this section. (1998 Code, § 20-104)

20-105. Fiscal controls. (1) No person shall have the right to expend any public funds of the city or county in carrying out any civil defense activities authorized by this chapter without prior approval by the city council and county court, nor shall any person have any right to bind the city by contract, agreement or otherwise without prior and specific approval by the city council.

(2) The director of emergency management shall have control of and is responsible for the disbursement of such monies as may be provided annually by appropriation of the city for the operation of the emergency management

agency; he shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the city council.

(3) All funds shall be disbursed upon vouchers properly executed by the director of emergency management or a lawfully authorized and appointed assistant or deputy of the city treasurer.

(4) The director of emergency management is authorized to accept federal contributions in money, equipment or otherwise, when available, or state contributions, and is further authorized to accept contributions to the emergency management agency from individuals and other organizations. (1998 Code, § 20-105)

CHAPTER 2

DIRECTOR OF CIVIL DEFENSE

SECTION

20-201. Office created; appointment and term.

20-202. General powers and duties.

20-201. Office created; appointment and term. The office of director of civil defense is hereby created. The director shall be appointed by the mayor and shall serve for a term of three (3) years or until his successor is appointed. (1998 Code, § 20-201)

20-202. General powers and duties. (1) The director of civil defense shall be responsible to the city council and county court for the coordination of the authority, duties and responsibilities of the Hardeman County Civil Defense Organization, for the preparation of all plans and administrative regulations and for recruitment and training of personnel.

(2) The duties and responsibilities of the director of civil defense shall include:

(a) The duty to request the declaration of the existence of an emergency by the mayor and county judge, or either of them, or by such other authority as is appropriate.

(b) Coordination of local civil defense plans with state plans, subject to approval by the state civil defense office.

(c) Delegation of such responsibility and authority as is necessary to carry out the purposes of this chapter, subject to the approval of the city council and county court. (1998 Code, § 20-202)

CHAPTER 3

BUILDING PERMIT SYSTEM

SECTION

- 20-301. Requirements zone.
- 20-302. Permit requirements.
- 20-303. Application.
- 20-304. Review of applications.
- 20-305. Review of development.
- 20-306. Review of permits.
- 20-307. Review of proposals.
- 20-308. Water supply systems.
- 20-309. Sewage systems.
- 20-310. Subdivision proposals.
- 20-311. Level of lowest floor.
- 20-312. Determination of flood insurance risk premium rates.
- 20-313. Watercourse alteration.
- 20-314. Mobile homes.
- 20-315. Official map.

20-301. Requirements zone. The measures contained in this chapter shall be required within Zone A of the Bolivar, Tennessee Flood Hazard Boundary Map issued by the Federal Insurance Administration on November 12, 1977. (1998 Code, § 20-301)

20-302. Permit requirements. (1) No person shall erect, construct, enlarge, alter, repair, improve, move or demolish any building or structure without first obtaining a separate permit for each building or structure from the designated responsible person.

(2) No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, shall be commenced until a separate permit has been obtained from the designated responsible person for each change.

(3) No mobile home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the designated responsible person. (1998 Code, § 20-302)

20-303. Application. To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the building inspector before the issuance of a permit will be considered. (1998 Code, § 20-303)

20-304. Review of applications. The building inspector who is to be designated will be the person responsible for examining the plans and specifications for the proposed construction or development. The building inspector will receive assistance from the Bolivar Planning Commission and the Hardeman County Health Department when needed.

After reviewing the application, the responsible person shall require any additional measures which are necessary to meet the minimum requirements of this document. (1998 Code, § 20-304)

20-305. Review of development. The responsible person shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. (1998 Code, § 20-305)

20-306. Review of permits. The responsible person shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall:

- (1) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
- (2) Be constructed with materials and utility equipment resistant to flood damage; and
- (3) Be constructed by methods and practices that minimize flood damage. (1998 Code, § 20-306)

20-307. Review of proposals. The responsible person shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage within the flood prone area;
- (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- (3) Adequate drainage is provided to reduce exposure to flood hazards. (1998 Code, § 20-307)

20-308. Water supply systems. The responsible person shall require within flood prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems. (1998 Code, § 20-308)

20-309. Sewage systems. The responsible person shall require within flood prone areas:

- (1) New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and
- (2) On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding. (1998 Code, § 20-309)

20-310. Subdivision proposals. The responsible person shall require that all subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is the less, include within such proposals base flood elevation data. (1998 Code, § 20-310)

20-311. Level of lowest floor. The responsible person shall obtain, and reasonably utilize any base flood elevation data available from a federal, state or other source, until such other data has been provided by the administrator, as criteria for requiring that:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level; and
- (2) All new construction and substantial improvements of nonresidential construction have the lowest floor (including basement) elevated or floodproofed to or above the base flood level. (1998 Code, § 20-311)

20-312. Determination of flood insurance risk premium rates. For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's FHBM, the responsible person shall:

- (1) Obtain, or require the applicant to furnish the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement;
- (2) Obtain, or require the applicant to furnish, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed; and
- (3) Maintain a record of all such information. (1998 Code, § 20-312)

20-313. Watercourse alteration. The responsible person shall notify, in riverine situations, adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administration.

The responsible person shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. (1998 Code, § 20-313)

20-314. Mobile homes. The responsible person shall require that all mobile homes to be placed within Zone A on the community's flood hazard boundary map shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(1) Over-the-top ties be provided at each of the four (4) corners of the mobile homes, with two (2) additional ties per side at intermediate locations and mobile homes less than fifty feet (50') long requiring one (1) additional tie per side;

(2) Frame ties to be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty feet (50') long requiring four (4) additional ties per side;

(3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(4) Any additions to the mobile home be similarly anchored. (1998 Code, § 20-314)

20-315. Official map. The flood hazard boundary map issued by the Federal Insurance Administration for Bolivar, Tennessee and any officially published revisions to this map, is adopted as the official map for the enforcement of this document. This map delineates the area within which the requirements of this document will be enforced. (1998 Code, § 20-315)

CHAPTER 4

ALARM SYSTEMS

SECTION

20-401. Definitions.

20-402. Schedule of notice, warnings, and costs.

20-401. Definitions. (1) "False emergency alarm." Any signal actuated by an emergency alarm to which the Bolivar Fire Department responds which is not the result of fire or other actual emergency and not caused by a violent act of nature.

(2) "Owner and/or operator." A person or persons, who resides in, own or operate a business or residence in which an emergency alarm is connected. (1998 Code, § 20-401)

20-402. Schedule of notice, warnings, and costs. The following schedule of notice, warnings, and costs shall be assessed to the owners and/or operators of emergency alarm systems for false emergency alarms transmitted to the fire department within a rolling twelve (12) month period.

(1) First false alarm warning. A warning letter and notice will be sent to insure that the alarm is in proper working order. No fee assessed. The fire chief shall cause the letter to be sent certified mail, with the notice to the owner and/or operator that further false emergency alarms will result in a fee and/or costs of providing such service.

(2) Second false alarm. A fee of fifty dollars (\$50.00) will be assessed for the response of the Bolivar Fire Department. The fire chief shall cause a letter and notice to be sent by certified mail to the owner, and/or operator to insure that the alarm system is in proper working order.

(3) Third false alarm. Or more, a fee of fifty dollars (\$50.00) will be assessed for the response of the Bolivar Fire Department. The fire chief shall cause a letter and notice to be sent by certified mail to the owner and/or operator to insure that the alarm system is in proper working order.

Annually the Bolivar Fire Department shall review charges including the costs of equipment, fuel, personnel, advertising, and other such factors as determined of the fire chief. (1998 Code, § 20-402, modified)

