THE
SOMERVILLE
MUNICIPAL
CODE

Prepared by the
MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

September 2003
TOWN OF SOMERVILLE, TENNESSEE

MAYOR

Ronnie Neill

VICE MAYOR

Sandra Myers

ALDERMEN

Judy Accardi
John D. Douglas
Mike French
Jason Lee Hamilton
James Lofties

ADMINISTRATOR

Robert Turner
PREFACE

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

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

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

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

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

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).

(2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the town agrees to 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 Linda Dean, the MTAS Sr. Word Processing Specialist who did all the typing on this project, and Sandy Selvage, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Consultant
SECTION 16. ORDINANCES

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

(2) All ordinances shall be considered on two (2) separate days and may be passed by approval on both days by a majority of the members present, if a quorum is present by calling AYES and NAYS. A quorum is a majority of the board. All AYES and NAYS on all votes on all ordinances shall be recorded.
TITLE 1

GENERAL ADMINISTRATION¹

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

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION
1-101. Time and place of regular meetings.
1-102. Order of business.
1-103. General rules of order.
1-104. Compensation of aldermen.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the second Monday of each month at the city hall. (1975 Code, § 1-101, modified)

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.

²Charter references
Election of board: § 3.
Oath of office: § 5.
Vacancies in office: § 5.
1-102. **Order of business.** At each meeting of the board of mayor and aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

1. Call to order by the mayor.
2. Roll call by the recorder.
3. Reading of minutes of the previous meeting by the recorder, and approval or correction.
4. Comments from community.
5. Communications from the mayor.
6. Reports from committees, members of the board of mayor and aldermen, and other officers.
7. Old business.

1-103. **General rules of order.** The rules of order and parliamentary procedure contained in *Robert's Rules of Order, Newly Revised, 1990* (9th) Edition, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1975 Code, § 1-103, modified)

1-104. **Compensation of aldermen.** The compensation of aldermen shall be two hundred dollars ($200.00) per month. (Ord. of March 9, 1972, modified)
CHAPTER 2

MAYOR

SECTION
1-201. Mayor to exercise general supervision over officers.
1-202. Mayor to report neglect, etc. to board.
1-203. May use citizens and police to quell riots, etc.
1-204. Duty to sign warrants, etc. for the payment of money.
1-205. To make record of warrants signed.
1-206. To make settlements with officers at May meeting.
1-207. Compensation of mayor.

1-201. **Mayor to exercise general supervision over officers.** The mayor shall have and exercise a general supervision and control over all town or corporation officers; and it shall be his duty to examine into the condition of their respective offices, the books, papers, and records therein and the manner of conducting their official duties; and shall call upon any officer, clerk, or deputy for information in relation to any matter pertaining to his office. All officers are required to give him free access to their office, books, and papers, for this purpose. (1975 Code, § 1-201)

1-202. **Mayor to report neglect, etc. to board.** He shall report to the board at any meeting all violation or neglect of duty on the part of any officer which may come to his knowledge. (1975 Code, § 1-202)

1-203. **May use citizens and police to quell riots, etc.** He is empowered to call to his assistance the town police and citizens of the town to aid him in preserving the peace, preventing or quelling any riot, rout, unlawful assembly or breach of the peace; and all such persons so called on by him shall be subject to his orders, while on the duty for which they are thus called. (1975 Code, § 1-203)

1-204. **Duty to sign warrants, etc. for the payment of money.** It shall be the duty of the mayor to sign his name officially on all orders or warrants for the payment of money, made by the board or the treasurer, and the treasurer shall pay no warrant or order without his signature. (1975 Code, § 1-204)

1-205. **To make record of warrants signed.** It shall be his duty, and the mayor is hereby required to note in a book kept for that purpose all warrants on the treasurer that he has signed, together with the date, amount, and name of payee. (1975 Code, § 1-205)
1-206. **To make settlements with officers at May meeting.** It shall be the duty of the mayor in conjunction with two aldermen to be appointed, to settle with all town officers, recorder, treasurer, town marshal, and superintendent of water and light plant, which settlements shall be made and reported to the May meeting of the board each and every year, and said settlements shall be spread upon the minutes and that this section take effect on and after its passage. (1975 Code, § 1-206)

1-207. **Compensation of mayor.** The compensation of the mayor shall be seven hundred and fifty dollars ($750.00) per month. (Ord. of March 9, 1972, modified)
CHAPTER 3

RECORDER¹

SECTION
1-301. Recorder to take oath.
1-302. Performance bond required.
1-303. Keep records of finances administered by office.
1-304. To issue license.
1-305. To keep minutes, etc.
1-306. Pay all money to treasurer.
1-307. To serve as tax assessor.
1-308. Tax books to be completed by the first of October.
1-309. Personally liable for city money.

1-301. Recorder to take oath. The recorder of the town before entering upon the duties of his office shall take and subscribe the following oath, to wit: "That I will as recorder of the Town of Somerville administer justice without respect to persons and faithfully and impartially perform all the duties incumbent upon me to the best of my skill and ability." (1975 Code, § 1-301)

1-302. Performance bond required. Before entering upon the duties of his office the recorder shall enter into bond in the sum of five thousand ($5,000) dollars, with sufficient surety to be approved of by the board of mayor and aldermen, payable to the State of Tennessee conditioned for the payment over to the treasurer of all sums which may come into his hands belonging to the corporation, and for the faithful discharge of his duty as recorder. (1975 Code, § 1-302)

1-303. Keep records of finances administered by office. The recorder shall keep a fair and true and regular account of all money arising from license, contracts, privileges, fines, and perfections, or in any manner or way belonging to the corporation coming into his hands, and shall make and exhibit an accurate statement thereof every month to the board, and pay all money in his hands belonging to the corporation into the treasury taking a receipt for same. (1975 Code, § 1-303)

1-304. To issue license. The recorder shall keep a well-bound book in which shall be fairly noted down all license by him granted, to whom granted,

¹Charter reference
Appointment, duties, etc. of recorder: § 13.
and for what purpose, with the several sums by him received therefore, and
make report therefore to the board at each stated meeting. (1975 Code, § 304)

1-305. **To keep minutes, etc.** The recorder shall attend all meetings
of the board and keep a faithful record of all their proceedings, and shall
perform such other services as are or shall be required of him by the laws and
this code of ordinances of the town. (1975 Code, § 1-305)

1-306. **Pay all money to treasurer.** The recorder shall just before
making each monthly report to the board pay into the hands of the treasurer all
money received by him as recorder from any and all sources belonging to the
corporation, taking the treasurer's receipt therefor. (1975 Code, § 1-306)

1-307. **To serve as tax assessor.** The recorder shall be the assessor of
taxes for the corporation and shall enter the assessments of real as well as
personal property in a well-bound book suitably ruled, and in assessing the
property he shall take the valuations of property as fixed by the "board of
equalization" for the county and state. (1975 Code, § 1-307)

1-308. **Tax books to be completed by the first of October.** It shall
be the duty of the recorder to complete the tax books by the first Monday in
October of each and every year, and place the same in the hands of the officer
charged with the collection of same, taking his receipt for same therefor. (1975
Code, § 1-308)

1-309. **Personally liable for city money.** For a failure, neglect or
refusal, on the part of the recorder to pay into the hands of the treasurer any
and all money which by the laws and this code of ordinances he is bound to pay
at the time stipulated and appointed or for any violation or neglect of his duties
as recorder, he and his sureties on his bond shall be liable to a motion or suit on
his bond in the Circuit Court of Fayette County or before any tribunal having
cognizance and jurisdiction of the same, for the amount of such defalcation on
such damages as may result from a failure or neglect of duty on his part. (1975
Code, § 1-309)
CHAPTER 4

TREASURER

SECTION

1-401. Treasurer appointed by the board of mayor and aldermen.
1-402. Treasurer to take oath.
1-403. Performance bond required.
1-404. Treasurer is tax collector.
1-405. Warrant required for disbursement.
1-406. Treasurer to keep regular accounts.
1-407. Delivery of books to successor.
1-408. To make report to board.
1-409. To notify board upon failure of marshal or recorder.
1-410. Treasurer personally liable for city funds.

1-401. Treasurer appointed by the board of mayor and aldermen. At the first regular meeting of each succeeding board of mayor and aldermen every two years, there shall be elected by the board a treasurer who shall hold his office until his successor is elected and qualified. (1975 Code, § 1-401)

1-402. Treasurer to take oath. Before entering upon the duties of his office, the treasurer elect shall take and subscribe the following oath, "I----Do solemnly swear that, as treasurer of the corporation of the Town of Somerville, I will honestly and faithfully account for all money that may come to my hands as such treasurer, and that I will faithfully perform all the duties of said office to the best of my skill and ability. (1975 Code, § 1-402)

1-403. Performance bond required. He shall also enter into bond payable to the State of Tennessee in the sum of five thousand ($5,000) dollars with sufficient surety to be approved of by the mayor and aldermen conditioned for the safe and faithful keeping and payment of all money which shall be deposited in his hands and for the faithful performance of all his duties as treasurer according to the laws and this code of ordinances of the town. (1975 Code, § 1-403)

1-404. Treasurer is tax collector. The treasurer shall be ex-officio, the tax collector for the corporation, and shall keep a fair, regular and true account of all money which he shall receive for the use of the corporation. (1975 Code, § 1-404)

1Charter reference
Appointment, duties, etc. of treasurer: § 14.
1-405. **Warrant required for disbursement.** When a warrant is presented to him for payment, and if there be funds in the treasury not otherwise appropriated, he shall immediately pay same and take up and cancel the warrant. (1975 Code, § 1-405)

1-406. **Treasurer to keep regular accounts.** He shall keep fair and regular accounts of all money by him received and all payments by him made and shall make and render a statement of same before the board of mayor and aldermen at each stated monthly meeting. (1975 Code, § 1-406)

1-407. **Delivery of books to successor.** He shall upon his resignation or going out of office by the election or appointment of another deliver to his successor all books and papers of his office and especially shall he immediately make settlement and pay over the balance found in his hands to his successor taking receipt therefore. (1975 Code, § 1-407)

1-408. **To make report to board.** He shall at any time he may be called on to do so by the board of mayor and aldermen, or the mayor, make out a statement of the receipts and expenditures giving a succinct view of the state and condition of the treasury. (1975 Code, § 1-408)

1-409. **To notify board upon failure of marshal or recorder.** It shall be the duty of the treasurer to notify the board of mayor and aldermen at the first meeting after failure to make his annual financial report or neglect of duty, upon the part of the town marshal or recorder to pay into his hands at the time appointed all such money as they are bound by law and this code of ordinances to hand over to him. (1975 Code, § 1-409)

1-410. **Treasurer personally liable for city funds.** If the treasurer on going out of office fail or refuse to pay over the balance of money in his hands belonging to the corporation, he and his securities shall be liable to judgment or motion before the Circuit Court of Fayette County in the name of mayor and aldermen of the Town of Somerville. (1975 Code, § 1-410)
CHAPTER 5

CODE OF ETHICS

SECTION

1-501. Applicability.
1-502. Definition of "personal interest."
1-503. Disclosure of personal interest by official with vote.
1-504. Disclosure of personal interest in nonvoting matters.
1-505. Acceptance of gratuities, etc.
1-506. Use of information.
1-507. Use of municipal time, facilities, etc.
1-508. Use of position of authority.
1-509. Outside employment.
1-510. Ethics complaints.
1-511. Violations.

1-501. **Applicability.** This chapter is the code of ethics for personnel of the Town of Somerville, Tennesssee. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #07.044, June 2007)

1-502. **Definition of "personal interest."** (1) For purposes of §§ 1-503 and 1-504, "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 financial, ownership, or employment interest of the official's or employee's spouse, or child(ren) living at home.

(2) The words "employment interest" includes 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 provision of this chapter. (as added by Ord. #07.044, June 2007)

1-503. **Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the
meeting at which the vote takes place, before the vote and so it appears in the
minutes, any personal interest that affects or that would lead a reasonable
person to infer that it affects the official's vote on the measure. In addition, the
official may recuse himself from voting on the measure. (as added by
Ord. #07.044, June 2007)

1-504. Disclosure of personal interest in nonvoting matters. An
official or employee who must exercise discretion relative to any matter, other
than casting a vote, and who has a personal interest in the matter that affects
or that would lead a reasonable person to infer that it affects the exercise of the
discretion shall disclose, before the exercise of the discretion when possible, the
interest on a form, provided by and filed with the recorder. In addition, the
official or employee may, to the extent allowed by law, charter, chapter, or
policy, recuse himself from the exercise of discretion in the matter. (as added
by Ord. #07.044, June 2007)

1-505. 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 that the municipality that exceeds fifty
dollars ($50.00):
(1) For the performance of an act, or refraining from performance of
an act, that he would be expected to perform, or refrain from performing, in the
regular course of his duties; or
(2) That might reasonably be interpreted as an attempt to influence
his action, or reward him for past action, in executing municipal business. (as
added by Ord. #07.044, June 2007)

1-506. Use of information. (1) An official or employee may not disclose
any information obtained in his official capacity or position of employment that
is made confidential under state or federal law except as authorized by law.
(2) An official or employee may not use or disclose information
obtained in his official capacity or position of employment with the intent to
result in financial gain for himself or any other person or entity. (as added by
Ord. #07.044, June 2007)

1-507. Use of municipal time, facilities, etc. (1) An official or
employee may not use or authorize the use of municipal time, facilities,
equipment, or supplies for private gain or advantage to himself.
(2) An official or employee may not use or authorize the use of
municipal time, facilities, equipment, or supplies for private gain or advantage
to any private person or entity, except as authorized by legitimate contract or
lease that is determined by the governing body to be in the best interests of the
municipality. (as added by Ord. #07.044, June 2007)
1-508. **Use of position of authority.** (1) An official or employee may not make or attempt to make private purchase, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or chapter or policy of the municipality.  (as added by Ord. #07.044, June 2007)

1-509. **Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any chapter or policy.  (as added by Ord. #07.044, June 2007)

1-510. **Ethics complaints.** (1) The town 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 town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

(b) The town attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest 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 town attorney or another individual or entity chosen by the governing body.

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.  (as added by Ord. #07.044, June 2007)
1-511. **Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #07.044, June 2007)
BOARDS AND COMMISSIONS, ETC.
CHAPTER 1
CITY JUDGE

SECTION
3-101. City judge.

3-101. City judge. The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge. (1975 Code, § 1-601)
CHAPTER 2
COURT ADMINISTRATION

SECTION
3-201. Maintenance of docket.
3-202. Imposition of fines, penalties, and costs.
3-203. Disposition and report of fines, penalties, and costs.
3-204. Disturbance of proceedings.
3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1975 Code, § 1-602)

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

In all cases heard or determined by him, the city judge shall tax in the bill of costs court costs in the amount of ninety dollars ($90.00). (1975 Code, § 1-608, modified, as amended by Ord. #2018-007, July 2018)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1975 Code, § 1-611)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1975 Code, § 1-612)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply
when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1975 Code, § 1-606)
CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION
3-301. Issuance of arrest warrants.
3-302. Issuance of summonses.
3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1975 Code, § 1-603)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1975 Code, § 1-604)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1975 Code, § 1-605)

¹State law reference
For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.
CHAPTER 4

BONDS AND APPEALS

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

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1975 Code, § 1-607)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1975 Code, § 1-609)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.
An appeal bond in any case shall be in the sum of two hundred and fifty dollars ($250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1975 Code, § 1-610)

¹State law reference
 TITLE 4
MUNICIPAL PERSONNEL

CHAPTER
1. SOCIAL SECURITY.
2. PERSONNEL.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1
SOCIAL SECURITY

SECTION
4-101. Policy and purpose as to coverage.
4-102. Necessary agreements to be executed.
4-103. Withholdings from salaries or wages.
4-104. Appropriations for employer's contributions.
4-105. Records and reports to be made.
4-106. Exclusion from other retirement systems.
4-107. When not covered by applicable laws.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this town to provide for all eligible employees and officials of the town, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the town shall take such action as may be required by applicable state and federal laws or regulations. (1975 Code, § 1-801)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1975 Code, § 1-802)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1975 Code, § 1-803)
4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1975 Code, § 1-804)

4-105. Records and reports to be made. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1975 Code, § 1-805)

4-106. Exclusion from other retirement systems. There is hereby excluded from this chapter any authority to make any agreement with respect to any positions or any employee or official not covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town. (1975 Code, § 1-806)

4-107. When not covered by applicable laws. There is hereby excluded from this chapter any authority to make any agreement with respect to any employee or official not authorized to be covered by applicable state or federal laws or regulations. (1975 Code, § 1-807)
CHAPTER 2

PERSONNEL

SECTION
4-201. Purpose.
4-202. Administration.
4-203. Personnel rules and regulations.
4-204. Records.
4-205. Right to contract for special services.

4-201. Purpose. The purpose of this chapter is to establish a system of personnel administration in the Town of Somerville that is based on merit and fitness. The system shall provide a means to select, develop, and maintain an effective municipal work force through impartially applying personnel policies and procedures free of personal and political considerations and regardless of race, color, gender, age, creed, national origin, or disability.

4-202. Administration. The personnel system shall be administered by the town administrator/city recorder, who shall have the following duties and responsibilities:

(1) Exercise leadership in developing an effective personnel administration system subject to provisions in this chapter, other ordinances, the town charter, and federal and state laws relating to personnel administration;

(2) Recommend to the board of mayor and aldermen policies and procedures for recruiting, appointing, and disciplining all employees of the municipality subject to those policies as set forth in this chapter, the town charter, and the municipal code;

(3) Fix and establish the number of employees in the various town departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in the town charter and code, and subject to the approval of the board of mayor and aldermen and budget limitations;

(4) Foster and develop programs for improving employee effectiveness, including training, safety, and health;

(5) Maintain records of all employees, subject to the provisions of this chapter of the town code, which shall include each employee's class, title, pay rates, and other relevant data;

(6) Make periodic reports to the board of mayor and aldermen regarding administering the personnel system;

(7) Recommend to the board of mayor and aldermen a position classification plan and install and maintain such a plan upon approval by the board of mayor and aldermen;
(8) Prepare and recommend to the board of mayor and aldermen a pay plan for all municipal government employees;
(9) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the municipal government;
(10) Be responsible for certification of payrolls; and
(11) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law.

4-203. Personnel rules and regulations. The town administrator shall develop rules and regulations necessary for effectively administering the personnel system. The rules and regulations shall become effective after approval by the board of mayor and aldermen. Amendments to the rules and regulations may be recommended for adoption by the town administrator. Such amendments or revisions of the rules shall become effective after approval by the governing body. Nothing in the personnel rules and regulations document shall be deemed to give employees any more property rights in their job than they already possess. The town reserves the right to alter or change any or all of these rules without prior notice to employees.

4-204. Records. The town administrator shall maintain adequate records of the employment record of every employee as specified herein.

4-205. Right to contract for special services. The board of mayor and aldermen may direct the town administrator to contract with any competent agency for performing such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary.
CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION
4-301. Title.
4-302. Purpose.
4-303. Coverage.
4-304. Standards authorized.
4-305. Variances from standards authorized.
4-306. Administration.
4-307. Funding the program.

4-301. Title. This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the Town of Somerville. (1975 Code, § 1-1201, as replaced by Ord. #03.005, Nov. 2003, and Ord. #2017-004, June, 2017)

4-302. Purpose. The board of mayor and aldermen in electing to update the established program plan will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:
   (1) Provide a safe and healthful place and condition of employment that includes:
       (a) Top management commitment and employee involvement;
       (b) Continually analyze the worksite to identify all hazards and potential hazards;
       (c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
       (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
   (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
   (3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required. (1975 Code, § 1-1201, as replaced by Ord. #03.005, Nov. 2003, as replaced by Ord. #2017-004, June 2017)

1The Occupational Safety and Health Program Plan for the Town of Somerville, is included in this municipal code as Appendix 2.
4-303. **Coverage.** The provisions of the occupational safety and health program plan for the employees of the Town of Somerville shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (1975 Code, § 1-1202, as replaced by Ord. #03.005, Nov. 2003, and Ord. #2017-004, June 2017)

4-304. **Standards authorized.** The occupational safety and health standards adopted by the Town of Somerville 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 (1975 Code, § 1-1203, as replaced by Ord. #03.005, Nov. 2003, and Ord. #2017-004, June 2017)

4-305. **Variances from standards authorized.** Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (as added by Ord. #03.005, Nov. 2003, and replaced by Ord. #2017-004, June 2017)

4-306. **Administration.** For the purposes of this chapter, Franklin Stanford is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (as added by Ord. #03.005, Nov. 2003, and replaced by Ord. #2017-004, June 2017)

¹State law reference
Tennessee Code Annotated, title 50, chapter 3.
4-307. **Funding the program.** Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the Town of Somerville. (as added by Ord. #03.005, Nov. 2003, and replaced by Ord. #2017-004, June 2017)
CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

SECTION
4-401. Purpose.
4-402. Enforcement.
4-403. Travel policy.
4-404. Travel reimbursement rate schedules.
4-405. Administrative procedures.

4-401. Purpose. The purpose of this chapter and referenced regulations is to bring the Town of Somerville into compliance with Tennessee Code Annotated, §§ 6-54-901 through 6-54-907. This law requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular town employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (Ord. of Aug. 9, 1993, as replaced by Ord. #02.005, April 2002, and Ord. #2011-005, June 2011)

4-402. Enforcement. The city administrator or Chief Administrative Officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. of Aug. 9, 1993, as replaced by Ord. #02.005, April 2002, and Ord. #2011-005, June 2011)

4-403. Travel policy. (1) In the interpretation and application of this chapter, the term "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the town. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions and seminars; and other
actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

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

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

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

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

(6) To qualify for reimbursement, travel expenses must be:
   (a) Directly related to the conduct of the town business for which travel was authorized; and
   (b) Actual, reasonable and necessary under the circumstances.

The CAO may make exceptions for unusual circumstances. Expenses considered excessive will not be allowed.

(7) Claims of five dollars ($5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee and other reimbursable costs.

(8) Any person attempting to defraud the town or misuse town travel funds is subject to termination and legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the town are not ordinarily considered eligible expenses for reimbursement. (Ord. of Aug. 9, 1993, as replaced by Ord. #02.005, April 2002, and Ord. #2011-005, June 2011)

4-404. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The town's travel reimbursement rates will automatically change when the State of Tennessee rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging and registration fees for conferences, conventions, seminars and other education programs. (Ord. of Aug. 9, 1993, as replaced by Ord. #02.005, April 2002, and Ord. #2011-005, June 2011)

4-405. Administrative procedures. The town adopts and incorporates by reference, as if fully set out herein, the administrative procedures submitted
by MTAS\textsuperscript{1} to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee. A copy of the administrative procedures is on file in the office of the town recorder. (Ord. of Aug. 9, 1993, as replaced by Ord. #02.005, April 2002, and Ord. #2011-005, June 2011)

\textsuperscript{1}A copy of the administrative procedures is available for review in the city administrator's office.
TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER
1. MISCELLANEOUS.
2. REAL AND PERSONAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. PURCHASING POLICY.

CHAPTER 1

MISCELLANEOUS

SECTION
5-102. Fiscal year.

5-101. **Official depository for town funds**². The Somerville Bank and Trust Company, Union Planters, Oakland Deposit Bank, Bancorp South, and the Bank of Moscow are hereby designated as the official depositories for all town funds. (1975 Code, § 6-101, modified)

5-102. **Fiscal year**. The fiscal year for the Town of Somerville shall begin on July 1st annually and terminate annually on the following June 30th. (1975 Code, § 6-102)

¹Charter references
City administrator as budget director and purchasing agent: § 4.
Mayor orders payment of money: § 5.
Taxes, expenditures, etc.: § 7.
Treasurer: § 14.

²Charter reference
Depositories of municipal funds: § 15.
CHAPTER 2

REAL AND PERSONAL PROPERTY TAXES

SECTION
5-201. When due and payable.
5-202. When delinquent--penalty and interest.

5-201. When due and payable.1 Taxes levied by the town against real and personal property shall become due and payable annually on the first Monday of October of the year for which levied. (1975 Code, § 6-201)

5-202. When delinquent--penalty and interest.2 All real property taxes shall become delinquent on and after the first Monday of April next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.3 (1975 Code, § 6-202)

1State 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.

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

3Charter and state law references
A municipality has the option of collecting delinquent property taxes any one of three ways:
(1) Under the provisions of its charter for the collection of delinquent property taxes.
(3) By the county trustee under Tennessee Code Annotated, § 67-5-2005.
CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.
5-302. License required.

5-301. Tax levied. (1) Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at one-half (½) the rates and in the manner prescribed by the act.

(2) The taxes herein levied shall be subject to future reduction by proper ordinance in order that the revenues from this source shall be within five per cent (5%) of the amount of revenues heretofore collected and received by said town from the privilege taxes heretofore available.

(3) Each person, persons, firm, corporation or association subject to the business tax shall keep and file with the treasurer of the town an accurate record of the gross sales of said person or persons, firm, corporation or association subject hereto. (1975 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1975 Code, § 6-302)
CHAPTER 4

WHOLESALE BEER TAX

SECTION 5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1975 Code, § 6-401)

¹State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax of 17% on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.
CHAPTER 5

PURCHASING POLICY

SECTION

5-501. Generally.
5-502. Competitive bidding required; exceptions.
5-503. [Deleted.]
5-504. Purchases by department heads.
5-505. Purchase orders required.


(2) All acquisitions made under this law must be made within the limits of the approved budget and appropriations. (Ord. #00.13, Oct. 2000, modified)

5-502. Competitive bidding required; exceptions. (1) It is the town's policy to have issuance of purchase orders for all items or groups of items purchased which exceeds five hundred dollars ($500.00). In addition, any spending in excess of the total annual budget requires a budget amendment which must be approved by the board of mayor and aldermen.

(a) All purchase orders require prior approval by the department head.

(b) All purchases, expenditures and service contracts which exceed five hundred dollars ($500.00) require a purchase order except in the case where the purchasing agent has a written contract for service on file.

(c) A "purchase order request form" must be submitted to the purchasing agent prior to the issuance of a purchase order and must be countersigned by the department head.

(d) Purchase orders shall be issued prior to the purchase.

(e) Only the purchasing agent, or designee, may act upon a purchase order.

(f) Factors considered when determining the "lowest and best" value are:

(i) Price

(ii) Quality

(iii) Warranty

(iv) Service

(v) Availability

(vi) Past performance with the town

(vii) References
(viii) Responsiveness to the bid specifications.

(2) Exceptions. The following purchases are exempt from the competitive bidding process:

(a) Buys, leases, or lease-purchases during the fiscal year that cost three thousand five hundred dollars ($3,500.00) or less;

(b) Products or services available only from a single source or supply or of a proprietary nature.

(c) Purchases, leases, or lease-purchases of real property.

(d) Emergency purchases; in the event of an emergency, the purchasing agent may, at the agent's discretion, declare an emergency situation under the following conditions:

(i) Delays by contractors

(ii) Delays in transportation

(iii) A surprising amount of work

(iv) For the immediate protection of citizens from hazards threatening public safety or welfare

Once an emergency purchase has been made, the purchasing agent must prepare a record specifying the nature of the emergency, the amount paid, a list of the items or services purchased and the vendor information. This record must be presented as soon as possible to the chief executive officer and the governing body of the municipality for their approval. (Ord. #.00.13, Oct. 2000, as amended by Ord. #2015-004, Feb. 2015, and Ord. #2015-009, June 2015)


5-504. Purchases by department heads. Spending approval guidelines are as follows:

(1) Each department head, director and administrator must stay within their individual spending limits.

(2) Establishment of spending limits:

$0.00 to $500.00 - No purchase order required for purchases of five hundred dollars ($500.00) or less. Only the following supervisory personnel shall have the right to purchase: City administrator, public works director, police chief, fire chief, assistant public works director, utility manager, public works supervisor, water plant manager, lagoon manager, sewer supervisor, natural gas supervisor, meter reading supervisor, police captain and assistant fire chief.

$500.01 to $2,500.00 - Spending limit for department heads - purchase order required. Only the following personnel shall have the right to purchase: Public works director, police chief and fire chief.
500.01 to $5,000.00 - Spending limit for administrative personnel - purchase order required. Only the following personnel shall have the right to purchase: City administrator.

$2,500.01 to $5,000.00 - The staff will seek to obtain written quotes and present those quotes to the city administrator before a purchase order will be issued.

$5,000.01 to $10,000.00 - Requires approval of the Town of Somerville Board of Mayor and Aldermen with a minimum of three (3) competitive quotes.

$10,000.01 and up - All purchases over ten thousand dollars ($10,000.00) must adhere to the established sealed bid process which requires the approval of the Town of Somerville Board of Mayor and Aldermen. (Ord. #.00.13, Oct. 2000, modified, as amended by Ord. #05.014, Dec. 2005, and Ord. #2015-004, Feb. 2015, and replaced by Ord. #2016-001, May 2016)

5-505. Purchase orders required. (1) No purchase shall be made without a numbered purchase order being issued prior to the purchase and the vendor told that the purchase order number must be shown on the vendor's invoice. A copy of the appropriate purchase order shall be attached to the vendor's invoice and approved by the appropriate department head before being submitted to the accounting department for payment. Small purchases being made at one vendor may be assigned to a single purchase order, if the accumulated total does not exceed $50.

(2) The office of city recorder shall issue purchase order books to all departments. A record shall be kept of what numbers have been issued to each department. Upon the using of the last purchase order in a department's current purchase order book, the book shall be returned to the city recorder's office and a new purchase order book will be issued. The city recorder's office shall verify that all pink copies of every purchase order are returned in the spent book. Any purchase order which has been voided will have the word "void" written on it and all copies of the voided purchase order will be left in the purchase order book. (Ord. #.00.13, Oct. 2000)
TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.

CHAPTER 1

POLICE AND ARREST

SECTION
6-101. Policemen subject to chief’s orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1975 Code, § 1-501)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trail of cases. Policemen shall also promptly serve any legal process issued by the city court. (1975 Code, § 1-502)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the governing body shall authorize and shall carry a service pistol at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1975 Code, § 1-503, modified)

6-104. When policemen 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 policeman in the following cases:

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

1Municipal code reference
Traffic citations, etc.: title 15, chapter 7.
Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person. (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1975 Code, § 1-504)

6-105. **Policemen may require assistance.** It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (1975 Code, § 1-505)

6-106. **Disposition of persons arrested.** Unless otherwise authorized by law, when a person is arrested for any offense he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available or the alleged offender is not able to post the required bond, he shall be confined. (1975 Code, § 1-506)

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

(1) All known or reported offenses and/or crimes committed within the corporate limits.
(2) All arrests made by policemen.
(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1975 Code, § 1-507)
CHAPTER 1

FIRE CODE

SECTION
7-102. Copy to be available in the city recorder's office.
7-103. Violations and penalty.
7-104. -- 7-106. [Deleted.]

7-101. Fire code adopted. For the purpose of prescribing regulations
governing conditions hazardous to life and property from fire or explosion, the
International Fire Code, 2015 edition, as prepared and adopted by the
International Code Council, is hereby adopted and incorporated by reference as
part of Somerville Municipal Code and is hereinafter referred to as the fire code.
(1975 Code, § 7-201, as amended by Ord. #99-6, Sept. 1998, replaced by Ord.
#2015-005, Feb. 2015, and amended by Ord. #2018-005, July 2018)

7-102. Copy to be available in the city recorder's office. Pursuant
to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the
2012 fire code shall be placed on file in the office of the Somerville City Recorder
and shall be kept there for the use and inspection of the public. (1975 Code,
§ 7-202, as amended by Ord. #99-6, Sept. 1998, and replaced by Ord. #2015-005,
Feb. 2015)
7-103. **Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the code referenced in § 7-101 of this chapter as herein adopted by reference and modified. The violation of provision of this chapter shall be punishable by a penalty of up to fifty dollars ($50.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. (1975 Code, § 7-203, as replaced by Ord. #2015-005, Feb. 2015)

7-104. – 7-106. [Deleted]. (1975 Code, §§ 7-205--7-207, as deleted by Ord. #2015-005, Feb. 2015)
CHAPTER 2

FIRE DEPARTMENT

SECTION
7-201. Establishment, equipment, and membership.
7-203. Organization, rules, and regulations.
7-204. Records and reports.
7-205. Chief responsible for training and maintenance.
7-206. Chief to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1975 Code, § 7-301)

7-202. Objectives. The fire department shall have as its objectives:
(1) To prevent uncontrolled fires from starting.
(2) To prevent the loss of life and property because of fires.
(3) To confine fires to their places of origin.
(4) To extinguish uncontrolled fires.
(5) To prevent loss of life from asphyxiation or drowning.
(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1975 Code, § 7-302)

7-203. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1975 Code, § 7-303)

7-204. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1975 Code, § 7-304)

1Municipal code reference
Special privileges with respect to traffic: title 15, chapter 2.
7-205. **Chief responsible for training and maintenance.** The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1975 Code, § 7-306)

7-206. **Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. He shall have the same power and authority as a police officer of the town. (1975 Code, § 7-308)
CHAPTER 3

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

7-301. Equipment to be used only within corporate limits generally.

7-301. **Equipment to be used only within corporate limits generally.** No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on town property or, in the opinion of the mayor or chief of the fire department, is in such hazardous proximity to property owned by or located within the town as to endanger the town property or unless expressly authorized in writing by the board of mayor and aldermen. (1975 Code, § 7-307)
CHAPTER 4

FIREWORKS

SECTION
7-401. Purpose.
7-402. Definitions.
7-403. Permits required for sale and permit fees.
7-404. Permit revocation.
7-405. Business license or permits required.
7-406. Permissible fireworks.
7-407. Storing and structures.
7-408. Limitations on structures.
7-409. Location of fireworks outlets.
7-410. Parking for retail fireworks sales site.
7-411. Unlawful acts in the sale and handling of fireworks.
7-412. Limited time period for the use of fireworks.
7-413. Penalties for violations.
7-414. Seizure and destruction of fireworks.
7-415. Public displays or exhibits of Class B or 1.3 Fireworks.
7-416. Exceptions.
7-417. Requirements or compliance with state regulations not affected.

7-401. Purpose. The purpose of this chapter is to provide for the display, sale and use of certain fireworks for both public and private display within the corporate limits of the Town of Somerville, Tennessee within certain guidelines which shall provide for the general safety and welfare of the citizens thereof. (as added by Ord. #2017-006, June 2017)

7-402. Definition of terms. As used in this chapter the following terms shall have the meaning ascribed to them in this section unless clearly indicated otherwise.

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

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

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

(4) "Retailer," any person engaged in the business of making sales of fireworks to consumers.
"Mobile retailer," means a vendor operating from motor vehicles, trailers, bicycles, or motorbikes.

"Fireworks," means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of:

(a) All articles of fireworks classified as 1.4G, or referred to as "Consumer Fireworks" or "Class C Common Fireworks."
(b) Theatrical and novelty, classified as 1.4S, or
(d) Exceptions:
   (i) Toy caps for use in toy pistols, toy canes, or toy guns, and novelties and trick noisemakers manufactured in accordance with DOT regulations, 49 CPR 173.100(p), and packed and shipped according to those regulations;
   (ii) Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models.
   (iii) Propelling or expelling charges consisting of sulfur, charcoal, and saltpeter are not considered as designed to produce audible effects.

"Permit," means the written authority of the Town of Somerville issued under the authority of this section.

"Person," means any individual, firm, partnership, corporation, of one (1) or more individuals.

"Sale" means an exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one (1) or more individual(s).

"State fire marshal permit" means the appropriate fireworks permit issued by the Tennessee Fire Marshal under the authority of Tennessee Code Annotated, § 68-104-101, et seq.

Singular words and plural words used in the singular include the plural and the plural as singular. (as added by Ord. #2017-006, June 2017)

7-403. Permits required for sale and permit fees. (1) It is unlawful for any person to sell or to offer for sale in the Town of Somerville any item of fireworks without first having secured a state fire marshal permit and a permit issued by the Town of Somerville (for a state fire marshal permit to be obtained by a retailer, the mayor must sign in behalf of the retailer an application for fireworks permit that the state requires before a state permit is issued to a retailer for a specific location).

(a) Permits are not transferable.
(b) A permit (to sell fireworks to the general public) is valid only from June 20 through July 9 or December 21 through January 5.

(c) The permit fee for retail permits is seven hundred fifty dollars ($750.00) per period per location.

(2) A permit to sell fireworks in the Town of Somerville must be obtained at least one week prior to the date on which the applicant begins making sales. Each application shall contain the following:

(a) The application must include the name, address, and telephone number of applicant.

(b) The applicant must be the person who will operate or be responsible for sales.

(c) The applicant’s name must be the same as the name on the state fire marshal permit.

(d) The applicant is liable for all violations of this chapter by persons under his/her supervision.

(3) A person that applies for a retail fireworks permit must provide proof of state sales tax number for sales tax purposes and sales tax proceeds will benefit the Town of Somerville.

(4) A site plan must be submitted that includes the dimensions of the lot, size and location of structure, setback of structure from the right-of-way, location of other structures in the area that are occupied, location and number of parking places, location of any nearby residences, location of nearest fuel outlets, and location of other fireworks outlets if located within seven hundred fifty feet (750') of a retail structure.

(5) Mobile vendors are not permitted.

(6) Flashing signs are not permitted.

(7) Sign permits must be obtained from the Town of Somerville, and must meet all standards and requirements under the appropriate town ordinance.

(8) The applicant must contain evidence that general liability insurance has been obtained by applicant naming the Town of Somerville as additional insured for at least two million dollars ($2,000,000.00) for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury liability and property damage injury liability combined.

(9) The application must disclose the location where the applicant will conduct the business of selling fireworks and the dates for which the right to do business is desired.

(10) The applicant is to maintain a clean fireworks retail site at all locations and clean up the retail fireworks site at all approved locations after tents are removed.

(11) After the application has been submitted and approved, a town code official shall inspect the site for compliance with applicable codes and ordinances. (as added by Ord. #2017-006, June 2017)
7-404. Permit revocation. (1) The code official and/or fire official may revoke any permit upon failure of retailer to correct any of the following conditions within thirty six (36) hours after the code official gives written notice.
   (a) When he permittee or permittee's operator violates any lawful rule, regulation, or order of the town code official.
   (b) When the permittee's application contains any false or untrue statements.
   (c) When the permittee fails to timely file any report or pay any tax, fee, fine, or charge.
   (d) When the permittee or the permittee's operator violates any fireworks ordinance, code, or statute.
(2) When any activities of the permittee constitute a distinct hazard to life or property, the code official or fire official, or both, may revoke the permit immediately. (as added by Ord. #2017-006, June 2017)

7-405. Business license or permits required. The issuance of permits herein required does not replace or relieve any person of state, county, or municipal licenses as now or hereafter provided by law. Before the issuance of any town business or privilege license, the town recorder shall require each applicant to submit adequate proof of possession of valid fireworks permits as issued by the town code official and state fire marshal, or any other required business license, permit, or other requirements required by state law or Town of Somerville Municipal Code. (as added by Ord. #2017-006, June 2017)

7-406. Permissible fireworks. (1) It is unlawful for any individual, firm, partnership, or corporation to sell or use within the Town of Somerville, except as provided in this chapter, any "fireworks" as defined in § 7-402(6) other than the following:
   (a) Those firms classified by the U.S. Department of Transportation as 1.4G Consumer Fireworks, or
   (b) Those items that comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations.
(2) Any display using 1.3G Display Fireworks must be under the control of a licensed pyrotechnics technician. (as added by Ord. #2017-006, June 2017)

7-407. Storing and structures. No person may smoke within a structure where fireworks are sold. No person selling fireworks may permit the presence of lighted cigars, cigarettes, or pipes within a structure where fireworks are offered for sale. At all places where fireworks are stored or sold, there must be posted signs with the words, "Fireworks - No Smoking" in letters not less than four inches (4") high. An inspected and currently tagged fire
extinguisher with a minimum 2A rating and one pressurized water type fire extinguisher must be present at each retail fireworks site. Fireworks sold at retail may be sold only from a freestanding structure. Fireworks must be stored at least ten feet (10’) away from any windows and other areas where the sun may shine through. Fireworks are not permitted to be stored in residential districts, except for personal use. (as added by Ord. #2017-006, June 2017)

7-408. Limitations on structures. Tents meeting the current adopted International Building Code and the Life Safety Code (NFPA 101) may be used for the retail sale of fireworks. Ground fault interrupter protection must be used for power cords that supply power to tents and other outdoor structures. Electrical wiring inside tents and other outdoor locations shall be securely installed, without splices, and lamps shall be protected from accidental breakage by a suitable fixture or guard. No structure from which fireworks are sold may exceed three thousand two hundred (3,200) square feet. Fireworks may not be stored in a permanent building unless the building has a sprinkler system and is constructed of non-flammable materials such as metal or concrete block. (as added by Ord. #2017-006, June 2017)

7-409. Location of firework outlets. (1) Fireworks sales structures must be no closer than one hundred fifty feet (150’) from any occupied building or residence.  
(2) Firework sales are permissible only on commercial/industrial property as approved by the planning department and the sales structure must be a minimum of forty five feet (45’) from the right-of-way.  
(3) No fireworks shall be sold at retail at any location where paints, oils, or varnished are for sales or use unless kept in the original unbroken containers.  
(4) No fireworks shall be stored, placed, located, sold, or traded within one hundred fifty feet (150’) of gasoline sales outlet (service station, market, or other such facility) or within three hundred feet (300’) of bulk petroleum storage or distribution facility. All measurements shall be from building-to-building, and not from property line-to property line.  
(5) No fireworks structure shall be located within seven hundred fifty feet (750’) of another fireworks structure. Priority shall be given to the retailer who obtained a permit the previous year at the same location. (as added by Ord. #2017-006, June 2017)

7-410. Parking for retail fireworks sales sites. The site for a fireworks retailer shall be improved to provide at least twelve (12) graveled or paved places for off street and right-of-way customer parking. In addition, the retail fireworks site must provide for an on-site turn-around area so that backing of vehicles onto the street will not be necessary. (as added by Ord. #2017-006, June 2017)
7-411. **Unlawful acts in the sale and handling of fireworks.**

(1) It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age to any intoxicated person.

(2) It is unlawful to explode or ignite fireworks within six hundred feet (600') of any church, assisted living facility, nursing home, hospital, funeral home, public or private school academic structure, or within two hundred feet (200') of where fireworks are stored, sold, or offered for sale.

(3) It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle.

(4) It is unlawful to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group or persons.

(5) It is unlawful to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property.

(6) It is unlawful to use fireworks at times, places, or in a manner that endangers other persons.

(7) It is unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the Town of Somerville Fire Department, except for public (and/or group) displays for which permits have been granted. (as added by Ord. #2017-006, June 2017)

7-412. **Limited time period for the use of fireworks.** It is unlawful to discharge or use fireworks except for the following time periods.

(1) July 1 through July 3 - The permissible hours are from 10:00 A.M. to 10:30 P.M. and July 4 the permissible hours are from 10:00 A.M. to 11:59 P.M.

(2) December 31 and January 1 - The permissible hours are from 8:00 P.M. on December 31 to 1:00 A.M. on January 1. (as added by Ord. #2017-006, June 2017)

7-413. **Penalties for violations.** Notwithstanding any penalty for conviction of any applicable state law or regulation of the State of Tennessee, any individual, firm, partnership, or corporation that violates any provisions of this chapter shall be guilty of a Class C misdemeanor punishable by a fine to the retailer of up to one hundred dollars ($100.00) for the first offense, a fine of up to two hundred dollars ($200.00) for the second offense, and a fine of up to five hundred dollars ($500.00) for subsequent offenses. The Town of Somerville hereby adopts Tennessee Code Annotated, § 68-104-112(a)(l) by reference in this chapter. (as added by Ord. #2017-006, June 2017)

7-414. **Seizure and destruction of fireworks.** The state fire marshal shall seize as contraband, any fireworks other than "Class C Common Fireworks" as defined in § 7-402(6)(a) hereof and Tennessee Code Annotated, § 68-104-108, or "Special Fireworks" for public displays as provided in
§ 7-402(6)(c) of this chapter, which are sold displayed, used or possessed in violation of this chapter. The state fire marshal is authorized to destroy any fireworks so seized. (as added by Ord. #2017-006, June 2017)

7-415. Public displays or exhibits of Class B or 1.3 Fireworks. The public display of fireworks, pyrotechnic, and flame effect exhibitors within the corporate limits of the Town of Somerville (Class B or 1.3) shall be governed by the provisions of Tennessee Code Annotated, §§ 68-104-201, et seq., NFPA regulations, and Town of Somerville ordinances.

(1) Any individual or entity must be a licensed exhibitor to perform outdoor fireworks displays, indoor/outdoor proximate pyrotechnic displays, or an indoor/outdoor display using flame effects and provide proof of licensure to the town recorder at least ten (10) days of proposed display.

(2) Permit fees will be fifty dollars ($50.00) and requires board of mayor and aldermen approval with the exception of the Town of Somerville sponsored displays.

(3) The individual or entity must submit evidence to the town recorder that general liability insurance has been obtained by the exhibitor naming the Town of Somerville as additional insured for at least two million dollars ($2,000,000.00) for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury liability and property damage liability combined at least ten (10) in advance of proposed display.

(4) Applications for permits for public displays must be provided to the Town of Somerville fire chief at least ten (10) days in advance of the proposed display for approval. The application bearing signature of town fire chief attesting to approval must be submitted to the Town of Somerville police chief and recorder.

(5) The Town of Somerville hereby adopts Tennessee Code Annotated, § 68-104-210(a) as a Town of Somerville ordinance violation. A violation of this section is a Class B misdemeanor and fines may be imposed as allowed therein. (as added by Ord. #2017-006, June 2017)

7-416. Exceptions. (1) Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military of the United States, or the State of Tennessee or to peace officers of the town or of the state, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser shall first secure a written permit to purchase and use fireworks for agricultural purposes only from the town fire marshal, and the state fire marshal, after approval of the county agricultural agent of Fayette County, Tennessee, and said fireworks must at all times be kept in possession of the farmer to whom the permit is
issued. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the town and state.

(2) The sale of any kind of fireworks that are to be shipped directly out of the corporate limits of the Town of Somerville in accordance with the regulations of the United States Department of Transportation covering the transportation of explosives and other dangerous articles by motor, rail, and or water. (as added by Ord. #2017-006, June 2017)

7-417. Requirements or compliance with state regulations not affected. This chapter shall in no wise affect the validity of any law or regulation promulgated by the State of Tennessee or by the state fire marshal thereof, as relates to the control and regulation of the manufacture, sale or use of fireworks within the State of Tennessee. It is the intent of this chapter to authorize the public display, sale and use of such fireworks within the corporate limits of the Town of Somerville in accordance with the applicable state regulations, as augmented by the rules and regulations of the Town of Somerville. The enforcement of this regulation shall be the responsibility of the fire chief, police chief, code official, and town recorder of the Town of Somerville. (as added by Ord. #2017-006, June 2017)
TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-102. Scope of chapter.
8-103. State laws to be complied with.
8-104. Alcoholic beverages subject to regulation.
8-105. Specific rules governing retail package stores.
8-106. Specific rules governing on-premise consumption.

8-101. Definitions. "Alcoholic beverages" shall mean alcohol, liquor, spirits, wine, and every liquid containing alcohol, liquor, spirits, and 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. (1975 Code, § 2-101, as replaced by Ord. #10.004, July 2010)

8-102. Scope of chapter. This chapter shall govern the sale of intoxicating liquor through retail package stores and consumption on-premises (liquor-by-the-drink) of alcoholic beverages in the Town of Somerville. This chapter is to be read and interpreted in line with Tennessee Code Annotated, title 57 as well as the rules and regulations of the Tennessee Alcoholic Beverage Commission. If any provision of this chapter is found to exceed or be contrary to the authority provided in the same, said ordinance provision will be superseded. Nothing in this chapter regulates the distribution, possession, receipt of, sale, storage, tax upon, or transportation upon any beverage of alcoholic content of five percent (5%) by weight or less, and no ordinance related thereto is modified by this chapter. (as added by Ord. #10.004, July 2010)

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1State law reference
Tennessee Code Annotated, title 57.
8-103. State laws to be complied with. No association, corporation, firm, partnership, or person shall engage in the wholesale, retail or on-premises consumption ("liquor by the drink") liquor business unless all the necessary state licenses and permits have been obtained. (as added by Ord. #10.004, July 2010)

8-104. 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 the Town of Somerville except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #10.004, July 2010)

8-105. Specific rules governing retail package stores.(1) Application for certificate of good moral character. Before any character certificate, as required by Tennessee Code Annotated, § 57-3-208 or a renewal as required by § 57-3-213 shall be signed by the mayor, or by any aldermen, an application in writing shall be filed with the town recorder on a form to be provided by the Town of Somerville, giving, inter alia, the following information:

(a) Name, age and address of applicant.
(b) Number of years residence in Fayette County.
(c) Occupation or business and length of time engaged in such occupation or business.
(d) 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 town ordinance, and the details of any such conviction.
(e) If employed, the name and address of employer.
(f) If in business, the kind of business and location thereof.
(g) The location of the proposed store for the sale of alcoholic beverages.
(h) The name and address of the management of the store.
(i) If the applicant is a partnership, the name, age and address of each partner, and his or her occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degree of ownership of stock in the corporation. Each application shall be accompanied by a non-refundable investigation fee of two hundred fifty dollars ($250.00). An application for certificate of compliance must be submitted by all owners, partners, stockholders and directors of the store, whether same is a firm, partnership or corporation and the failure to reveal the financial interest of any person or corporation shall be grounds for the denial of the certificate of compliance and/or the revocation of the certificate of compliance. No applicant shall apply individually, as a member of a partnership, or as a stockholder, officer or director on more than one (1) application, or hold any interest
in more than one (1) permit at the same time. A copy of each application form, questionnaire, partnership agreements or any other form of material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this same application, shall be attached to the town application form and shall become a permanent part thereof as if copied verbatim therein. 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 shall be verified by the oath of each partner, or by the president of the corporation. All applications submitted in accordance with this chapter shall be filed with the town recorder at least ten (10) days prior to a regular or special called meeting.

(2) Applicant to agree to comply with laws. The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the town and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages.

(3) Applicant to appear before board of mayor and aldermen; duty to give information. An applicant for a certificate of good moral character may be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. Before the issuance of any character certificate or a renewal of the same, an applicant may be required to tender requested documentation for review and or inspection by the board of mayor and aldermen.

(4) Action on application. Every application for a certificate of good moral character shall be referred to the chief of police for investigation and to the town recorder for review, who shall submit their findings to the board of mayor and aldermen. The mayor or a majority of the board of mayor and aldermen may, in its sole discretion, issue a certificate of moral character to any qualified applicant.

(5) Residency requirement. The applicant for a certificate of good moral character shall have been a bona fide resident of Fayette County, Tennessee, or one of the adjoining Tennessee counties for a period of not less than two (2) years at the time his application is filed. If the applicant is a partnership or a corporation, each of the partners or stockholders must have been a bona fide resident of Fayette County, Tennessee, or one of the adjoining Tennessee counties for not less than two (2) years at the time the application is filed. This section shall not apply to any applicant who has been continuously licensed pursuant to Tennessee Code Annotated, § 57-3-204 for seven (7) consecutive years.

(6) 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 town. 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.
(7) 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 town except at locations zoned for that purpose.

(8) Limitation on number of retailers. No more than two (2) retail licenses for the sale of alcoholic beverages shall be issued by the Town of Somerville under this chapter.

(9) Radios, amusement devices and seating facilities prohibited in retail establishments. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees.

(10) Inspection fee. The Town of Somerville 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 town. Said inspection fee shall be collected and administered in line with Tennessee Code Annotated, §§ 57-3-502 and 57-3-503.

(11) Violations. The license holders are responsible at all times for the conduct of their business and all are at all times directly responsible for the conduct of all employees. Any violation of this chapter or of Tennessee or federal law which regulates intoxicating liquors shall constitute a civil offense and shall, upon conviction, be punishable by a penalty as enumerated under the general penalty provisions of this code as well as state and federal law.

(12) Selection of qualified applicants. Whenever there has been determined to be more qualified applicants than licenses available the Town of Somerville shall use a lottery system to choose between such qualified applicants, in a manner as decided by the mayor and board of aldermen.

(13) Hours and times of operation. The hours and dates of operation for retail licensees are controlled by Tennessee Code Annotated, § 57-3-406.

(14) Regulations on premises. All retail establishments must comply with the Town of Somerville building and zoning codes.

(15) Regulations on square feet of display area. All retail establishments must have a minimum of one thousand (1,000) square feet of display/showroom space. (as added by Ord. #10.004, July 2010, and amended by Ord. #2012-002, March 2012)

8-106. Specific rules governing on premise consumption.

(1) Consumption of alcoholic beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of the Town of Somerville, Tennessee. It is the intent of the mayor and board of alderman that the said Tennessee Code Annotated, title 57, chapter 4,
inclusive, shall be effective in Somerville, Tennessee, the same as if said code sections were copied herein verbatim.

(2) Restriction on the hours for the sale of intoxicating liquors. There shall not be any intoxicating liquor sold on any Sunday between the hours of 3:00 A.M. and 12:00 P.M. All other times and dates of sales shall be as referenced in Tennessee Code Annotated, § 57-4-203.

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

(4) Annual privilege tax to be paid to the town recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the Town of Somerville shall remit annually to the town recorder the approximate tax described in Tennessee Code Annotated, § 57-4-301. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the approximate tax when due shall be subject to the penalty provided by law.

(5) Club application. Any club, as defined in Tennessee Code Annotated, title 57 that seeks to obtain a license for on-premise consumption of liquor must make an application to and obtain a permit from the Town of Somerville. This application shall be made on such form as the town shall prescribe. Each applicant shall be of good moral character and certify that he has read and is familiar with the provisions of this chapter. Such application shall be in writing and must be filed with the town recorder on a form to be provided by the town. Each application shall be accompanied by a non-refundable investigation fee of four hundred fifty dollars ($450.00). A copy of each application form, questionnaire, partnership agreement or any other form of material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this same application, shall be attached to the town application form and shall become a permanent part thereof as if copied verbatim therein. 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 shall be verified by the oath of each partner, or by the president of the corporation. All applications submitted in accordance with this chapter shall be filed with the town recorder at least ten (10) days prior to a regular or special called meeting.

(6) Signage requirements. All establishments authorized under this section must comply with the Town of Somerville zoning code. (as added by Ord. #10.004, July 2010)
CHAPTER 2

BEER

SECTION

8-201. Beer board established.
8-202. Meetings of the beer board.
8-203. Record of beer board proceedings to be kept.
8-204. Requirements for beer board quorum and action.
8-205. Powers and duties of the beer board.
8-206. "Beer" defined.
8-207. Permit required for engaging in beer business.
8-208. Privilege tax.
8-209. Beer permits shall be restrictive.
8-210. Interference with public health, safety, and morals prohibited.
8-211. Issuance of permits to persons convicted of certain crimes prohibited.
8-212. On premise consumption permits.
8-213. Prohibited conduct or activities by beer permit holders, employees, and persons engaged in the sale of beer.
8-214. Revocation or suspension of beer permits.
8-215. Civil penalty in lieu of revocation or suspension.
8-216. Loss of clerk's certification for sale to minor.
8-217. Violations.

8-201. **Beer board established.** There is hereby established a beer board to be composed of the board of mayor and aldermen. The mayor shall serve as the chairman of the board. All members of the beer board shall serve without compensation. (1975 Code, § 2-201, as replaced by Ord. #07.011, Nov. 2007)

8-202. **Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the town hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1975 Code, § 2-202, as replaced by Ord. #07.011, Nov. 2007)

1State law reference
For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).
8-203. **Record of beer board proceedings to be kept.** The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; names of the board members present and absent; names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1975 Code, § 2-203, as replaced by Ord. #07.011, Nov. 2007)

8-204. **Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1975 Code, § 2-204, as replaced by Ord. #07.011, Nov. 2007)

8-205. **Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this town in accordance with the provisions of this chapter. (1975 Code, § 2-205, as replaced by Ord. #07.011, Nov. 2007)

8-206. **"Beer" defined.** The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1975 Code, § 2-206, as replaced by Ord. #07.011, Nov. 2007)

8-207. **Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a nonrefundable application fee of two hundred and fifty dollars ($250.00). Said fee shall be in the form of a cashier's check payable to the Town of Somerville. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (1975 Code, § 2-207, as amended by Ord. of March 12, 1984, and Ord. of ________, as replaced by Ord. #07.011, Nov. 2007)

8-208. **Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars ($100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or
manufacture of beer shall remit the tax each successive January 1 to the Town of Somerville, 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. (1975 Code, § 2-208, as replaced by Ord. #07.011, Nov. 2007)

8-209. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing.

There shall be four (4) classes or kinds of permits issued by the beer board as follows:

(1) Manufacturers. A manufacturer's permit to a manufacturer of beer, or any other beverage of an alcoholic content of not more than five percent (5%) by weight, for the manufacture, possession, storage, sale, distribution and transportation of the product of such manufacture, not to be consumed by the purchaser upon or near the premises of such manufacturer.

(2) Off-premises sale. An "off-premises sale" to any person or legal organization engaged in the sale of such beverages where they are not to be consumed by the purchaser upon or near the premises of such seller.

(3) On-premises sale. An "on-premises sale" permit to any person or engaged in the sale of such beverages where they are to be consumed by the purchaser or his guests upon the premises of the seller, and provided the premises meet the requirements of § 8-212 below. (1975 Code, § 2-209, as replaced by Ord. #07.011, Nov. 2007, and Ord. #2013-010, Oct. 2013)

8-210. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. (1975 Code, § 2-210, as replaced by Ord. #07.011, Nov. 2007, and Ord. #2013-010, )

8-211. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (1975 Code, § 2-211, as replaced by Ord. #07.011, Nov. 2007)

8-212. On premise consumption permits. On premises permit shall be issued for the consumption of beer only on the premises. To qualify for a class 1 on premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

(1) Be primarily a restaurant or an eating place; and
(2) Be able to seat a minimum of thirty (30) people, including children, in booths, and at tables, in addition to any other seating it may have; and
(3) Have all seating in the interior of the building under a permanent roof and

In addition, the monthly beer sales of any establishment which holds a class 1 on premises permit shall not exceed thirty percent (30%) of the gross sales of the establishment. Seventy percent (70%) of the gross sales will be food, leaving thirty percent (30%) of the gross sales to beer. Any such establishment which for two (2) consecutive months or for any three (3) months in any calendar year has beer sales exceeding thirty percent (30%) of its gross sales, shall have its beer permit revoked.

(1) Where an owner operates two (2) or more restaurants or other businesses within the same building, the owner may in the owner's discretion operate some or all such businesses pursuant to the same permit.
(2) A permit holder must return a permit to the town within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business’s name; provided that notwithstanding the failure to return a beer permit, a permit shall expire an termination of the business, change in ownership, relocation of the business or change of the business’s name. (Ord. of Oct. 11, 1982, as amended by Ord. of Dec. 14, 1987, as replaced by Ord. #07.011, Nov. 2007)

8-213. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer. It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

(1) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer. (This provision shall not apply to grocery stores selling beer for off-premises consumption only.)
(2) Make or allow any sale of beer between the hours of 12:00 A.M. and 6:00 A.M. during any night of the week and on Sunday, except between the hours of 12:00 P.M. and 12:00 A.M.
(3) Allow any loud, unusual, or obnoxious noises to emanate from his premises.
(4) Allow any minor under eighteen (18) years of age to loiter in or about his place of business.
(5) Make or allow any sale of beer to any intoxicated person.
(6) Allow drunk persons to loiter about his premises.
(7) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.
(8) Allow dancing on his premises.
(9) Allow pool or billiard playing in the same room where beer is sold and/or consumed.
(10) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1975 Code, § 2-212, as amended by Ord. of Sept. 13, 1983, modified, as replaced by Ord. #07.011, Nov. 2007))

8-214. **Revocation or suspension of beer permits.** The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter or any provisions of state law, regulating the sale, storage and transportation of alcoholic beverages. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board. Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-8-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (1975 Code, § 2-213, as replaced by Ord. #07.011, Nov. 2007)

8-215. **Civil penalty in lieu of revocation or suspension.**

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

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

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

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.  (Ord. #___, as replaced by Ord. #07.011, Nov. 2007)

8-216. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid, and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination.  (Ord. #___, as replaced by Ord. #07.011, Nov. 2007)

8-217. Violations. Except as provided in § 8-215, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.  (as added by Ord. #07.011, Nov. 2007)
TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER
1. MISCELLANEOUS.
2. PEDDLERS, SOLICITORS, ETC.
3. TAXICABS.
4. CABLE TELEVISION.
5. YARD SALES.
6. SEXUALLY ORIENTED BUSINESSES ORDINANCE.
7. MOBILE FOOD PREPARATION VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1975 Code, § 5-102)

¹Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Liquor and beer regulations: title 8.
Noise reductions: title 11.
CHAPTER 2

PEDDLERS, SOLICITORS, ETC.¹

SECTION
9-201. Definitions.
9-203. Permit required.
9-204. Permit procedure.
9-205. Restrictions on peddlers, street barkers and solicitors.
9-207. Display of permit.
9-208. Suspension or revocation of permit.
9-209. Expiration and renewal of permit.
9-210. Violation and penalty.

9-201. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the town, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the town or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars ($10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one of the following conditions:

¹Municipal code reference
Privilege taxes: title 5.
(a) Has a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or similar "umbrella" organizations for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Fayette County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the town, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Transient vendors" are defined in Tennessee Code Annotated, § 67-4-702(a)(17) and shall have the meaning as set forth herein:

Tennessee Code Annotated, § 67-4-702(a)(17)
"Transient vendor" means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. "Transient vendor" does not include any person selling goods by sample, brochure or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place, including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as the person's permanent residence for more than six (6) consecutive months.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the town and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade. (Ord. #01.014, Aug. 2001)

9-202. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. (Ord. #01.014, Aug. 2001)
9-203. **Permit required.** No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the town unless the same has obtained a permit from the town in accordance with the provisions of this chapter. (Ord. #01.014, Aug. 2001)

9-204. **Permit procedure.** (1) **Application form.** A sworn application containing the following information shall be completed and filed with the recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

   (a) The complete name and permanent address of the business or organization the applicant represents.

   (b) A brief description of the type of business and the goods to be sold.

   (c) The dates for which the applicant intends to do business or make solicitations.

   (d) The names and permanent addresses of each person who will make sales or solicitations within the town.

   (e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

   (f) Tennessee State sales tax number, if applicable.

(2) **Permit fee.** Each applicant for a permit as a peddler, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars ($20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions. Notwithstanding the provisions of Tennessee Code Annotated, § 67-4-719 and any other law to the contrary, such tax shall be paid prior to the first day of engaging in business. For transient vendors, state law prescribes the applicable fee. Tennessee Code Annotated, § 67-4-709(6): Transient vendors shall pay a tax of fifty dollars ($50.00) for each fourteen-day period in each county and/or municipality in which such vendors sell or offer to sell merchandise or for which they are issued a business license.

(3) **Permit issued.** Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant.

(4) **Submission of application form to chief of police.** Immediately after the applicant obtains a permit from the recorder, the recorder shall submit to the chief of police a copy of the application form and the permit. (Ord. #01.014, Aug. 2001)
9-205. **Restrictions on peddlers, street barkers and solicitors.** No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

1. Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the town.
2. Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.
3. Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.
4. Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the town.
5. Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located. (Ord. #01.014, Aug. 2001)

9-206. **Restrictions on transient vendors.** A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth. (Ord. #01.014, Aug. 2001)

9-207. **Display of permit.** Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand. (Ord. #01.014, Aug. 2001)

9-208. **Suspension or revocation of permit.** (1) **Suspension by the recorder.** The permit issued to any person or organization under this chapter may be suspended by the recorder for any of the following causes:

   a. Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or
   b. Any violation of this chapter.

(2) **Suspension or revocation by the board of mayor and aldermen.** The permit issued to any person or organization under this chapter may be
suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder 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. (Ord. #01.014, Aug. 2001)

9-209. **Expiration and renewal of permit.** The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the town. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days. (Ord. #01.014, Aug. 2001)

9-210. **Violation and penalty.** In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to fifty dollars ($50.00) for each offense. Each day a violation occurs shall constitute a separate offense. (Ord. #01.014, Aug. 2001)
CHAPTER 3

TAXICABS

SECTION

9-301. Taxicab franchise and privilege license required.
9-302. Requirements as to application and hearing.
9-303. Liability insurance or bond required.
9-304. Revocation or suspension of franchise.
9-305. Mechanical condition of vehicles.
9-308. License and permit required for drivers.
9-309. Qualifications for driver's permit.
9-310. Revocation or suspension of driver's permit.
9-311. Drivers not to solicit business.
9-312. Parking restricted.
9-313. Drivers to use direct routes.
9-314. Taxicabs not to be used for illegal purposes.
9-315. Miscellaneous prohibited conduct by drivers.
9-316. Transportation of more than one passenger at the same time.
9-317. Fares.

9-301. **Taxicab franchise and privilege license required.** It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1975 Code, § 5-401)

9-302. **Requirements as to application and hearing.** No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab

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1Municipal code reference

Privilege taxes: title 5.
service; present the application to the governing body; and make a recommendation to either grant or refuse a franchise to the applicant. The governing body shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the governing body shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1975 Code, § 5-402)

9-303. **Liability insurance or bond required.** No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insuror to both the insured and the recorder of the municipality. (1975 Code, § 5-403)

9-304. **Revocation or suspension of franchise.** The governing body, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1975 Code, § 5-404)

9-305. **Mechanical condition of vehicles.** It shall be unlawful for any person to operate any taxicab in the town unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1975 Code, § 5-405)

9-306. **Cleanliness of vehicles.** All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1975 Code, § 5-406)
9-307. **Inspection of vehicles.** All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1975 Code, § 5-407)

9-308. **License and permit required for drivers.** No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1975 Code, § 5-408)

9-309. **Qualifications for driver's permit.** No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

1. Makes written application to the chief of police.
2. Is at least eighteen (18) years of age and holds a state special chauffeur's license.
3. Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
4. Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
5. Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
6. Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
7. Is familiar with the state and local traffic laws. (1975 Code, § 5-409)

9-310. **Revocation or suspension of driver's permit.** The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-309. (1975 Code, § 5-410)

9-311. **Drivers not to solicit business.** All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1975 Code, § 5-411)

9-312. **Parking restricted.** It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging
passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1975 Code, § 5-412)

9-313. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1975 Code, § 5-413)

9-314. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1975 Code, § 5-414)

9-315. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1975 Code, § 5-415)

9-316. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1975 Code, § 5-416)

9-317. Fares. The schedule of fares for taxicabs within the corporate limits of the Town of Somerville shall be established from time to time by appropriate ordinance of the board of mayor and aldermen of the town. (1975 Code, § 5-417)

1Administrative ordinances are of record in the city recorder's office.
CHAPTER 4

CABLE TELEVISION

SECTION

9-401. To be furnished under franchise.

9-401. To be furnished under franchise. Cable television service shall be furnished to the Town of Somerville and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Somerville and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. of Aug. 11, 1986 and amendments thereto in the office of the city recorder.
CHAPTER 5

YARD SALES

SECTION
9-502. Property permitted to be sold.
9-503. Permit required.
9-504. Written statement required.
9-505. Permit fee.
9-506. Permit conditions.
9-507. Hours of operation.
9-508. Exceptions.
9-509. Additional sales permitted.
9-510. Display of sale property.
9-511. Advertising; signs.
9-512. Public nuisance.
9-514. Revocation or refusal of permit.
9-515. Exemptions.
9-516. Separate violations.
9-517. Penalty.

9-501. Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When non inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular, and words used in the singular number include the plural. The word "shall" is also mandatory and not merely directory.

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

(2) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for re-sale or obtained on consignment. (Ord. of Oct. 10, 1983, modified)
9-502. **Property permitted to be sold.** It shall be unlawful for any individual to sell or offer for sale, under authority granted by this chapter property other than personal property. (Ord. of Oct. 10, 1983)

9-503. **Permit required.** No garage sale shall be conducted unless and until the individual desiring to conduct such sale shall obtain a permit therefor from the City Administrator of the Town of Somerville. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them. (Ord. of Oct. 10, 1983)

9-504. **Written statement required.** Prior to issuance of any garage sale permit, the individual(s) conducting such sale shall file a written statement with the city administrator at least five (5) days in advance of the proposed sale, setting forth the following information:

1. Full name and address of applicant;
2. The location at which the proposed garage sale is to be held;
3. The date or dates on which the sale shall be held;
4. The date or dates of any other garage sales within the current calendar year by the individual;
5. 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 purposes of resale. (Ord. of Oct. 10, 1983)

9-505. **Permit fee.** There shall be an administrative processing fee of one dollar ($1.00) for the issuance of such permit. (Ord. of Oct. 10, 1983)

9-506. **Permit conditions.** The permit shall set forth and restrict the time and location of such garage sale. No more than two (2) such permits may be issued to one residence and/or family household during any calendar year. If members of more than one residence join in requesting a permit then such permit shall be considered as having been issued for each and all of such residences. (Ord. of Oct. 10, 1983)

9-507. **Hours of operation.** Such garage sales shall be limited in time to no more than the daylight hours of three (3) consecutive days. (Ord. of Oct. 10, 1983)

9-508. **Exceptions.** If sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the city administrator may issue another permit to the applicant for a garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee shall be required. (Ord. of Oct. 10, 1983)
9-509. **Additional sales permitted.** The limitation of two (2) garage sales per year shall be dispensed with if satisfactory proof of a bona fide change in ownership of the real property on which same is to be conducted is first presented to the city administrator. (Ord. of Oct. 10, 1983)

9-510. **Display of sale property.** Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a yard but only in such areas. No personal property offered for sale at a garage sale shall be displayed on any public right of way. (Ord. of Oct. 10, 1983)

9-511. **Advertising; signs.** Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

1. Two signs permitted. Two signs of not more than four square feet shall be permitted to be displayed on the property of the residence where the garage sale is being conducted.
2. Directional signs. Two signs of not more than two square feet are permitted provided that the premises on which the garage sale is conducted is not on a major thoroughfare and written permission to erect said signs is received from the property owners upon whose property such signs are to be placed.
3. Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.
4. Removal of signs. Signs must be removed each day at the close of the garage sale activities or by the end of daylight, whichever comes first. (Ord. of Oct. 10, 1983)

9-512. **Public nuisance.** The individual to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of the sale or activity. All such individuals shall obey the reasonable orders of any member of the police or fire departments of the Town of Somerville in order to maintain the public health, safety, and welfare. (Ord. of Oct. 10, 1983)

9-513. **Parking.** All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the police department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage sale. (Ord. of Oct. 10, 1983)

9-514. **Revocation or refusal of permit.** (1) False information. Any permit issued under this chapter may be revoked or any application for issuance for a permit may be refused by the city administrator if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement of information.
(2) **Conviction of violation.** If any individual is convicted of an offense under this chapter, the city administrator is instructed to cancel any existing garage sale permit held by the individual convicted and not to issue such individual another garage sale permit for a period of two (2) years from the time of conviction. (Ord. of Oct. 10, 1983)

9-515. **Exemptions.** The provisions of this chapter shall not apply to or affect the following:

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 sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the Town of Somerville or under the protection of the non-conformity use section thereof or any other sale conducted by a manufacturer, dealer, or vendor, and which sale would be conducted from property zoned premises and not otherwise prohibited in other ordinances.
4. Any bona fide, charitable, eleemosynary, educational, cultural or governmental institution or organization when the proceeds of the sale are used directly for the institution or organization's charitable purposes and the goods or articles are not sold on a consignment basis. (Ord. of Oct. 10, 1983)

9-516. **Separate violations.** Every article sold and every day a sale is conducted in violation of this chapter shall constitute a separate offense. (Ord. of Oct. 10, 1983)

9-517. **Penalty.** Any person found guilty of violating the terms of this chapter shall be fined not less than $25.00 nor more than $50.00 for each offense. (Ord. of Oct. 10, 1983)
CHAPTER 6
SEXUALLY ORIENTED BUSINESSES ORDINANCE

SECTION
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9-622. Penalties and injunction.

9-601. Construction of language and definitions. (1) Rules for construction of language. In the construction of this ordinance, 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 ordinance 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 Town of Somerville, Tennessee.

(2) Definitions. Except where definitions are specifically included in various articles and sections, words in the text or tables of this ordinance 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 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 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 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 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 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 of 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 days in advance of the class; and

(iii) Where no more than one nude or semi-nude model is on the premises at any one 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 opaque covered; or

(ii) Less than completely and opaque 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 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 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 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 or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 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 percent), as the floor areas exist on the date this ordinance 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. (Ord. #02.015, Aug. 2002)

9-602. Purpose and findings. (1) Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Town of Somerville, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Town of Somerville. The provisions of this ordinance 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 ordinance 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 ordinance 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 Town of Somerville Board of Mayor and Aldermen, 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 ordinance 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 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 - 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985 and 253,448 through December 31, 1992.

(h) As of July 31, 1998, there were 7,689 reported cases of AIDS and 3,904 deaths resulting from AIDS in the State of Tennessee. There were 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 9,363 reported cases of HIV. There were 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 year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990. There were 934 reported cases of Early Syphilis in Shelby Town of Somerville, 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 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 paragraphs lettered "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 heretofore 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 Town of Somerville. 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 ordinance 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 ordinance.
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.

The general welfare, health, morals and safety of the citizens of the Town of Somerville will be promoted by the enactment of this ordinance. (Ord. #02.015, Aug. 2002)

9-603. **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. (Ord. #02.015, Aug. 2002)

9-604. **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 Town of Somerville pursuant to this ordinance.

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 Town of Somerville pursuant to this ordinance.

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

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

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

(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 20 percent 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 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 same 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 ordinance, and, is so, the specified criminal activity involved, the date, place, and jurisdiction of each.

(d) Whether the applicant, has had a previous license under this ordinance 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 ordinance 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 ordinance 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 ordinance.

(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 (6) inches.

(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 500 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within 500 feet 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 § 9-614.

(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 Town of Somerville 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 town, 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 ordinance and, if so, the specified criminal activity involved, the date, place and jurisdiction of each. (Ord. #02.015, Aug. 2002)

9-605. Issuance of license. (1) Upon the filing of said application for a sexually oriented business employee license, the Town of Somerville 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 Town of Somerville shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(a) The applicant has failed to provide the 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 ordinance;

(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 ordinance; or

(e) The applicant has had a sexually oriented business employee license revoked by the Town of Somerville 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 § 9-610.

(2) A sexually oriented business license and sexually oriented business employee license granted pursuant to this ordinance shall be subject to annual
renewal upon the written application of the applicant and a finding by the Town of Somerville that the applicant has not been convicted of any specified criminal activity as defined in this ordinance 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 § 9-606.

(3) Within 30 days after receipt of a completed sexually oriented business application, the Town of Somerville shall approve or deny the issuance of a license to an applicant. The Town of Somerville shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one 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 Town of Somerville 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 Town of Somerville 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 ordinance.
(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 ordinance 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 ordinance.

(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 § 9-603. 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 Town of Somerville.

(6) A sexually oriented business license shall issue for only one classification as found in § 9-603. (Ord. #02.015, Aug. 2002)
9-606. **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). In addition to the renewal fee, a late penalty of one hundred ($100) 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 Town of Somerville an annual license fee of one hundred dollars ($100) 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 Town of Somerville.

(3) All license applications and fees shall be submitted to the Clerk of the Town of Somerville, Tennessee. (Ord. #02.015, Aug. 2002)

9-607. **Inspection.** (1) An applicant or licensee shall permit representatives of the police department, health department, fire department, development department, or other town 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 ordinance 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. (Ord. #02.015, Aug. 2002)

9-608. **Expiration of license.** (1) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in § 9-604. 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 Town of Somerville denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to the denial, the Town of Somerville 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. (Ord. #02.015, Aug. 2002)

9-609. **Suspension.** (1) The Town of Somerville 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 ordinance; 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 § 9-610 below exist. (Ord. #02.015, Aug. 2002)

9-610. Revocation. (1) The Town of Somerville shall revoke a sexually oriented business license if a cause of suspension in § 9-609 occurs and the license has been suspended within the preceding twelve (12) months.

(2) The Town of Somerville 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 Town of Somerville, or state for any taxes or fees past due.

(3) The Town of Somerville 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 Town of Somerville 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 Town of Somerville 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. (Ord. #02.015, Aug. 2002)

9-611. 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. (Ord. #02.015, Aug. 2002)

9-612. Location of sexually oriented businesses. (1) A person commits a violation of this ordinance 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-1 Limited Industrial District as enumerated in chapter 7, Zoning Ordinance of the Town of Somerville, Tennessee.

(2) A person commits a violation of this ordinance 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 500 feet 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 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 Town of Somerville, Tennessee;
(d) An occupied residential "dwelling" as defined in the Zoning Ordinance of Town of Somerville, 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 Town of Somerville, 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 ordinance 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 500 feet of another sexually oriented business.

(4) A person commits a violation of this ordinance 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, town 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 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 _______, 2002, 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 500 feet 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 500 feet 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. (Ord. #02.015, Aug. 2002)
9-613. **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 rebuttable presumption that the establishment is an adult motel as that term is defined in this ordinance.

(2) A person commits a violation of this ordinance 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. (Ord. #02.015, Aug. 2002)

9-614. **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 Town of Somerville 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 Town of Somerville.

(d) It is the duty of the licensee of the premises to ensure that at least one 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 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 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 (5.0) foot 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 (48") inches 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. (Ord. #02.015, Aug. 2002)

9-615. Additional regulations for escort agencies. (1) An escort agency shall not employ any person under the age of 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 18 years. (Ord. #02.015, Aug. 2002)

9-616. Additional regulations for nude model studios. (1) A nude model studio shall not employ any person under the age of 18 years.

(2) A person under the age of 18 years commits a violation of this ordinance 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 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 ordinance 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. (Ord. #02.015, Aug. 2002)

9-617. Additional regulations concerning public nudity. (1) It shall be a violation of this ordinance 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 ordinance 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 (10) feet from any patron or customer and on a stage at least two feet from the floor.

(3) It shall be a violation of this ordinance 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 ordinance 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. (Ord. #02.015, Aug. 2002)

9-618. Prohibition against children in a sexually oriented business. A person commits a misdemeanor if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented business. (Ord. #02.015, Aug. 2002)

9-619. Alcoholic beverages prohibited. No licensee shall permit any alcoholic beverages to be sold, served or offered on the premises. (Ord. #02.015, Aug. 2002)

9-620. Hours of operation. No sexually oriented business, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) AM and eight o'clock (8:00) AM on weekdays and Saturdays, and one o'clock (1:00) AM and noon (12:00) PM on Sundays. (Ord. #02.015, Aug. 2002)

9-621. Exemptions. (1) It is a defense to prosecution under § 9-617 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 nude model is on the premises at any one time. (Ord. #02.015, Aug. 2002)

9-622. Penalties and injunction. Any violation of this ordinance shall be punishable by a fine of not more than five hundred dollars ($50.00). Each day a sexually oriented business or sexually oriented business employee operates in violation of this ordinance is a separate offense or violation. (Ord. #02.015, Aug. 2002)
CHAPTER 7

MOBILE FOOD PREPARATION VEHICLES

SECTION

9-701. Purpose.
9-702. Definitions.
9-704. Operational requirements.
9-705. Food handler requirements.
9-706. Equipment standards.
9-708. Vehicle sanitation requirements.

9-701. Purpose. The purpose of this chapter is to regulate where and when mobile food preparation vehicles can operate within the Town of Somerville. (as added by Ord. #2018-001, Feb. 2018)

9-702. Definitions. As used in this chapter the following terms shall have the meaning ascribed to them in this section unless clearly indicated otherwise.

(1) "Commissary" - means any State of Tennessee licensed stationary food establishment that serves mobile food dispensers, mobile food facilities, vending machines or other food dispensing operations where
   (a) Food, containers or supplies are stored;
   (b) Food is prepared or prepackaged for sale or service at other locations;
   (c) Utensils are cleaned; or
   (d) Liquid and solid wastes are disposed of or potable water is obtained.

(2) "Mobile food preparation vehicle" - A mobile food preparation vehicle is any motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed or stored and used to sell and dispense food to the ultimate consumer. Mobile units must be mobile at all times during operation. The unit must be on wheels (excluding boats) at all times. Any mobile food unit that removes such wheels or becomes stationary must meet Tennessee Department of Health Regulations 1200-23-1 et. seq. in their entirety. This definition does not include pushcarts as regulated by town codes and prohibited from selling potentially hazardous foods by the Tennessee Department of Health, nor vehicles from which only ice cream and other frozen non-hazardous food products are sold, nor vehicles operating under a special event permit.
(3) "Menu change" - means a modification of a food establishment's menu that requires a change in the food establishment's food preparation equipment, storage equipment or storage capacity previously approved by the health department. The term "menu change" shall include, but is not limited to, the addition of potentially hazardous food to a menu, installation of new food preparation or storage equipment, or increasing storage capacity.

(4) "Restaurants" - Any public place at a fixed location kept, used, maintained, advertised and held out to the public as a place where food and drink are prepared and served to the public for consumption on or off the premises pursuant to the required licenses. Such establishments include, but are not limited to, restaurants, bars, lounges, coffee shops, cafeterias, dining rooms, eating houses, short order cafes, luncheonettes, grills, tearooms and sandwich shops.

(5) "Servicing area" - A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. (as added by Ord. #2018-001, Feb. 2018)

9-703. Mobile food preparation vehicles. Mobile food preparation vehicles shall meet all applicable requirements of this article in addition to the requirements outlined as follows:

(1) No person shall engage in the business of a mobile food preparation vehicle within the municipal limits without first having obtained a permit required by § 9-203 of the town's municipal code and the State of Tennessee.

(2) A mobile food preparation vehicle license, as authorized by the State of the Tennessee and local ordinances, will not be issued to a person unless the following conditions are met:

   (a) No person shall engage in the business of a mobile food preparation vehicle without first having obtained a commissary license or having a written commissary agreement, if required by the Fayette County Health Department.

   (b) Each mobile food preparation vehicle must display its business license number, business name and state and local permit numbers, with letters and numbers at least three inches (3") in height, in a prominent and visible location on the vehicle.

   (c) The driver of the truck must have a valid driver's license, current auto insurance (including liability insurance) and current vehicle registration as required by Tennessee law and enforced by law enforcement authorities.

   (d) The vehicle can only operate in areas zoned as commercial or industrial. No permit will be issued to any vehicle wishing to operate in an area zoned residential.
(e) All current permits must be posted in a conspicuous manner, in compliance with Tennessee Code Annotated, § 68-14-305. (as added by Ord. #2018-001, Feb. 2018)

9-704. **Operational requirements.** (1) Mobile food preparation vehicles may not park on public streets, sidewalks, lots, or other public right-of-ways unless otherwise stated by the board of mayor and aldermen.

(2) Mobile food preparation vehicles may only park on private property in locations zoned commercial or industrial with the permission of the property owner, a mobile food preparation vehicle may operate at the times and for the duration provided in its permission by the property owner.

(3) No mobile food preparation vehicle shall be equipped with any external electronic sound-amplifying device.

(4) No detached signs are permitted. All signs used must be permanently affixed to, or painted on, the mobile food preparation vehicle and shall extend no more than six inches (6") from the vehicle. No sign shall flash, cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; be animated or produce any rotation, motion or movement. A sign on which the message is changed electronically not more than one(1) time per eight (8) seconds shall not be considered to be an animated sign or a sign with movement, but is classified as a changeable copy sign. Changeable copy signs shall be permitted, but the total area of such signs on the vehicle, when parked and the vehicle is set up to operate, must not exceed thirty (30) square feet. The change of message rate on digital signs shall be limited to no more than once every eight (8) seconds.

(5) Vendor must provide for the sanitary collection of all refuse, litter and garbage generated by the patrons using that service and remove all such waste materials from the location before the vehicle departs. This includes physically inspecting the general area for such items prior to the vehicle's departure.

(6) Prices of food shall be prominently displayed.


9-707. **Maintenance of premises.** All mobile food preparation vehicles shall meet the standards as set forth in Tennessee Code Annotated, § 53-8-102

9-708. **Vehicle sanitation requirements.** (1) Each vehicle shall be constructed so that the portions of the vehicle containing food shall be covered so that no dust or dirt will settle on the food; and such portions of the vehicles which are designed to contain food shall be at least eighteen inches (18") above the surface of the public way while the vehicle is being used for the conveyance of food.

(2) The food storage areas of each vehicle shall be kept free from rats, mice, flies and other insects and vermin. No living animals, birds, fowl, reptiles or amphibians shall be permitted in any area where food is stored.

(3) Hazardous non-food items such as detergents, insecticides, rodenticides, plants, paint and paint products that are poisonous or toxic in nature shall not be stored in the food area of the vehicle.

(4) The vehicle shall be enclosed with tops and sides.

(5) The vehicle shall not be used for any purpose other than for the purpose described in this chapter. (as added by Ord. #2018-001, Feb. 2018)

9-709. **Zoning districts.** (1) Mobile food preparation vehicles are only allowed to operate on sites and city streets as deemed appropriate by the board and mayor of aldermen during special events. In addition, mobile food preparation vehicles are allowed to operate on private property in locations zoned commercial or industrial with written authorization from the property owner. (as added by Ord. #2018-001, Feb. 2018)

9-709. **Termination of vendors license.** Violation of this chapter shall result in the termination of the applicant's vendor's permit. Regulation of this section shall be performed by Town of Somerville law enforcement and Town of Somerville code enforcement. (as added by Ord. #2018-001, Feb. 2018)
TITLE 10

ANIMAL CONTROL

CHAPTER
1. IN GENERAL.
2. DOGS.
3. PIT BULL DOGS.

CHAPTER 1

IN GENERAL

SECTION
10-102. Keeping near a residence or business restricted.
10-103. Pen or enclosure to be kept clean.
10-104. Adequate food, water, and shelter, etc., to be provided.
10-105. Keeping in such manner as to become a nuisance prohibited.
10-106. Cruel treatment prohibited.
10-107. Seizure and disposition of animals.
10-108. Inspections of premises.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1975 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the city recorder. The city recorder shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1975 Code, § 3-102, modified)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1975 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water,
shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1975 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1975 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1975 Code, § 3-106)

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

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1975 Code, § 3-107, modified)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1975 Code, § 3-108)
CHAPTER 2

DOGS

SECTION

10-201. Rabies vaccination and registration required.
10-203. Running at large prohibited.
10-204. Vicious dogs to be securely restrained.
10-205. Noisy dogs prohibited.
10-207. Seizure and disposition of dogs.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1975 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1975 Code, § 3-202)

10-203. Running at large prohibited. It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1975 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1975 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1975 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of
police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1975 Code, § 3-206)

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

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman.¹ (1975 Code, § 3-207)

¹State law reference

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

PIT BULL DOGS

SECTION
10-301. Definitions.
10-303. Standards and requirements.
10-304. Sale or transfer of ownership prohibited.
10-305. Animals born of registered dogs.
10-306. Rebuttal presumptions.
10-307. Failure to comply.
10-308. Violations and penalties.

10-301. Definitions. The words, terms, and phrases, and their derivations as used in this chapter, except where the context clearly indicates otherwise, shall have the following meanings:

(1) "Impoundment" means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this chapter.

(2) "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(3) "Pit bull" means and includes any of the following dogs:
   (a) The bull terrier breed of dog;
   (b) The Staffordshire bull terrier breed of dog;
   (c) The American pit bull terrier breed of dog;
   (d) The American Staffordshire terrier breed of dog; and
   (e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bull, pit bull dogs or pit bull terriers; and
   (f) Any dog which has the appearance and characteristics of being predominantly of the breeds of dogs known as bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

(4) "Owner" means any person, partnership, corporation or other legal entity owning, harboring or possessing any pit bull, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. A pit bull shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(5) "Predominantly" means knowledge through identification procedures or otherwise, or admission by owner, keeper, or harborer that the
dog is more than fifty percent (50%) pit bull. Predominantly also means that the
dog exhibits the physical characteristics of a pit bull more than that of any other
breed of dog.

(6) "Sanitary condition" means a condition of good order and
cleanliness to minimize the possibility of disease transmission.

(7) "Under restraint" means that the dog is secured by a leash, led
under the control of a person physically capable of restraining the dog and
obedient to that person's commands, or securely enclosed within the real
property limits of the owner's premises. (as added by Ord. #07.010, Sept. 2007)

10-302. Restrictions. It shall be unlawful to keep, harbor, own or in
any way possess a pit bull dog within the corporate limits of Somerville.
Provided, however, that persons owning such dogs at the time this chapter is
adopted shall be allowed to keep them, provided that they comply with all of the
provisions of this chapter, including § 10-303, within thirty (30) days of the
effective date of this chapter. (as added by Ord. #07.010, Sept. 2007)

10-303. Standards and requirements. The following standards and
requirements apply to pit bull dogs located within the corporate limits.

(1) Registration. Each owner, keeper, harborer, or possessor of a pit
bull dog shall register such dog with the city recorder.

(2) Leash. No person having charge, custody, control, or possession of
a pit bull shall permit the dog to go outside its kennel, pen, or other proper
enclosure unless such dog is securely leashed with a leash no longer than four
(4) feet in length. A two inch (2") leather collar must be used when the dog is on
a leash and shall buckle onto the dog, not snap. No person shall permit a pit
bull dog to be kept on a chain, rope or other type of leash outside its kennel or
pen unless a person of suitable age and discretion is in physical control of the
leash. Such dogs may not be leashed to inanimate objects such as trees, posts,
buildings, or structures.

(3) Muzzle. It is unlawful for any owner or keeper of a pit bull to allow
the dog to be outside its kennel, pen, or other proper enclosure unless it is
necessary for the dog to receive veterinary care. In such cases, the dog must
wear a properly fitted muzzle sufficient to prevent such dog from biting persons
or other animals. Such muzzle shall not interfere with the dog's breathing or
vision.

(4) Confinement. Except when leashed and muzzled as provided in
this section, all pit bull dogs shall be securely confined indoors or confined in a
locked pen, kennel, or other secure enclosure that is suitable to prevent the
entry of children and is designed to prevent the dog from escaping. Such pen,
kennel or structure must have secure sides and a secure top attached to the
sides. The kennel shall have a concrete floor and the post of the kennel shall be
set in concrete. All structures used to confine pit bull dogs must be locked with
a key or combination lock when such animals are within the structure and the
structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with zoning and building ordinances and regulations of the Town of Somerville. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, be adequately lighted and ventilated and kept in a clean and sanitary condition.

(5) Confinement indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(6) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign must be posted on the kennel or pen of such animal.

(7) Insurance. All owners, keepers, harborers or possessors of pit bull dogs must provide proof to the recorder of public liability insurance in a single incident amount of one hundred thousand dollars ($100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping or maintaining of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the recorder.

(8) Identification photographs. All owners, keepers, possessors, or harborers of pit bull dogs must provide to the city recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(9) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs must within ten (10) days of the incident report the following information in writing to the recorder as required hereinafter:
   (a) The removal from the town or death of a pit bull dog;
   (b) The birth of offspring of a pit bull dog;
   (c) The new address of a pit bull dog owner should the owner move within the corporate limits of the town. (as added by Ord. #07.010, Sept. 2007)

10-304. Sale or transfer of ownership prohibited. No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the Town of Somerville unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the Town of Somerville. (as added by Ord. #07.010, Sept. 2007)
10-305. **Animals born of registered dogs.** All offspring born of pit bull dogs within the Town of Somerville must be removed from the Town of Somerville within six (6) weeks of the birth of such animal. (as added by Ord. #07.010, Sept. 2007)

10-306. **Rebuttal presumptions.** There shall be a rebuttal presumption that any dog registered within the Town of Somerville as a pit bull dog or any of those breeds defined by § 10-301 of this chapter is in fact a dog subject to the requirements of this code. (as added by Ord. #07.010, Sept. 2007)

10-307. **Failure to comply.** It shall be unlawful for the owner, keeper, harbore or possessor of a pit bull dog within the Town of Somerville to fail to comply with the provisions of this chapter. Any dog found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the Town of Somerville. (as added by Ord. #07.010, Sept. 2007)

10-308. **Violations and penalties.** Any persons violating or permitting the violation of any provision of this chapter shall be guilty of a civil offense, and upon conviction shall be subject to the fine prescribed in the general penalty clause of the Somerville Municipal Code. Each day such violation shall continue constitutes a separate offense. In addition to the foregoing penalty, any person who violates this chapter shall pay all expenses, including sums for shelter, food, handling, veterinary care and expert testimony, which are necessitated by the person's failure to abide by the provisions of this chapter. (as added by Ord. #07.010, Sept. 2007)
TITLE 11

MUNICIPAL OFFENSES

CHAPTER
1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. FIREARMS, WEAPONS AND MISSILES.
5. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
6. MISCELLANEOUS.

CHAPTER 1

ALCOHOL

SECTION
11-101. Drinking beer, etc., on streets, etc.
11-102. Minors in beer places.

11-101. Drinking beer, etc., on streets, etc
It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption of such beverage. (1975 Code, § 10-229)

11-102. Minors in beer places. No person under the age of twenty-one (21) shall loiter in or around, work in, or otherwise frequent any place where

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1Municipal code references
Animals and fowls: title 10.
Housing and utilities: title 12.
Fireworks and explosives: title 7.
Traffic offenses: title 15.
Streets and sidewalks (non-traffic): title 16.

2Municipal code reference
Sale of alcoholic beverages, including beer: title 8.
State law reference
See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).
beer is sold at retail for consumption on the premises. (1975 Code, § 10-222, modified)
CHAPTER 2

FORTUNE TELLING, ETC.

SECTION
11-201. Fortune telling, etc.

11-201. **Fortune telling, etc.** It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1975 Code, § 10-234)
CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION
11-301. Disturbing the peace.
11-302. Anti-noise regulations.

11-301. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1975 Code, § 10-202)

11-302. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

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

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.
(d) **Pets.** The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

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

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

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

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

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

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

(k) **Noises to attract attention.** The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.
(1) **Loudspeakers or amplifiers on vehicles.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

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

   (a) **Town vehicles.** Any vehicle of the town while engaged upon necessary public business.

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

   (c) **Noncommercial and nonprofit use of loudspeakers or amplifiers.** The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the board of mayor and aldermen. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1975 Code, § 10-233, modified)
SECTION
11-401. Air rifles, etc.  It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1975 Code, § 10-213)

11-402. Throwing missiles.  It shall be unlawful for any person to throw any stone, snowball, bottle, or any other missile maliciously upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1975 Code, § 10-214)

11-403. Weapons on public property and in buildings owned or operated by town prohibited. (1) Any person authorized to carry weapons under Tennessee Code Annotated, §§ 39-17-1351 through 39-17-1360, is prohibited from possessing any weapon while within a public building or on public property of the Town of Somerville.

(2) The Town of Somerville shall post notices at all entrances to the premises that are primarily used by persons entering the property. The notice shall be of a size that is plainly visible to the average person entering the building, premises or property. The signs shall state the following:

"Pursuant to § 39-17-1359, the owner/operator of this property has banned weapons on this property, or within this building or this portion of this building. Failure to comply with this prohibition is punishable as a criminal act under state law and may subject the violator to a fine of not more than five hundred dollars ($500.00)."

(3) If a part of this section is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this section is invalid in one (1) or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications. (as added by Ord. #2011-003, May 2011)
CHAPTER 5
TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION
11-501. Trespassing.
11-503. Interference with traffic.

11-501. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1975 Code, § 10-226)

11-502. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1975 Code, § 10-225)

11-503. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1975 Code, § 10-232)
CHAPTER 6
MISCELLANEOUS

SECTION

11-601. Abandoned refrigerators, etc.
11-602. Caves, wells, cisterns, etc.
11-603. Posting notices, etc.
11-604. Wearing masks.

11-601. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child. (1975 Code, § 10-223)

11-602. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1975 Code, § 10-231)

11-603. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1975 Code, § 10-227)

11-604. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

(1) Children under the age of ten (10) years.
(2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
(3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
(4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1975 Code, § 10-235)
TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BOARD OF ADJUSTMENTS AND APPEALS.
2. BUILDING CODE.
3. PLUMBING CODE.
4. DELETED.
5. FUEL GAS CODE.
6. RESIDENTIAL CODE.
7. DELETED.
8. MECHANICAL CODE.
9. ENERGY CONSERVATION CODE.
10. PROPERTY MAINTENANCE CODE.
11. EXISTING BUILDING CODE.

CHAPTER 1

BOARD OF ADJUSTMENTS AND APPEALS

SECTION

12-102. Appointment.
12-103. Membership and terms.
12-104. Powers.
12-105. Appeals.
12-106. Procedures of the board.

12-101. Application of chapter. This chapter shall establish the only method for appealing a decision or interpretation of the building official and for consideration of variances of the technical codes in this title adopted by the board of mayor and aldermen under the authority of Tennessee Code Annotated, § 6-54-502. The following sections of the standard codes adopted in this title are repealed and are replaced by the provisions of this chapter:

Building Code, Section 108
Plumbing Code, Section 109
Gas Code, Section 108
Housing Code, Section 106
Unsafe Building Abatement Code, Section 105
Mechanical Code, Section 108
(Ord. #02.009, July 2002)
12-102. Appointment. There is hereby established a board to be called the board of adjustments and appeals, which shall consist of five (5) members and two alternates. The members of the board shall be appointed by the board of mayor and aldermen. (Ord. #02.009, July 2002)

12-103. Membership and terms. (1) Membership. The board of adjustments and appeals shall consist of five (5) members. Board members shall be individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. In addition to the regular members, there shall be two alternate members, one member at large from the building industry and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest.

(2) Terms. The terms of office of the board members shall be staggered so no more than 1/3 of the board is appointed or replaced in any 12 month period. The two alternates shall serve one year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are made. Continued absence of any member from required meetings of the board shall, at the discretion of the board of mayor and aldermen, render any such member subject to immediate removal from office.

(3) Voting. A majority of the entire membership to which the board is entitled shall be required to vary any provision of the code or to modify a decision of the building official.

(4) Secretary of the board. The building official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote. (Ord. #02.009, July 2002)

12-104. Powers. The board of adjustments and appeals shall have the power, as further defined in § 12-105, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes adopted in this title. (Ord. #02.009, July 2002)

12-105. Appeals. (1) Decision of the building official. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the board of adjustments and appeals whenever any one of the following conditions are claimed to exist:

(a) The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

(b) The provisions of the code do not apply to the specific case.

(c) An equally good or more desirable form of installation can be employed in any specific case.
(d) The true intent and meaning of the code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

(2) Variances. The board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of the codes adopted by reference in this title to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of code or public interest, and also finds all of the following:

(a) That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
(b) That the special conditions and circumstances do not result from the action or inaction of the applicant.
(c) That granting the variance requested will not confer on the applicant any special privilege that is denied by the code to other buildings, structures or service system.
(d) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
(e) That the grant of the variance will be in harmony with the general intent and purpose of the code and will not be detrimental to the public health, safety and general welfare.

(3) Conditions of the variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with the code. Violation of the conditions of a variance shall be deemed a violation of the code.

(4) Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.

(5) Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such appeals to a shorter period. (Ord. #02.009, July 2002)

12-106. Procedures of the board. (1) Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of the codes adopted by reference in this title. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.
(2) The board of adjustments and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of the code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity. (Ord. #02.009, July 2002)
CHAPTER 2  
BUILDING CODE¹

SECTION
12-201. Building code adopted.
12-203. Available in recorder’s office.
12-204. Violations.

12-201. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code,² 2015 edition, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. Any matters in the building code which are contrary to existing ordinances of the Town of Somerville in Fayette County, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1975 Code, § 4-101, as amended by Ord. #97-1, April 1997, Ord. #00.10, modified, Ord. #08.009, Nov. 2009, 10.006, Nov. 2010, Ord. #2015-006, June 2015, and Ord. #2018-006, July 2018)

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

(2) Fees. (a) Building Permit Fees.

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

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential construction (per inspection)</td>
<td>$50.00</td>
</tr>
<tr>
<td>Residential reinspection (per occurrence)</td>
<td>$50.00</td>
</tr>
<tr>
<td>Non-residential construction (per inspection)</td>
<td>$60.00</td>
</tr>
<tr>
<td>Non-residential reinspection (per occurrence)</td>
<td>$60.00</td>
</tr>
<tr>
<td>Certificate of occupancy</td>
<td>$50.00</td>
</tr>
<tr>
<td>Demolition fee (state permit also required)</td>
<td>$50.00</td>
</tr>
<tr>
<td>Failure to apply before the start of construction (per occurrence)</td>
<td>Fees doubled</td>
</tr>
<tr>
<td>Sign-permit</td>
<td>$1.00 per sq ft - $25.00 minimum</td>
</tr>
<tr>
<td>Agricultural structures</td>
<td>Permits for farm structures used for agricultural purposes shall be issued without fees</td>
</tr>
</tbody>
</table>

(b) **Subdivision Review and one Follow-Up Review.**

- Minor Subdivision (5 or fewer lots) $250 plus engineering review expenses
- Major Subdivision (6 or greater lots) $500 plus engineering review expenses

Review fees cover initial review and one follow-up review. Additional follow up reviews are one half of the appropriate initial review fee.

(c) **Site Plan Review.**

- Initial Review and One Follow Up Review $250 plus engineering review fees
- Additional Site Plan Review $125 plus engineering review fees
(3) The following amendments to the Standard Building Code are hereby adopted:

(a) Framing member spacing in one and two family dwellings. Members shall be placed no more than sixteen inches on center. Exception: Rafters may be placed twenty-four (24) inches on center provided that:

(i) Roof sheathing is no less than five eighths (5/8) inch plywood with approved clips or three quarter (3/4) inch nominal thickness boards.

(ii) Rafters not nailed directly to ceiling joists must be installed at the top plate with approved metal fastening straps.

(b) Lumber grade. (i) Utility grade will not be allowed for wall construction.

(ii) Roof decking of three eights (3/8) inch will not be allowed.

(4) Additions, insertions, deletions, and changes. The following sections of the 2009 adopted code are hereby revised as follows:

(a) The Town of Somerville shall be inserted in the blanks referring to the name of the jurisdiction; and

(b) The blanks referring to the date of issuance shall be the effective date of Ord. #10.006. (1975 Code, § 4-102, as amended by Ord. #___, Aug. 11, 1980, Ord. #97-1, April 1997, Ord. #00.3, April 2000, Ord. #00.10, __, modified, Ord. #04.005, April 2004, Ord. #05.009, April 2005, Ord. #08.009, Nov. 2009, Ord. #10.006, Nov. 2010, and Ord. #2015-006, June 2015)

12-203. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1975 Code, § 4-103, modified)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1975 Code, § 4-104)
CHAPTER 3

PLUMBING CODE

SECTION
12-301. Plumbing code adopted.
12-302. Modifications.
12-303. Available in recorder’s office.
12-304. Violations.

12-301. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code, 2015 edition, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. Any matters in the plumbing code which are contrary to existing ordinances of the Town of Somerville in Fayette County, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1975 Code, § 4-201, as amended by Ord. #97-1, April 1997, Ord. #00.10, , modified, Ord. #08.009, Nov. 2009, Ord. #10.006, Nov. 2010, Ord. #2015-006, June 2015, and Ord. #2018-006, July 2018)

12-302. Modifications. (1) When reference is made to the duties of a certain official named therein, that designated official of the Town of Somerville in Fayette County, Tennessee who has duties corresponding to those of the named official in said plumbing code shall be deemed to be the responsible official insofar as enforcing the provisions of said plumbing code are concerned.
(2) Additions, insertions, deletions, and changes. The following sections of the 2015 adopted code are hereby revised as follows:
   (a) The Town of Somerville shall be inserted in the blanks referring to the name of the jurisdiction; and

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

2Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
(b) The blanks referring to the date of issuance shall be the effective date of Ord. #10.006. (1975 Code, § 4-202, as amended by Ord. #00.10, ____, Ord. #08.009, Nov. 2009, Ord. #10.006, Nov. 2010, Ord. #2015-006, June 2015, and Ord. #2018-006, July 2018)

12-303. **Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1975 Code, § 4-203, modified)

12-304. **Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1975 Code, § 4-204)
CHAPTER 4

DELETED

This chapter was deleted by Ord. #2015-006, June 2015. (1975 Code, § 4-301, modified, as amended by Ord. #08.009, Nov. 2009, and Ord. #10.006, Nov. 2010, and deleted by Ord. #2015-006, June 2015)
CHAPTER 5

FUEL GAS CODE

SECTION

12-501. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the city. The following definitions are provided for the purpose of interpretation and administration of the gas code.

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

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

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

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

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1975 Code, § 4-401)

12-502. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall
conform to the requirements of this chapter and to the International Fuel Gas Code,\(^1\) 2015 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. Any matters in the gas code which are contrary to existing ordinances of the Town of Somerville in Fayette County, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1975 Code, § 4-402, as amended by Ord. #97-1, April 1997, Ord. #00.10, _____, modified, Ord. #08.009, Nov. 2009, Ord. #10.006, Nov. 2010, Ord. #2015-006, June 2015, and Ord. #2018-006, July 2018)

12-503. **Modifications.** (1) When reference is made to the duties of a certain official named therein, that designated official of the Town of Somerville in Fayette County, Tennessee who has duties corresponding to those of the named official in said gas code shall be deemed to be the responsible official insofar as enforcing the provisions of said gas code are concerned.

(2) **Additions, insertions, deletions, and changes.** The following sections of the 2015 adopted code are hereby revised as follows:

(a) The Town of Somerville shall be inserted in the blanks referring to the name of the jurisdiction; and

(b) The blanks referring to the date of issuance shall be the effective date of Ord. #10.006. (Ord. #00.10, _____, as amended by Ord. #08.009, Nov. 2009, Ord. #10.006, Nov. 2010, Ord. #2015-006, June 2015, and Ord. #2018-006, July 2018)

12-504. **Use of existing piping and appliances.** Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1975 Code, § 4-403)

12-505. **Bond and license.** (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the mayor a good and sufficient bond in the penal sum of $10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond

\(^1\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

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

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1975 Code, § 4-404)

12-506. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the board of mayor and aldermen. (1975 Code, § 4-405)

12-507. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

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

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful
information and advice, presenting same to the appropriate officials from time
to time for their consideration. (1975 Code, § 4-406)

12-508. Permits. (1) No person shall install a gas conversion burner,
floor furnace, central heating plant, vented wall furnace, water heater, boiler,
consumer's gas piping, or convert existing piping to utilize natural gas without
first obtaining a permit to do such work from the gas department; however,
permits will not be required for setting or connecting other gas appliances, or for
the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the recorder may issue
a permit for such use, for a period of not to exceed sixty (60) days, provided the
consumer's gas piping to be used is given a test equal to that required for a final
piping inspection.

(3) Except when work in a public street or other public way is involved
the gas company shall not be required to obtain permits to set meters, or to
extend, relocate, remove, or repair its service lines, mains, or other facilities, or
for work having to do with its own gas system. (1975 Code, § 4-407, modified)

12-509. Inspections. (1) A rough piping inspection shall be made after
all new piping authorized by the permit has been installed, and before any such
piping has been covered or concealed or any fixtures or gas appliances have been
attached thereto.

(2) A final piping inspection shall be made after all piping authorized
by the permit has been installed and after all portions thereof which are to be
concealed by plastering or otherwise have been so concealed, and before any
fixtures or gas appliances have been attached thereto. This inspection shall
include a pressure test, at which time the piping shall stand an air pressure
equal to not less than the pressure of a column of mercury six (6) inches in
height, and the piping shall hold this air pressure for a period of at least ten (10)
minutes without any perceptible drop. A mercury column gauge shall be used
for the test. All tools, apparatus, labor, and assistance necessary for the test
shall be furnished by the installer of such piping. (1975 Code, § 4-408)

12-510. Certificates. The inspector shall issue a certificate of approval
at the completion of the work for which a permit for consumer piping has been
issued if after inspection it is found that such work complies with the provisions
of the gas code. A duplicate of each certificate issued covering consumer's gas
piping shall be delivered to the gas company and used as its authority to render
gas service. (1975 Code, § 4-409)

12-511. Violations and penalties. The provisions of § 110 of the gas
code are hereby expressly repealed and the following provision of this section
shall be controlling: Any person who shall violate or fail to comply with any of
the provisions of the gas code shall be guilty of a misdemeanor, and upon
conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1975 Code, § 4-411, modified)

12-512. Nonliability. This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1975 Code, § 4-412)
CHAPTER 6

RESIDENTIAL CODE

SECTION

12-602. Modifications.
12-603. Available in recorder's office.
12-604. Violations.

12-601. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the International Residential Code, 1 2015 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. Any matters in the housing code which are contrary to existing ordinances of the Town of Somerville in Fayette County, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (1975 Code, § 4-501, as amended by Ord. #97-1, April 1997, Ord. #00.10, ____ , Ord. #08.009, Nov. 2009, Ord. #10.006, Nov. 2010, and Ord. #2018-006, July 2018)

12-602. Modifications. (1) When reference is made to the duties of a certain official named therein, that designated official of the Town of Somerville in Fayette County, Tennessee who has duties corresponding to those of the named official in said residential code shall be deemed to be the responsible official insofar as enforcing the provisions of said residential code are concerned.

(2) Additions, insertions, deletions, and changes. The following sections of the 2015 adopted code are hereby revised as follows:

(a) The Town of Somerville shall be inserted in the blanks referring to the name of the jurisdiction; and

(b) The blanks referring to the date of issuance shall be the effective date of Ord. #10.006. (1975 Code, § 4-502, as amended by Ord. #00.10, ____ , modified, Ord. #08.009, Nov. 2009, Ord. #10.006, Nov. 2010, Ord. #2015-006, June 2015, and Ord. #2018-006, July 2018)

12-603. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has

Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1975 Code, § 4-503, modified, as amended by Ord. #08.009, Nov. 2009)

12-604. **Violations.** 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. (1975 Code, § 4-504, as amended by Ord. #08.009, Nov. 2009)
CHAPTER 7

DELETED

This chapter was deleted by Ord. #2015-006, June 2015. (Ord. #97-1, April 1997, as amended by Ord. #00.10, _____, modified, and deleted by Ord. #2015-006, June 2015)
CHAPTER 8

MECHANICAL CODE

SECTION
12-801. Mechanical code adopted.
12-802. Modifications.
12-803. Available in recorder’s office.
12-804. Violations.

12-801. **Mechanical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-516, and for the purpose of regulating the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the International Mechanical Code,² 2015 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. Any matters in the mechanical code which are contrary to existing ordinances of the Town of Somerville in Fayette County, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. #97-1, April 1997, as amended by Ord. #00.10, __, modified, Ord. #08.009, Nov. 2009, Ord. #10.006, Nov. 2010, Ord. #2015-006, June 2015, and Ord. #2018-006, July 2018)

12-802. **Modifications.** (1) When reference is made to the duties of a certain official named therein, that designated official of the Town of Somerville in Fayette County, Tennessee who has duties corresponding to those of the named official in said mechanical code shall be deemed to be the responsible official insofar as enforcing the provisions of said mechanical code are concerned.

(2) **Additions, insertions, deletions, and changes.** The following sections of the 2015 adopted code are hereby revised as follows:

(a) The Town of Somerville shall be inserted in the blanks referring to the name of the jurisdiction; and

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

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
(b) The blanks referring to the date of issuance shall be the effective date of Ord. #10.006. (Ord. #00.10, ____, as amended by Ord. #08.009, Nov. 2009, Ord. #10.006, Nov. 2010, Ord. #2015-006, June 2015, and Ord. #2018-006, July 2018)

12-803. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public.

12-804. Violations. 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.
CHAPTER 9

ENERGY CONSERVATION CODE

SECTION
12-902. Modifications.
12-903. Available in recorder’s office.
12-904. Violations and penalty.

12-901. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Energy Conservation Code\(^2\) 2009 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code. Any matters in the model energy code which are contrary to existing ordinances of the Town of Somerville in Fayette County, Tennessee shall prevail and, to that extent any existing ordinances to the contrary are hereby repealed in that respect only. (Ord. #00.10, ____, as amended by Ord. #2015-006, June 2015)

12-902. Modifications. When reference is made to the duties of a certain official named therein, that designated official of the Town of Somerville in Fayette County, Tennessee who has duties corresponding to those of the named official in said Energy Conservation Code shall be deemed to be the responsible official insofar as enforcing the provisions of said model energy code are concerned. (Ord. #00.10, ____, as amended by Ord. #2015-006, June 2015)

\(^1\)State law reference

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

Municipal code references

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

\(^2\)Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg Pike, Falls Church, Virginia 22041.
12-903. **Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-904. **Violations and penalty.** It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.
CHAPTER 10

PROPERTY MAINTENANCE CODE

SECTION
12-1002. Copy to be available in the city recorder's office.
12-1003. Violations and penalty.

12-1001. Property maintenance code adopted. For the purpose of prescribing regulations governing the maintenance of property owned within the corporate limits of the Town of Somerville, the International Property Maintenance Code, 2015 edition, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as part of Somerville Municipal Code and is hereinafter referred to as the property maintenance code. (as added by Ord. #2015-007, June 2015, and amended by Ord. #2018-006, July 2018)

12-1002. Copy to be available in the city recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the 2015 property maintenance code shall be placed on file in the office of the Somerville City Recorder and shall be kept there for the use and inspection of the public. (as added by Ord. #2015-007, June 2015, and amended by Ord. #2018-006, July 2018)

12-1003. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the code referenced in § 12-1001 of this chapter as herein adopted by reference and modified. The violation of provision of this chapter shall be punishable by a penalty of up to fifty dollars ($50.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. (as added by Ord. #2015-007, June 2015)

Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 11
EXISTING BUILDING CODE

SECTION
12-1101. Existing building code adopted.
12-1102. Copy to be available in the city recorder's office.
12-1103. Violations and penalty.

12-1101. Existing building code adopted. For the purpose of prescribing regulations governing the maintenance of existing buildings owned within the corporate limits of the Town of Somerville, the International Existing Building Code, 2015 edition, as prepared and adopted by the International Code Council¹ is hereby adopted and incorporated by reference as part of Somerville Municipal Code and is hereinafter referred to as the existing building code. (as added by Ord. #2015-008, June 2015, and amended by Ord. #2018-006, July 2018)

12-1102. Copy to be available in the city recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the 2015 existing building code shall be placed on file in the office of the Somerville City Recorder and shall be kept there for the use and inspection of the public. (as added by Ord. #2015-008, June 2015, and amended by Ord. #2018-006, July 2018)

12-1103. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the code referenced in § 12-1101 of this chapter as herein adopted by reference and modified. The violation of provision of this chapter shall be punishable by a penalty of up to fifty dollars ($50.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. (as added by Ord. #2015-008, June 2015)

¹Copies of this code (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. JUNKYARDS.
4. JUNKED MOTOR VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION
13-101. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1975 Code, § 8-101, as replaced by Ord. #2012-008, Sept. 2012)

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property

¹Municipal code references
Littering generally: title 11.
Littering streets, etc.: § 16-107.
Property maintenance code: title 12.
Wastewater treatment: § title 18, chapter 2.
without treating it so as effectively to prevent the breeding of mosquitoes. (1975 Code, § 8-105, as replaced by Ord. #2012-008, Sept. 2012)

13-103. Weeds and grass. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the town recorder to cut such vegetation when it has reached a height of over one foot (1’). (1975 Code, § 8-106, as replaced by Ord. #2012-008, Sept. 2012)

13-104. 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, 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 mayor and aldermen 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 mayor and aldermen 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 § 13-104 of the Somerville 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 town; 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 town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The town 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 Fayette 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 mayor and aldermen 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 mayor and aldermen. The appeal shall be filed with the town recorder within ten (10) days following the receipt of the notice issued pursuant to
subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen 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 town 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. (1975 Code, § 8-107, as amended by Ord. of Jan. 8, 1979, and replaced by Ord. #06.009, June 2006, and Ord. #2012-008, Sept. 2012)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the town recorder and dispose of such animal in such manner as the town recorder shall direct. (1975 Code, § 8-108, as replaced by Ord. #2012-008, Sept. 2012)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1975 Code, § 8-109, as replaced by Ord. #2012-008, Sept. 2012)

13-107. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (1975 Code, § 8-104, as replaced by Ord. #2012-008, Sept. 2012)

13-108. [Deleted.] (Ord. of June 8, 1987, as deleted by Ord. #2012-008, Sept. 2012)

CHAPTER 2

SLUM CLEARANCE

SECTION
13-201. Findings of board.
13-203. "Public officer" designated; powers.
13-204. Initiation of proceedings; hearings.
13-205. Orders to owners of unfit structures.
13-206. When public officer may repair, etc.
13-207. When public officer may remove or demolish.
13-208. Lien for expenses; sale of salvage materials; other powers not limited.
13-209. Basis for finding of unfitness.
13-210. Service of complaints or orders.
13-211. Enjoining enforcement of orders.
13-212. Additional powers of public officer.
13-213. Powers conferred are supplemental.

13-201. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town. (as replaced by Ord. #2012-008, Sept. 2012)

13-202. 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" shall mean the board of mayor and aldermen charged with governing the town.
(3) "Municipality" shall mean the Town of Somerville, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.
(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

1State law reference
Tennessee Code Annotated, title 13, chapter 21.
(5) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(6) "Place 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" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as replaced by Ord. #2012-008, Sept. 2012)

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (as replaced by Ord. #2012-008, Sept. 2012)

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (as replaced by Ord. #2012-008, Sept. 2012)

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation
or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

   (1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent (50%) of the reasonable value), requiring the owner, 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 for human occupation or use; or

   (2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (as replaced by Ord. #2012-008, Sept. 2012)

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (as replaced by Ord. #2012-008, Sept. 2012)

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as replaced by Ord. #2012-008, Sept. 2012)

13-208. Lien for expenses; sale of salvage materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, 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 municipal tax collector or 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 as set forth in Tennessee Code Annotated, §§ 67-5-2010 and 67-5-2410. 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 said 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 public officer, the public officer shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of county by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court 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 Town of Somerville to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as replaced by Ord. #2012-008, Sept. 2012)

13-209. Basis for finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Somerville. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (as replaced by Ord. #2012-008, Sept. 2012)

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Fayette County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #2012-008, Sept. 2012)
13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as added by Ord. #2012-008, Sept. 2012)

13-212. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the town in order to determine which structures therein are unfit for human occupation or use;

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

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

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

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may delegate. (as added by Ord. #2012-008, Sept. 2012)

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #2012-008, Sept. 2012)

13-214. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to
the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2012-008, Sept. 2012)
CHAPTER 3

JUNKYARDS

SECTION
13-301. Definitions.
13-303. Screening methods.
13-304. Requirements for effective screening.
13-308. Permits and fees.
13-309. Violations and penalty.
13-310. [Deleted.]
13-311. [Deleted.]
13-312. [Deleted.]
13-313. [Deleted.]
13-314. [Deleted.]

13-301. Definitions. (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap or nonferrous material.

(2) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers.

(3) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(4) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

(5) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk...
is not visible from the highways and streets of the town. (Ord. of Jan. 11, 1993, as replaced by Ord. #2012-008, Sept. 2012)

13-302. Junkyard screening. Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to bring the junkyard into compliance with this chapter. (Ord. of Jan. 11, 1993, modified, as replaced by Ord. #2012-008, Sept. 2012)

13-303. Screening methods. The following methods and materials for screening are given for consideration only:

1. Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

2. Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

3. Architectural barriers. The utilization of:
   a. Panel fences made of metal, plastic, fiberglass, or plywood.
   b. Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood or others treated with a preservative.
   c. Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

4. Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen. (Ord. of Jan. 11, 1993, as replaced by Ord. #2012-008, Sept. 2012)

13-304. Requirements for effective screening. Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the town. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

1. Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

2. Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

3. Screening shall be located on private property and not on any part of the highway right-of-way.

4. At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area. (Ord. of Jan. 11, 1993, as replaced by Ord. #2012-008, Sept. 2012)
13-305. **Maintenance of screens.** The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the town.

If not replaced within sixty (60) days the town may replace said screening and require payment upon demand. (Ord. of Jan. 11, 1993, as replaced by Ord. #2012-008, Sept. 2012)

13-306. **Utilization of highway right-of-way.** The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition. (Ord. of Jan. 11, 1993, as replaced by Ord. #2012-008, Sept. 2012)

13-307. **Non-conforming junkyards.** Those junkyards within the town and lawfully in existence prior to the enactment of this code, which do not conform with the provisions of the code shall be considered as "non-conforming." Such junkyards shall be subject to the following conditions, any violation of which shall terminate the non-conforming status:

1. The junkyard must continue to be lawfully maintained.
2. There must be existing property rights in the junk or junkyard.
3. Abandoned junkyards shall no longer be lawful.
4. The location of the junkyard may not be changed for any reason. If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the town.
5. The junkyard may not be extended or enlarged. (Ord. of Jan. 11, 1993, modified, as replaced by Ord. #2012-008, Sept. 2012)

13-308. **Permits and fees.** It shall be unlawful for any junkyard located within the town to operate without a "junkyard control permit" issued by the town.

1. Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The town's fiscal year begins on July 1 and ends on June 30 the year next following.
2. Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars ($50.00) which is not subject to either proration or refund.
3. All applications for an original or renewal permit shall be made on a form prescribed by the town.
4. Permits shall be issued only to those junkyards that are in compliance with these rules.
5. A permit is valid only while held by the permittee and for the location for which it is issued.
13-309. **Violations and penalty.** Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. of Jan. 11, 1993, modified, as replaced by Ord. #2012-008, Sept. 2012)

13-310. **[Deleted.]** (as deleted by Ord. #2012-008, Sept. 2012)

13-311. **[Deleted.]** (Ord. of Jan. 11, 1993, as deleted by Ord. #2012-008, Sept. 2012)

13-312. **[Deleted.]** (Ord. of Jan. 11, 1993, as deleted by Ord. #2012-008, Sept. 2012)

13-313. **[Deleted.]** (as deleted by Ord. #2012-008, Sept. 2012)

13-314. **[Deleted.]** (Ord. of Jan. 11, 1993, as deleted by Ord. #2012-008, Sept. 2012)
CHAPTER 4

JUNKED MOTOR VEHICLES

SECTION
13-402. Violations a civil offense.
13-403. Exceptions.
13-405. Penalty for violations.

13-401. Definitions. For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) (a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(b) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective, including but not limited to, any one (1) or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including,
but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle. (as added by Ord. #2012-008, Sept. 2012)

13-402. Violations a civil offense. It shall be unlawful and a civil offense for any person:

(1) To park and/or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To park, store, keep, maintain on private property a junked vehicle.

(as added by Ord. #2012-008, Sept. 2012)

13-403. Exceptions. (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any
zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the town. (as added by Ord. #2012-008, Sept. 2012)

13-404. Enforcement. Pursuant to Tennessee Code Annotated, § 7-63-101, the building inspector is authorized to issue ordinance summons for violations of this chapter on private property. The building inspector shall upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the building inspector finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building inspector may:

(1) Request the town judge to issue a summons; or
(2) Request a police officer to witness the violation.

The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101, et seq., or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. In addition, pursuant to Tennessee Code Annotated, § 55-5-122, the municipal court may issue an order to remove vehicles from private property. (as added by Ord. #2012-008, Sept. 2012)

13-405. Penalty for violations. Any person violating this chapter shall be subject to a civil penalty of fifty dollars ($50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. (as added by Ord. #2012-008, Sept. 2012)
TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER
1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. PROVISIONS GOVERNING FLOOD HAZARD DISTRICTS.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION
14-103. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (1975 Code, § 11-101, as amended by Ord. #00.9, Aug. 2000)

14-102. Organization, rules, staff and finance. The municipal planning commission shall elect its chairman from amongst its appointive members. The term of chairman shall be one year with eligibility for reelection. The commission shall adopt rules for the transactions, findings and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the board of mayor and aldermen. (1975 Code, § 11-102)
14-103. **Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of *Tennessee Code Annotated*, title 13. (1975 Code, § 11-103)
CHAPTER 2

ZONING ORDINANCE

SECTION
14-201. Land use to be governed by zoning ordinance.

14-201. **Land use to be governed by zoning ordinance.** Land use within the Town of Somerville shall be governed by the "Zoning Ordinance, Somerville, Tennessee," and any amendments thereto.¹

¹The zoning ordinance and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Amendments to the zoning map are of record in the office of the city recorder.
CHAPTER 3

PROVISIONS GOVERNING FLOOD HAZARD DISTRICTS

SECTION
14-301. Statutory authorization, findings of fact, purpose and objectives.
14-302. Definitions.
14-304. Administration.

14-301. Statutory authorization, findings of fact, purpose and objectives. (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 Town of Somerville, Tennessee Mayor and Board of Alderman, does ordain as follows:

(2) Findings of fact. (a) The Town of Somerville's 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 the Town of Somerville 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 chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This chapter is designed to:

(a) Restrict or prohibit uses which are vulnerable to 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 chapter are:
(a) To protect human life, health and property;
(b) To minimize expenditure of public funds for costly flood control projects;
(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(d) To minimize prolonged business interruptions;
(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in 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. (as added by Ord. #08.002, Sept. 2008)

14-302. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter the 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 USC 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 chapter 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 chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

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 floodplain 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; or
   (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 chapter.

(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 (FHBDM) 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 chapter, 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 the ordinance comprising this chapter or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.
"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 the ordinance comprising this chapter or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" as connected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year flood" see "base flood."

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

"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.

"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.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"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.

"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:

(a) 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:

(i) The appraised value of the structure prior to the start of the initial repair or improvement; or

(ii) 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.

(b) 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:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or
(ii) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(62) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(63) "Variance" is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter 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 chapter is presumed to be in violation until such time as that documentation is provided.

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas. (as added by Ord. #08.002, Sept. 2008)

14-303. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of Somerville, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Town of Somerville, Tennessee (Community #470051), Federal Emergency Management Agency, Flood Insurance Study (FIS) 47047CV00A and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47047C0190C, 47047C0195C, 47047C0215C, 47047C0305C, 47047C0310C and 47047C0330C, dated November 5, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:
(a) Considered as minimum requirements;
(b) Liberally construed in favor of the governing body; and
(c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Somerville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Somerville, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #08.002, Sept. 2008)

14-304. Administration. (1) Designation of ordinance administrator. The building official is hereby appointed as the administrator to implement the provisions of the ordinance comprising this chapter.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFEs are available, or to the highest adjacent grade when applicable under this chapter.

(i) 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 chapter.
(iii) Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in § 14-304(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 non-residential 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 chapter 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 USC 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 § 14-304(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 floodproofed, in accordance with § 14-304(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 § 14-304(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 chapter.

(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 construction, substantial improvements, or other development in Zone A on the community FIRM meet the requirements of this chapter.

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 § 14-302 of this chapter). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-304(2).

(j) All records pertaining to the provisions of this chapter shall be maintained in the office of the administrator and shall be open for
public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (as added by Ord. #08.002, Sept. 2008)

14-305. **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 chapter; and

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this chapter, shall be undertaken only if said non-conformity is not further extended or replaced.

(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 § 14-305(2).

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 § 14-302 of this chapter). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-304(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 § 14-302 of this chapter). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-304(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 § 14-304(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.

(iii) 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 § 14-305(2) of this chapter.

(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 § 14-305(2)(d) of this chapter.

(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 flood-prone 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 § 14-303(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 § 14-305.

(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 § 14-303(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 § 14-305(2).

(5) Standards for streams without established base flood elevations or floodways (A Zones). Located within the areas of special flood hazard established in § 14-303, 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 § 14-303, 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 § 14-305. 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 § 14-305(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 § 14-303(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 nonresidential 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 § 14-305(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 chapter and shall provide such certification to the administrator as set forth above and as required in § 14-304(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 § 14-303 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 §§ 14-304 and 14-305(1) shall apply.

(8) Standards for unmapped streams. Located within Somerville, 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 § 14-304. (as added by Ord. #08.002, Sept. 2008)

14-306. Variance procedures. The provisions of this section shall apply exclusively to areas of special flood hazard within Somerville, Tennessee.

(1) Board of zoning appeals. (a) The Town of Somerville's Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Variances may be issued for the repair or rehabilitation of historic structures (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 chapter; 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 chapter, the board of floodplain review may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this chapter.

(e) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and 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. (as added by Ord. #08.002, Sept. 2008)

14-307. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this chapter or any part thereof, and the whole or part of any existing or future ordinance of Somerville, Tennessee, the most restrictive shall in all cases apply.

(2) Validity. If any section, clause, provision, or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

(3) Effective date. The ordinance comprising this chapter shall become effective immediately after its passage, in accordance with the Charter of Somerville, Tennessee, and the public welfare demanding it. (as added by Ord. #08.002, Sept. 2008)
TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING

CHAPTER
1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS

SECTION
15-102. Driving on streets closed for repairs, etc.
15-103. Reckless driving.
15-104. One-way streets.
15-105. Unlaned streets.
15-106. Laned streets.
15-107. Yellow lines.
15-108. Miscellaneous traffic-control signs, etc.
15-109. General requirements for traffic-control signs, etc.
15-110. Unauthorized traffic-control signs, etc.
15-111. Presumption with respect to traffic-control signs, etc.
15-112. School safety patrols.
15-113. Driving through funerals or other processions.

1Municipal code reference
Excavations and obstructions in streets, etc.: title 16.

2State law references
Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.
15-114. Clinging to vehicles in motion.
15-117. Projections from the rear of vehicles.
15-119. Vehicles and operators to be licensed.
15-120. Passing.
15-121. Damaging pavements.
15-122. Regulation of use of motorcycles, etc.
15-123. Compliance with financial responsibility law required.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1975 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1975 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1975 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1975 Code, § 9-109)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:
   (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
   (b) When the right half of a roadway is closed to traffic while under construction or repair.
   (c) Upon a roadway designated and signposted by the town for one-way traffic.
(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when
overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1975 Code, § 9-110)

15-106. **Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1975 Code, § 9-111)

15-107. **Yellow lines.** On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1975 Code, § 9-112)

15-108. **Miscellaneous traffic-control signs, etc.**¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1975 Code, § 9-113)

15-109. **General requirements for traffic-control signs, etc.** All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive. (1975 Code, § 9-114)

¹Municipal code references
Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

²This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.
15-110. **Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1975 Code, § 9-115)

15-111. **Presumption with respect to traffic-control signs, etc.** When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1975 Code, § 9-116)

15-112. **School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1975 Code, § 9-117)

15-113. **Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1975 Code, § 9-118)

15-114. **Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1975 Code, § 9-120)

15-115. **Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1975 Code, § 9-121)
15-116. **Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1975 Code, § 9-122)

15-117. **Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1975 Code, § 9-123)

15-118. **Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1975 Code, § 9-124)

15-119. **Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Commercial License Law." (1975 Code, § 9-125, modified)

15-120. **Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and
unobstructed to enable him to make the movement in safety. (1975 Code, § 9-126)

15-121. **Damaging pavements.** No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1975 Code, § 9-119)

15-122. **Regulation of use of motorcycles, etc.** The following provisions shall govern the operation of motorcycles or motor-driven cycles upon the streets of the Town of Somerville:

1. **Operator and/or passenger, etc.**
   a. A person operating a motorcycle or motor-driven cycle shall ride only upon the permanent and regular seat attached thereto and such person shall not carry any other person nor shall any other person ride on the motorcycle or motor-driven cycle unless same is designed to carry more than one person, in which event a passenger may ride upon the permanent or regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear of the operator.
   b. A person shall ride upon a motorcycle or motor-driven cycle only while sitting astride the seat. Facing forward, with one leg on each side of the cycle and any such cycle shall be equipped with footrests for the passenger.
   c. No person shall operate a motorcycle while carrying any package, bundle or other article which may prevent him from keeping both hands upon the handlebars, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle, etc. or the view of the operator.
   d. No person under the age of sixteen (16) years of age shall operate any motorcycle, motorbike or motor scooter within the Town of Somerville while any other person is a passenger upon said motor vehicle.

2. **Safety equipment required.** The driver of a motor-driven cycle and any passenger thereon shall be required to wear a crash helmet of a type approved by the Commissioner of Safety of the State of Tennessee. Every motorcycle or motor-driven cycle operating upon any of the streets of the Town of Somerville shall be equipped with a windshield of a type approved by said commissioner, or, in the alternative, that the operator and any passenger on such motorcycle be required to secure and wear safety goggles of a type approved by said commissioner for the purpose of preventing any flying object from striking the operator or passenger in the eyes.

3. **Operation of motorcycles, etc. within lanes.** All motorcycles, etc. are entitled to full use of a lane and no other motor vehicle shall be operated in such a manner as to deprive any motorcycle, etc. to the full use of a lane.
operator of a motorcycle, etc. shall not overtake and pass in the same lane occupied by the vehicle overtaken, and no person shall operate a motorcycle, etc. between lanes of traffic or between adjacent lanes or rows of vehicles. Motorcycles, etc. shall not be operated abreast in a single traffic lane. This paragraph shall not apply to police officers in the performance of their duties.

(4) Required accessories. (a) Any motorcycle, etc. shall be equipped with rollbars if the operator thereof is under the age of sixteen (16) years.

(b) All motorcycles, etc. shall be equipped with a headlight, tail-light and directional turn signals which shall be used after the hours of darkness as required of any other vehicle operated upon the streets of the Town of Somerville.

(c) All motorcycles, etc. shall be equipped with a muffler of the type installed by the manufacturer thereof and the same shall not, in any way, be modified so as to increase the sound of the engine of such cycle.

(5) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined in accordance with the provisions of the general penalty clause in this code of ordinances. (1975 Code, § 9-127)

15-123. Compliance with financial responsibility law required.

(1) (a) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(b) 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.

(c) For the purpose of this section, "financial responsibility" means:

(i) 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;

(ii) 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
(iii) 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.

(2) 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 town's municipal code of ordinances.

(3) 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. (Ord. #02.002, March 2002)


(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.); or

   (b) Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust 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 regulations of the town, and shall be effective upon its final passage, the public welfare requiring it. (as added by Ord. #2013-008, Sept. 2013)
CHAPTER 2

EMERGENCY VEHICLES

SECTION
15-201. Authorized emergency vehicles defined.
15-203. Following emergency vehicles.
15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1975 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.1 (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.
(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.
(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1975 Code, § 9-103)

1Municipal code reference
Operation of other vehicle upon the approach of emergency vehicles: § 15-501.
15-203. **Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1975 Code, § 9-104)

15-204. **Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1975 Code, § 9-105)
CHAPTER 3

SPEED LIMITS

SECTION
15-301. In general.
15-302. At intersections.
15-304. In congested areas.
15-305. On specific streets.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1975 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1975 Code, § 9-202)

15-303. In school zones. 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 when passing a school during recess or while children are going to or leaving school during its opening or closing hours, except where official signs have been posted indicating other speed limits. (1975 Code, § 9-203, modified)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1975 Code, § 9-204)

15-305. On specific streets. (1) The speed limit for that section of U.S. Highway 64, west bound, running from the east corporate limits of the Town of Somerville, Tennessee to approximately 100 yards east of Dogwood Road, is hereby set at 55 miles per hour.

(2) The speed limit for that section of U.S. Highway 64, west bound, running from approximately 100 yards east of Dogwood Road to the area in front of Somerville Communications, is hereby set at 45 miles per hour.

(3) The speed limit for that section of U.S. Highway 64, west bound, running from the area in front of Somerville Communications to the area in front of Somerville Church of Christ, is hereby set at 30 miles per hour.
(4) The speed limit for that section of U.S. Highway 64, west bound, running from the area in front of Somerville Church of Christ to approximately 100 yards west of Feathers Chapel Drive, is hereby set at 45 miles per hour.

(5) The speed limit for that section of U.S. Highway 64, west bound, running from approximately 100 yards west of Feathers Chapel Drive to approximately 100 yards west of the Jones Creek bridge, is hereby set at 55 miles per hour.

(6) The speed limit for that section of U.S. Highway 64, west bound, running from approximately 100 yards west of the Jones Creek bridge to the west corporate limits of the Town of Somerville, Tennessee will remain at 65 miles per hour.

(7) The speed limit for that section of U.S. Highway 64, east bound, running from the west corporate limits of the Town of Somerville, Tennessee to approximately 100 yards west of the Jones Creek bridge will remain at 65 miles per hour.

(8) The speed limit for that section of U.S. Highway 64, east bound, running from approximately 100 yards west of the Jones Creek bridge to approximately 100 yards west of Feathers Chapel Drive, is hereby set at 55 miles per hour.

(9) The speed limit for that section of U.S. Highway 64, east bound, running from approximately 100 yards west of Feathers Chapel Drive to the area across from Meadow Lane, is hereby set for 45 miles per hour.

(10) The speed limit for that section of U.S. Highway 64, east bound, running from the area across from Meadow Lane to the area in front of Somerville Communications, is hereby set at 30 miles per hour.

(11) The speed limit for that section of U.S. Highway 64, east bound, running from the area in front of Somerville Communications to approximately 100 yards east of Dogwood Road, is hereby set at 45 miles per hour.

(12) The speed limit for that section of U.S. Highway 64, east bound, running from approximately 100 yards east of Dogwood Road to the east corporate limits of the Town of Somerville, Tennessee, is hereby set at 55 miles per hour. (Ord. #01.020, Dec. 2001)
CHAPTER 4

TURNING MOVEMENTS

SECTION
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.\(^1\) (1975 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1975 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1975 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1975 Code, § 9-304)


\(^1\)State law reference

Tennessee Code Annotated, § 55-8-143.
CHAPTER 5

STOPPING AND YIELDING

SECTION
15-502. When emerging from alleys, etc.
15-503. To prevent obstructing an intersection.
15-504. At railroad crossings.
15-505. At "stop" signs.
15-506. At "yield" signs.
15-507. At traffic-control signals generally.
15-508. At flashing traffic-control signals.
15-509. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles. Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1975 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1975 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1975 Code, § 9-403)

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1Municipal code reference
Special privileges of emergency vehicles: title 15, chapter 2.
15-504. **At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

   (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
   (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
   (3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
   (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1975 Code, § 9-404)

15-505. **At "stop" signs.** The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1975 Code, § 9-405)

15-506. **At "yield" signs.** The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1975 Code, § 9-406)

15-507. **At traffic-control signals generally.** Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

   (1) **Green alone, or "Go":**
      (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
      (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
   (2) **Steady yellow alone, or "Caution":**
      (a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
      (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a green signal.
15-16

(3) Steady red alone, or "Stop":
   (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.
   (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a green signal.

(4) Steady red with green arrow. 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.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1975 Code, § 9-407)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected by the town it shall require obedience by vehicular traffic as follows:
   (a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
   (b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1975 Code, § 9-408)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1975 Code, § 9-409)

¹State law reference
Tennessee Code Annotated, § 55-8-143.
CHAPTER 6

PARKING

SECTION
15-603. Occupancy of more than one space.
15-604. Where prohibited.
15-605. Loading and unloading zones.
15-606. Regulation by two (2) hour time limit.
15-607. Unlawful to tamper with, remove, or circumvent time measuring system for two (2) hour parking.
15-608. Presumption with respect to illegal parking.
15-609. Violation penalties.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first securing the vehicle from movement and turning the front wheels of such vehicle toward the nearest curb, gutter or side drainage ditch of the street.

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

Notwithstanding anything else in this chapter to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1975 Code, § 9-501, as amended by Ord. #02.007, June 2002)

15-602. Angle parking. On those streets which have been signed or marked by the Town of Somerville for angle parking no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1975 Code, § 9-502, as amended by Ord. #02.007, June 2002)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies
more than one such space or protrudes beyond the official markings on the
designating such space unless the vehicle is too large to be parked
within a single designated space. In a case of the vehicle being to large to be
parked within a single designated space the vehicle will not be parked in this
area. (1975 Code, § 9-503 as amended by Ord. #02.007, June 2002)

15-604. Where prohibited. No person shall park a vehicle in violation
of any sign placed or erected by the Town of Somerville, nor:
(1) On a sidewalk;
(2) In front of a public or private driveway;
(3) Within an intersection or within twenty-five feet (25') thereof;
(4) Within five feet (5') of a fire hydrant;
(5) Within a pedestrian crosswalk;
(6) Within twenty-five feet (25') of the driveway entrance to any fire
station, and on the side of the street opposite the entrance to any fire station
within seventy-five feet (75') of the entrance;
(7) Alongside or opposite any street excavation or obstruction when
other traffic would be obstructed;
(8) On the roadway side of any vehicle stopped or parked at the edge
or curb of a street;
(9) Upon any bridge;
(10) Alongside any curb painted yellow or red by the Town of
Somerville;
(11) Within any marked designated parking space in the one block area
surrounding the Fayette County Courthouse, exceeding two (2) hours, Monday
through Friday, between the hours of 7:00 A.M. and 6:00 P.M.;
(12) At any location on any public street or alley that disrupts the
normal and safe flow of traffic;
(13) The operator of a motor vehicle shall park such vehicle with
curb-side wheels as far off the road surface as possible. Double parking is
prohibited;
(14) A vehicle shall not be parked in any street so as to prevent or
obstruct the passing of vehicular traffic or emergency vehicles (ambulance
passage requires a road width of ten feet (10'));
(15) No "oversized vehicle" shall be permitted to park or stand upon any
public street in the town for a longer period than two (2) hours, except when
loading or unloading or performing maintenance work;
(16) If the owner of an "oversized vehicle" for reasons related to
construction or to hardship, wishes to stand or park on town streets for periods
longer than those specified in section 3, the owner must request exceptional
permission from the city administrator or the town police chief. (1975 Code,
§ 9-504, as amended by Ord. #02.007, June 2002, and replaced by Ord. #10.007,
Nov. 2010)
15-605. **Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the Town of Somerville as a loading and unloading zone. (1975 Code, § 9-505, as amended by Ord. #02.007, June 2002)

15-606. **Regulation by two (2) hour time limit.** All marked designated parking spaces in the one block area surrounding the Fayette County Courthouse will be regulated by a two (2) hour time limit. The one block area referred to will be defined by the following boundaries:

  Market Street on both sides from the intersection of North West Street to the intersection of East Street; North Main Street (S.R. 76) on both sides from the intersection of Market Street to the intersection of West North Street; and marked designated parking spaces on the east and west sides of the Fayette County Courthouse Square.

  The chief of police shall designate a means of measuring the time that a vehicle has occupied a particular parking space in this defined area. (1975 Code, § 9-506, as replaced by Ord. #02.007, June 2002)

15-607. **Unlawful to tamper with, remove, or circumvent time measuring system for two (2) hour parking.** It shall be unlawful for any person to tamper with or remove any means of time recording system designated by the chief of police for measuring the length of time a vehicle is parked in a designated two (2) hour parking space. Furthermore, it shall be unlawful for any person to attempt to circumvent the two (2) hour parking limit by moving and re-entering a parking space, moving to another parking space or in anyway defrauding the two (2) hour parking limit. (1975 Code, § 9-507, as replaced by Ord. #02.007, June 2002)

15-608. **Presumption with respect to illegal parking.** When any unoccupied vehicle is found parked in violation of any provision of this chapter there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1975 Code, § 9-512)

15-609. **Violation penalties.** Any violation of §§ 15-601 thru 15-606 shall be punishable by a fine of $10.00. Any violation of § 15-607 shall be punishable by a fine of $25.00. Violations will be delinquent after five (5) working days from issuance. The chief of police is authorized to issue warrants for the arrest of any person or persons violating these sections. (1975 Code, § 9-514, as amended by Ord. #02.007, June 2002)
CHAPTER 7
ENFORCEMENT

SECTION
15-701. Issuance of traffic citations.
15-702. Failure to obey citation.
15-703. Illegal parking.
15-704. Impoundment of vehicles.
15-706. Driver's license in lieu of bail.
15-707. Violation and penalty.

15-701. **Issuance of traffic citations.** When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1975 Code, § 9-601)

15-702. **Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1975 Code, § 9-602)

15-703. **Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall issue a citation for the driver and/or owner to answer in the municipal court in the Town of Somerville. (1975 Code, § 9-603, as amended by Ord. of Feb. 13, 1989, modified)

15-704. **Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle

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¹State law reference
or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until otherwise lawfully disposed of. The fee for impounding a vehicle and for storage cost shall be those fees as determined by resolution of the board of mayor and aldermen. (1975 Code, § 9-604, modified)


15-706. Driver's license in lieu of bail. (1) Deposit allowed. Whenever any person lawfully possessing a commercial or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or commercial license for any period of time, such person shall have the option of depositing his commercial or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court of this city in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his commercial or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the city court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his commercial or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, § 55-50-801, et seq. (1975 Code, § 9-606, modified)
15-707. **Violation and penalty.** Any violation of this title shall be a civil offense punishable by a civil penalty up to fifty dollars ($50.00) for each separate offense.¹ (1975 Code, § 9-514 and § 9-603, as amended by Ord. of Feb. 13, 1989, modified, and amended by Ord. #02.007, June 2002)

¹Municipal code reference
Parking; violation penalties: § 15-609.
TITLE 16

STREETS AND SIDEWALKS, ETC

CHAPTER
1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. PARADES.

CHAPTER 1

MISCELLANEOUS

SECTION
16-101. Obstructing streets, alleys, or sidewalks prohibited.
16-102. Trees projecting over streets, etc., regulated.
16-103. Trees, etc., obstructing view at intersections prohibited.
16-104. Projecting signs and awnings, etc., restricted.
16-105. Banners and signs across streets and alleys restricted.
16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
16-107. Littering streets, alleys, or sidewalks prohibited.
16-108. Obstruction of drainage ditches.
16-109. Abutting occupants to keep sidewalks clean, etc.
16-110. Animals and vehicles on sidewalks.
16-111. Fires in streets, etc.
16-112. Basketball goals alongside or within public rights-of-way.

16-101. **Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1975 Code, § 12-101)

16-102. **Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1975 Code, § 12-102)

16-103. **Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on

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1Municipal code reference

Related motor vehicle and traffic regulations: title 15.
his property any tree, shrub, sign, or other obstruction which prevents persons
driving vehicles on public streets or alleys from obtaining a clear view of traffic
when approaching an intersection. (1975 Code, § 12-103)

16-104. **Projecting signs and awnings, etc., restricted.** Signs,
awnings, or other structures which project over any street or other public way
shall be erected subject to the requirements of the building code.¹ (1975 Code,
§ 12-104)

16-105. **Banners and signs across streets and alleys restricted.** It
shall be unlawful for any person to place or have placed any banner or sign
across any public street or alley except when expressly authorized by the board
of mayor and aldermen after a finding that no hazard will be created by such
banner or sign. (1975 Code, § 12-105)

16-106. **Gates or doors opening over streets, alleys, or sidewalks
prohibited.** It shall be unlawful for any person owning or occupying property
to allow any gate or door to swing open upon or over any street, alley, or
sidewalk except when required by statute. (1975 Code, § 12-106)

16-107. **Littering streets, alleys, or sidewalks prohibited.** It shall
be unlawful for any person to litter, place, throw, track, or allow to fall on any
street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or
materials which are unsightly or which obstruct or tend to limit or interfere
with the use of such public ways and places for their intended purposes. (1975
Code, § 12-107)

16-108. **Obstruction of drainage ditches.** It shall be unlawful for any
person to permit or cause the obstruction of any drainage ditch in any public
right of way. (1975 Code, § 12-108)

16-109. **Abutting occupants to keep sidewalks clean, etc.** The
occupants of property abutting on a sidewalk are required to keep the sidewalk
clean. Also, immediately after a snow or sleet, such occupants are required to
remove all accumulated snow and ice from the abutting sidewalk. (1975 Code,
§ 12-109)

16-110. **Animals and vehicles on sidewalks.** It shall be unlawful for
any person to ride, lead, or tie any animal, or ride, push, pull, or place any
vehicle across or upon any sidewalk in such manner as to unreasonably interfere

¹Municipal code reference
Building code: title 12, chapter 1.
with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1975 Code, § 12-112)

16-111. *Fires in streets, etc.* It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1975 Code, § 12-113)

16-112. *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 Town of Somerville, Tennessee 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 chapter.

(2) Any violation of this chapter shall be punishable by a fine of fifty dollars ($50.00). (as added by Ord. #06.005, March 2006)
CHAPTER 2
EXCAVATIONS AND CUTS

SECTION
16-201. Permit required.
16-203. Fee.
16-204. Deposit or bond.
16-205. Manner of excavating--barricades and lights--temporary sidewalks.
16-206. Restoration of streets, etc.
16-207. Insurance.
16-208. Time limits.
16-209. Supervision.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1975 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

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1State law reference
This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).
to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1975 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars ($2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents ($.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars ($100.00) for any permit. (1975 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars ($25.00) if no pavement is involved or seventy-five dollars ($75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the mayor may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1975 Code, § 12-204)

16-205. Manner of excavating—barricades and lights—temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1975 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the town, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley,
or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the municipality, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1975 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than $100,000 for each person and $300,000 for each accident, and for property damages not less than $25,000 for any one (1) accident, and a $75,000 aggregate. (1975 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the municipality if the municipality restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1975 Code, § 12-208)

16-209. Supervision. The recorder or designated town official shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1975 Code, § 12-209, modified)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the town. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian
and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1975 Code, § 12-210, modified)
CHAPTER 3

PARADES

SECTION
16-301. Short title.
16-302. Definitions.
16-304. Permit.
16-305. Application.
16-306. Standards for issuance.
16-308. Duties of permittee.
16-309. Revocation of permit.
16-310. Violation and penalty.

16-301. **Short title.** This chapter shall be known and may be cited as the "Parade Ordinance of the Town of Somerville." (Ord. #97-2, April 1997)

16-302. **Definitions.** The following words, for the purpose of this chapter, shall have the following meanings:

(1) "Parade" is any meeting, parade, demonstration, exhibition, festival, homecoming, assembly, or other such event to be held in or upon any street, park, or other public place in Somerville, except as excluded by § 16-304(2).

(2) "Town" is the Town of Somerville.

(3) "Recorder" is the Recorder of Somerville.

(4) "Chief of police" is the Chief of Police of Somerville.

(5) "Fire chief" is the Chief of the Somerville Fire Department.

(6) "Parade permit" is a permit as required by this chapter.

(7) "Person" is any person, firm, group, partnership, association, corporation, company, or organization of any kind. (Ord. #97-2, April 1997)

16-303. **Purposes.** (1) The Town of Somerville recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.

(2) The town passes this chapter to regulate the time, place, and manner of parades.

(3) The town passes this chapter in the interest of all its citizens' public safety, health, welfare, comfort, and convenience.

(4) The Town of Somerville has limited resources and passes this chapter so that it may properly allocate these resources among its citizens.

(5) The purpose of this chapter is to promote order, safety, and tranquility in the streets of the town.
This chapter is passed to help minimize traffic and business interruptions during parades. (Ord. #97-2, April 1997)

16-304. Permit. (1) No person shall parade unless a parade permit has been obtained from the chief of police or designee. Any parade held without the proper permit shall be unlawful.

(2) This chapter shall not apply to funeral processions or governmental entities.

(3) The permit shall be only for the event and date specified on the application, with a maximum duration of three days. (Ord. #97-2, April 1997)

16-305. Application. (1) Any person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by the public safety department, after paying an application fee of $25.00 to the recorder.

(2) The application for a parade permit shall be filed in writing with the chief of police not less than thirty (30) days prior to the contemplated parade. No permit shall be granted sooner than one hundred eighty (180) days prior to the contemplated parade.

(3) The application for a parade permit shall set forth the following information:

(a) The name, address, and telephone number of the person seeking to conduct a parade or of the organization and its responsible heads;
(b) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
(c) The date when the parade is to be conducted;
(d) The route to be traveled, the starting point, and the termination point;
(e) The approximate number of persons who, and animals which, will constitute such parade; the type of animals and description of the vehicles;
(f) The hours when the parade will begin and end;
(g) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
(h) The location by streets of any assembly area(s);
(i) The time at which units of the parade will begin to assemble at any assembly area(s);
(j) The interval of space to be maintained between units of the parade; and
(k) If the parade is to be held on behalf of any person other than the applicant, the authorization of that person;
(l) Whether the applicant has been convicted for the violation of the town parade ordinance of the Town of Somerville.
16-10

(4) The chief of police shall have the authority to designate the starting point, route, terminal point, or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace, or order. (Ord. #97-2, April 1997)

16-306. **Standards for issuance.** (1) The chief of police or designee shall issue a parade permit upon consideration of the application and other information obtained when they find that:
   (a) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;
   (b) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire, or ambulance services.
   (c) The parade is scheduled to move from its origin to its termination expeditiously and without unreasonable delay;
   (d) The applicant has satisfied the bond requirement; and
   (e) No other permit has been granted for the same day.

(2) A permit shall be granted to the first person properly applying under the requirements of this chapter.

(3) No permit shall be granted for a parade beginning earlier than 11:00 A.M. or between the hours of 4 P.M. to 6 P.M. on weekdays.

(4) No permit shall be granted to any person until the applicant has posted in advance with the recorder a two hundred fifty dollar ($250.00) bond either cash or certified check to cover the reasonable expenses incurred in the clean up efforts after the parade. (Ord. #97-2, April 1997)

16-307. **Contents of permit.** Each parade permit shall state the following:

(1) Assembly and disassembly time and place;
(2) Starting time;
(3) The route and the portions of the streets to be traversed that may be occupied by the parade;
(4) Minimum speed;
(5) Maximum speed;
(6) Interval of space between parade units;
(7) The maximum length of the parade in miles or fractions thereof;
(8) Other information as the chief of police or fire chief shall find necessary to the enforcement of this chapter. (Ord. #97-2, April 1997)

16-308. **Duties of permittee.** (1) A permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and ordinances.

(2) The permittee shall advise parade participants of such permit requirements.
(3) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade.

(4) All permittees who hold a parade permit that includes animals shall be responsible for the clean-up after the animals immediately after the parade.

(5) The applicant shall assure that neither the parade nor the assembly point will interfere with or unreasonably obstruct the response capabilities of the fire fighting equipment and other emergency response vehicles. (Ord. #97-2, April 1997)

16-309. Revocation of permit. (1) The chief of police or designee shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance as herein set forth if it is found that:
   (a) Applicant materially misrepresented facts or information in the application; and/or
   (b) Applicant failed to meet the standards for issuance set forth herein.

(2) The chief of police or designee shall have the authority to revoke the permit during the parade and disassemble the parade if:
   (a) A public emergency arises requiring such revocation to protect the safety of persons or property; or
   (b) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants, occurs. (Ord. #97-2, April 1997)

16-310. Violation and penalty. (1) It shall be unlawful for any person to parade without first having obtained a permit as required by this chapter.

(2) It shall be unlawful for any person to participate in a parade on the streets of Somerville for which a permit has not been granted.

(3) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

(4) Any person violating the provisions of any section of this chapter shall, upon conviction, be fined not more than fifty dollars ($50.00) for each violation. (Ord. #97-2, April 1997)
TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER 1

REFUSE

SECTION
17-101. Refuse defined. Refuse shall mean and include garbage, and rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1975 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1975 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this town where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the town handles mechanically. Furthermore, except for containers which the town handles

1Municipal code reference
Property maintenance regulations: title 13.
mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1975 Code, § 8-203)

17-104. Location of containers. Where alleys are used by the town refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the town refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the town for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1975 Code, § 8-204)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1975 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the governing body shall designate. Collections shall be made regularly in accordance with an announced schedule. (1975 Code, § 8-206)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1975 Code, § 8-207)

17-108. Disposal. (1) The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited.

(2) The town owned and operated dumpster system may be used by residents of the Town of Somerville, Tennessee only.

(3) (a) It is hereby declared to be an offense against the Town of Somerville, Tennessee, punishable by fine, for any non-resident of the
Town of Somerville to place refuse of any type in any city dumpster or collection device.

(b) Any non-resident using the town dumpsters or refuse collection devices shall be fined not more than $50.00 and costs for each offense. (1975 Code, § 8-208, as amended by Ord. of April 13, 1992)

17-109. **Refuse collection fees.** Refuse collection fees shall be at such rates as are from time to time set by the board of mayor and aldermen by resolution. (1975 Code, § 8-209, as amended by Ord. of June 9, 1980, and Ord. of Nov. 11, 1991)
TITLE 18

WATER AND SEWERS

CHAPTER 1

WATER AND SEWER SYSTEM ADMINISTRATION

SECTION
18-102. Definitions.
18-103. Application and contract for service.
18-104. Service charges for temporary service.
18-105. Connection charges.
18-106. Water and sewer main extensions.
18-109. Meter tests.
18-110. Multiple services through a single meter.
18-111. Customer billing and payment policy.
18-112. Termination or refusal of service.
18-113. Termination of service by customer.
18-114. Access to customers' premises.
18-115. Inspections.
18-117. Customer's responsibility for violations.
18-118. Supply and resale of water.
18-119. Unauthorized use of or interference with water supply.
18-120. Limited use of unmetered private fire line.
18-121. Damages to property due to water pressure.
18-122. Liability for cutoff failures.

1Municipal code references
   Building, utility and housing codes:  title 12.
   Refuse disposal:  title 17.
18-101. **Application and scope.** The provisions of this chapter are a part of all contracts for receiving water and sewer service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

18-102. **Definitions.** (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the town under either an express or implied contract.

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

(3) "Sewer service line" shall consist of the pipe line extending from any town sewer main to the dwelling or premise of the customer.

(4) "Dwelling" means any single residential unit or house occupied for residential purposes. Each separate apartment unit, duplex unit or other multiple dwelling unit shall be considered a separate dwelling.

(5) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

18-103. **Application and contract for service.** Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract and pay a service fee and service deposit according to a schedule as the town may from time to time adopt by resolution before service is supplied. The service deposit shall be refundable if and only if the town cannot supply service in accordance with the terms of this chapter. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town 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 town 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 town to the applicant shall be limited to the return of any deposit made by such applicant.
18-104. **Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service.

18-105. **Connection charges.** Water service lines will be laid by the town from its mains to the property line at the expense of the applicant for service. Sewer service lines will be the responsibility of the applicant. The location of such lines will be determined by the town.

Before a new water or sewer service line is installed, the applicant shall pay a nonrefundable connection charge according to the rate schedule as the town may from time to time adopt by resolution.

When a water service line is completed, the town shall be responsible for the maintenance and upkeep of the water service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the town. The remaining portion of the water service line beyond the meter shall belong to and be the responsibility of the customer.

When a sewer service line is completed, the Sewer service line shall belong to and be the responsibility of the customer from the town main to the dwelling or premise.

18-106. **Water and sewer main extensions.** Nothing contained in this chapter shall be construed as requiring the Town of Somerville to make water/waste water main extensions or to furnish service to any person or persons, nor shall any person or persons have the right to make water/waste water main extensions inside the town, or to connect any water/waste water main to the system without the written consent of the town.

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 town forces or by other forces working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer when required by state regulations. Plans and specifications shall be approved by the town and by the State of Tennessee.

Upon completion of such extensions and their approval by the town, such water and/or sewer mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains.
18-107. **Water and sewer main extension variances.** Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the town and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen. The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons.

18-108. **Meters.** All water shall be supplied only through a meter. All meters shall be installed, tested, repaired, and removed only under the supervision of the town.

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

18-109. **Meter tests.** The town will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>5/8&quot;, 3/4&quot;, 1&quot;, 2&quot;</td>
<td>2%</td>
</tr>
<tr>
<td>3&quot;</td>
<td>3%</td>
</tr>
<tr>
<td>4&quot;</td>
<td>4%</td>
</tr>
<tr>
<td>6&quot;</td>
<td>5%</td>
</tr>
</tbody>
</table>

The town will also make tests or inspections of its meters at the request of the customer. However, if a test required by a customer shows a meter to be accurate within the limits stated above, the customer shall pay the actual cost of the meter testing.

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

18-110. **Multiple services through a single meter.** No customer shall supply water service to more than one dwelling, premise, duplex unit, apartment or other multiple dwelling unit from a single service line.
18-111. Customer billing and payment policy. Utility bills shall be rendered monthly and shall designate a standard net payment period for all customers. Bills generated in the middle of the month, on or near the 15th, must be paid on or before the 3rd of the next month to avoid paying a ten percent (10%) late fee. Should the 3rd fall on a weekend or a Town of Somerville official holiday, the due date shall become the next business day after the weekend or holiday for that billing cycle only. Bills not paid before the close of business on or before the 11th of the month shall be considered in default and be subject to disconnect from the service. Should the 11th fall on a weekend or a Town of Somerville official holiday, the due date shall become the next business day after the weekend or holiday for that billing cycle only. Bills generated at the end of the month, on or near the 30th, must be paid on or before the 18th of the next month to avoid paying a ten percent (10%) late fee. Should the 18th fall on a weekend or a Town of Somerville official holiday, the due date shall become the next business day after the weekend or holiday for that billing cycle only. Bills not paid before the close of business on or before the 26th of the month, shall be considered in default and be subject to disconnect from the service. Should the 26th fall on a weekend or a Town of Somerville official holiday, the due date shall become the next business day after the weekend or holiday for that billing cycle only.

If a meter fails to register properly, or if a meter is removed to be tested, or if water is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available. (as replaced by Ord. #2018-003, April 2018)

18-112. Termination or refusal of service. (1) Basis of termination or refusal. The town 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, any of the following:

(a) These rules and regulations, including the nonpayment of bills.

(b) The customer's application for service.

(c) The customer's contract for service.

The right to discontinue service shall apply to all water and sewer services received through collective single connections or services, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

(2) Termination of service. Reasonable written notice shall be given to the customer before termination of water service according to the following terms and conditions:

(a) Written notice of termination (cut-off) shall be given to the customer at least five (5) days prior to the scheduled date of termination.
The cut-off notice shall specify the reason for the cut-off, and

(i) The amount due, including other charges.
(ii) The last date to avoid service termination.
(iii) Notification of the customer's right to a hearing prior to service termination, and, in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.

(b) Hearings for service termination, including for nonpayment of bills, will be held by appointment at the company office between the hours of 8:00 A.M. and 4:30 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside those hours.

(c) Termination will not be made on any preceding day when the water and sewer department is scheduled to be closed.

(d) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not otherwise correct the problem that resulted in the notice of termination in a manner satisfactory to the water and sewer department, the same shall proceed on schedule with service termination.

(e) 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 problem that resulted in the termination of service in a manner satisfactory to the water and sewer department, plus the payment of a reconnection charge according to the rate schedule as the town may from time to time adopt by resolution.

18-113. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

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

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

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

18-114. Access to customers' premises. The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations.

18-115. Inspections. The town shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the town.

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

18-116. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer.

18-117. Customer's responsibility for violations. Where the town furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

18-118. Supply and resale of water. All water shall be supplied within the town exclusively by the town, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the town.
18-119. **Unauthorized use of or interference with water supply.**
No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town.

18-120. **Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the town.

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

18-121. **Damages to property due to water pressure.** The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains.

18-122. **Liability for cutoff failures.** The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

1. After receipt of at least ten (10) days' written notice to cut off water service, the town has failed to cut off such service.
2. The town has attempted to cut off a service but such service has not been completely cut off.
3. The town has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the town's main.

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

18-123. **Restricted use of water.** In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use.
18-124. **Interruption of service.** The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.

18-125. **Schedule of rates.** All water and sewer service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance or resolution.

18-126. **Fluoridation of water.** The water department of the Town of Somerville, Tennessee is hereby authorized and directed to prepare plans for the fluoridation of the water supply of the Town of Somerville, Tennessee and to submit such plans to the Department of Public Health of the State of Tennessee for approval, and upon approval to provide fluoridation to the water supply in accord with such approval and to otherwise adequately provide for the fluoridation of said water supply. (1975 Code, 13-101)

18-127. **Water leaks.** The Administrative Department of the Town of Somerville will adjust a customer’s water/waste water billing for leaks provided the increase in consumption is a minimum of twenty-five percent (25%) more than the normal consumption. (Normal consumption is the average of the last three months usage.)

The customer will be entitled to one leak adjustment during a twelve (12) month period. The adjustment will be made at the customer’s request and the utility bill will be adjusted back to the normal consumption.

Any leaks due to water meter malfunctions will be adjusted by the administrative department automatically when discovered. (Ord. of Aug. 13, 1990.)
CHAPTER 2
SUPPLEMENTARY SEWER REGULATIONS

SECTION
18-201. Definitions.
18-202. Use of public sewers required.
18-203. Private sewage disposal.
18-204. Building sewers and connections.
18-205. Use of the public sewers.
18-206. Policy coverage.
18-207. Control of distributions.
18-208. Violations.

18-201. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

18-201. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

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

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

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

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

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

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

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

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

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

10. "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally
prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

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

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

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

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

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

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

(17) "Shall" is mandatory; "may" is permissive.

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

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

(20) "Superintendent" shall mean the superintendent of sewage works and/or of water pollution control of the municipality, or his authorized deputy, agent, or representative.

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

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1975 Code, § 13-201)

18-202. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the municipality, or in any area under its jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

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

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the municipality 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 municipality, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line. (1975 Code, § 13-202)

18-203. **Private sewage disposal.** The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (1975 Code, § 13-203)

18-204. **Building sewers and connections.** (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.
   
   (2) There shall be two (2) classes of building sewer permits:
   
   (a) For residential and commercial service, and
   
   (b) For service to establishments producing industrial wastes.

   In either case, the owner or his agent shall make application on a special form furnished by the municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

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

   (4) A separate and independent building sewer shall be provided for every building; except where one 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.

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

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

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

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

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

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

(11) All excavations for building sewer installations 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 municipality.

(12) All connections to public sanitary sewer systems shall be required to have a sewer clean out (a tailored T fitting) installed between the front of the building and the point of connection with the public sanitary sewer systems.

(1975 Code, § 13-204, as amended by Ord. of April 14, 1980)

18-205. Use of the public sewers. (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

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

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

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, 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.

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

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

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

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

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

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

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

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

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

(i) Materials which exert or cause:

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

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

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

(D) Unusual volume of flow or concentration of wastes constituting "slugs" and defined herein.

(j) 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.

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

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

(a) Reject the wastes.

(b) Require pretreatment to an acceptable condition for discharge to the public sewers.
(c) Require control over the quantities and rates of discharge, and/or

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

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

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes, 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 so located as to be readily and easily accessible for cleaning and inspection.

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

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituent upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
(10) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment, subject to payment therefor, by the industrial concern. (1975 Code, § 13-205)

18-206. Policy coverage. The policy of the Town of Somerville established pursuant to this chapter shall extend to sizes of sewers mains, subdivision installations, extensions to unplatted property, extensions outside the town limits and replacement of mains. (1975 Code, § 13-206)

18-207. Control of distributions. Nothing contained in this chapter shall be construed as requiring the Town of Somerville to make sewer main extensions or to furnish service to any person or persons, nor shall any person or persons have the right to make sewer main extensions inside the town, or to connect any sewer main to the system without the written consent of the town. The size and location of any main installed in any area served or to be served by the town shall be determined by the board of mayor and aldermen. All sewer mains connected to and/or served by the town shall be installed in accordance with plans and specifications approved by the town, and shall become the property of the Town of Somerville upon final inspection and written acceptance by the town. (1975 Code, § 13-207)

18-208. Violations. (1) Any person found to be violating any provision of this chapter shall be served by the municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined under the general penalty clause for this municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall become liable to the municipality for any expense, loss, or damage occasioned the municipality by reason of such violation. (1975 Code, § 13-221)
CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL

SECTION
18-301. Definitions.
18-302. Places required to have sanitary disposal methods.
18-303. When a connection to the public sewer is required.
18-304. When a septic tank shall be used.
18-305. Registration and records of septic tank cleaners, etc.
18-306. Use of pit privy or other method of disposal.
18-307. Approval and permit required for septic tanks, privies, etc.
18-308. Owner to provide disposal facilities.
18-309. Occupant to maintain disposal facilities.
18-310. Only specified methods of disposal to be used.
18-311. Discharge into watercourses restricted.
18-312. Pollution of ground water prohibited.
18-313. Enforcement of chapter.
18-314. Carnivals, circuses, etc.
18-315. Violations.

18-301. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question, provided that in new developments the said abutment shall be on the property lines of the original owners.

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent;

(3) "Human excreta." The bowel and kidney discharges of human beings;

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments;

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be
provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data;

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented;

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer;

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1975 Code, § 8-301)

18-302. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1975 Code, § 8-302)

18-303. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1975 Code, § 8-303)

18-304. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1975 Code, § 8-304)
18-305. **Registration and records of septic tank cleaners, etc.** Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1975 Code, § 8-305)

18-306. **Use of pit privy or other method of disposal.** Wherever a sanitary method of human excreta disposal is required under § 18-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1975 Code, § 8-306)

18-307. **Approval and permit required for septic tanks, privies, etc.** Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1975 Code, § 8-307)

18-308. **Owner to provide disposal facilities.** It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-302, or the agent of the owner to provide such facilities, and to provide connection to the existing city sewer lines as instructed by the Sewer Department of the Town of Somerville. (1975 Code, § 8-308, as amended by Ord. of Oct. 13, 1980, modified)

18-309. **Occupant to maintain disposal facilities.** It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1975 Code, § 8-309)

18-310. **Only specified methods of disposal to be used.** No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1975 Code, § 8-310)

18-311. **Discharge into watercourses restricted.** No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1975 Code, § 8-311)
18-312. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1975 Code, § 8-312)

18-313. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta at least once a year. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within ten (10) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1975 Code, § 8-313)

18-314. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of ten (10) days provided for in the preceding section. (1975 Code, § 8-314)

18-315. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code.

To further carry out and make certain the compliance therewith of the provisions of this chapter, it shall be unlawful for any person, persons, firm, association, or corporation or the agent thereof to connect to or use the water system of the Town of Somerville unless, such person, persons, firms, associations or corporation or agent thereof has fully complied with the provisions of this chapter, and the superintendent of the municipal water and light plant is hereby authorized and directed to discontinue city water service to any person, persons, firm, association or corporation or agent thereof, who neglects or refuses to fully comply with the provisions of this chapter. (1975 Code, § 8-315)
CHAPTER 4

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION
18-401. Definitions.
18-402. Standards.
18-403. Construction, operation, and supervision.
18-404. Statement required.
18-405. Inspections required.
18-406. Right of entry for inspections.
18-407. Correction of existing violations.
18-408. Use of protective devices.
18-409. Unpotable water to be labeled.
18-410. Violations.

18-201. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

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

(2) "Cross connection." Any physical arrangement whereby the public water system is connected, directly or indirectly, with any other water system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

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

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

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain

¹Municipal code references
Plumbing code: title 12.
Water and sewer system administration: title 18.
Wastewater treatment: title 18.
sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(6) "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative or federal agency. (Ord. of Sept. 14, 1987)

18-402. Standards. The municipal public water system is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. of Sept. 14, 1987, modified)

18-403. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Somerville Light, Gas and Water Manager. (Ord. of Sept. 14, 1987)

18-404. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Somerville Light, Gas and Water Manager a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. of Sept. 14, 1987)

18-405. Inspections required. It shall be the duty of the Somerville Light, Gas and Water Manager of the public water system to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Somerville Light, Gas and Water Manager of the public water system and as approved by the Tennessee Department of Health. (Ord. of Sept. 14, 1987)

18-406. Right of entry for inspections. The Somerville Light, Gas and Water Manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water system for the purpose of inspecting the piping system or systems therein
for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. of Sept. 14, 1987)

18-407. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Somerville Light, Gas and Water Manager of the public water system.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the public water system shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water system from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is corrected immediately. (Ord. of Sept. 14, 1987)

18-408. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

1. Impractical to provide an effective air-gap separation.
2. That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water system or his designated representative, that the water use and protective use of the plumbing are such as to propose no threat to the safety or potability of the water supply.
3. That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
4. There is a likelihood that protective measures may be subverted, altered, or disconnected.
The Somerville Light, Gas and Water Manager of the public water system or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer’s premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Somerville Light, Gas and Water Manager of the public water system prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the municipal public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Somerville Light, Gas and Water Manager or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the Somerville Light, Gas and Water Manager shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the Somerville Light, Gas and Water Manager.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Town of Somerville public water system. (Ord. of Sept. 14, 1987)

18-209. **Unpotable water to be labeled.** In order that the potable water supply made available to premises served by the public water system shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:
WATER UNSAFE
FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. of Sept. 14, 1987)

18-210. Violations. The requirements contained herein shall apply to all premises served by the town water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00), and each day of continued violation after conviction shall constitute a separate offense. (Ord. of Sept. 14, 1987)
CHAPTER 5

INTERFERENCE WITH SEWER LINES AND WATER MAINS

SECTION
18-502. Planting trees over water mains and sewer lines.

18-501. **Building permits.** The City of Somerville, Tennessee shall not issue a building permit to any person, corporation or business entity of any manner which shall cause any building or structure of permanent nature which cannot be removed to be constructed upon any property over a water main or sewer line owned by the city. (Ord. #99-2, Aug. 1998)

18-502. **Planting trees over water mains and sewer lines.** No person, corporation or business entity shall plant nor cause to be planted any tree over or under any public utilities line owned by the city. (Ord. #99-2, Aug. 1998)
CHAPTER 6
SEWER USER CHARGE SYSTEM

SECTION
18-602. Charge structure.
18-603. Annual review of user charges.

18-601. General provisions. (1) Actual use. The user charge system (UCS) shall be based on actual use, or estimated use, of wastewater treatment services. Each user or user class must pay their proportionate share of the costs of wastewater treatment services based on the quantity and quality of their discharge.

(2) Notification. Each user shall be notified annually in conjunction with the regular bill of the rate being charged for wastewater treatment services.

(3) Financial management system. The UCS must establish a financial management system that will accurately account for revenues generated and expenditures of the wastewater system. This financial management system shall be based on an adequate budget identifying the basis for determining the annual operating expenses, interest expense, depreciation (if appropriate), and any reserve account requirements.

(4) Charges of inflow and/or infiltration. The UCS shall provide that the cost of operation and maintenance for all flow not directly attributable to users be distributed among all users in the same manner that it distributes the costs of the actual or estimated usage.

(5) Use of revenue. Revenue derived from a wastewater project funded by a state revolving loan; including but not limited to, sale of treatment-related-by-products; lease of land; or sale of crops grown on land purchased shall offset current user charges as well as moderate future rate increases.

(6) Other municipalities. If the wastewater system accepts wastewater from other local governments, these subscribers receiving wastewater treatment services shall adopt user charge systems in accordance with the same state regulations, requiring this chapter.

(7) Inconsistent agreements. This UCS shall take precedence over the terms or conditions of contracts between the city and users which are inconsistent with the requirements of this chapter. (Ord. #99-13, May 1999)

18-602. Charge structure. (1) Classification of users.

Class 1 (C1): Those users whose average biochemical oxygen demand (BOD) is 250 milligrams per liter by weight or less, and whose suspended solids (SS) discharge is 250 milligrams per liter by weight or less.
Class 2 C2): Those users whose average BOD exceeds 250 milligrams per liter concentration by weight and whose SS exceeds 250 milligrams per liter concentration.

(2) Determination of costs. The governing body shall establish monthly rates and charges for the use of the wastewater system and the service supplied by the wastewater system. These charges shall be based upon the cost categories described as operation, maintenance, and replacement (OMR), interest (I) and, principal repayments or depreciation, whichever is greater (P).

(a) All users who fall under class 1 shall pay a single unit charge expressed as dollars per 1000 gallons of water purchased with the unit charge being determined by the following formula:

\[ C_1 = \text{OMR} + \text{I} + \frac{\text{P}}{\text{Total gallons treated}} \]

(b) All users who fall within the class 2 classification shall pay the same base unit charge per 1,000 gallons of water purchased as for the class 1 users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand (BOD) and suspended solids (SS) in direct proportion to the actual discharge quantities.

\[ C_2 = C_1 + \text{Surcharge payment ($/mo.)} \]

The components of the formula are as follows:

A = surcharge rate for BOD, in $/pound.
B = surcharge rate of SS, in $$/pound.
C = surcharge rate for other pollutant(s) in $/pound.
D = user's average BOD concentration, in mg/l.
E = user's average SS concentration, in mg/l.
F = user's average other pollutants concentration in mg/l.
G = user's monthly flow to sewage works, per 1,000 gallons.

No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than 250 mg/l of BOD, 250 mg/l of SS or 25 mg/l of other pollutant(s).

(c) The volume of water purchased which is used in the calculation of wastewater use charges may be adjusted by the public works director if a user does not discharge it to the public sewers (i.e. filling swimming pools or industrial heating). The user shall be responsible for documenting the quantity of wastewater actually discharged to the public sewer. (Ord. #99-13, May 1999)
18-603. Annual review of user charges. The board of mayor and aldermen will review the user charges annually along with the budget process and revise the rates as necessary to ensure that adequate revenues are generated to pay OMR, I, and P. The periodic review shall also ensure that the system continues to provide for the proportional distribution of these costs among users and user classes. (Ord. #99-13, May 1999)
TITLE 19

ELECTRICITY AND GAS

CHAPTER
1. GAS.

CHAPTER 1

GAS

SECTION
19-102. Access to facilities.

19-101. Schedule of rates. All gas shall be furnished under such rate schedules as the board of mayor and aldermen may from time to time adopt by appropriate ordinance or resolution. (1975 Code, § 13-302, modified)

19-102. Access to facilities. Application for service shall include a permit from the customer allowing access to the meter, regulator and service line to any official, employee or employees of the natural gas system. All lines, regardless of how installed up to and including the meter shall be the property of the natural gas system. (1975 Code, § 13-306)

1Municipal code reference
   Gas code: title 12.

2Administrative ordinances are of record in the recorder’s office.
TITLE 20

MISCELLANEOUS

CHAPTER
1. SOMERVILLE CEMETERY.
2. FIRE ALARM SYSTEMS.
3. ALARM SYSTEM STANDARDS.
4. PUBLIC RECORDS POLICY.

CHAPTER 1

SOMERVILLE CEMETERY

SECTION
20-102. City administrator in charge of cemetery.
20-103. Establishment.
20-104. Sale of cemetery lots.
20-106. Handling of funds.
20-110. Disinterment and removal.
20-111. Ownership and transfer of privileges.
20-112. Personal conduct within a town-owned cemetery.
20-115. Installation of monuments and markers.
20-117. Columbaria.
20-118. Decoration of plots.
20-119. Cemetery hours.

20-101. Definitions. For the purposes of interpreting and administering the provisions of this chapter, the following definitions shall apply:

(1) "Burial permit" - Legal written permission for burial to occur.
(2) "Burial plot" - An individual grave site.
(3) "Cemetery" - Any tract of land owned by the Town of Somerville and approved by the board of mayor and aldermen for burials or above-ground interment.
(4) "Columbarium" - An external free-standing structure or building with individual vaults or niches for the permanent storage of cinerary urns.
20-102. City administrator in charge of cemetery. The Somerville City Administrator shall have charge of all municipally-owned cemeteries in Somerville; to keep the graves, trees, shrubbery and grounds in good and proper order; to permit no one to open or dig or close a grave except by his direction or permission; to employ such persons as may be deemed necessary, with the consent of the board of mayor and aldermen; to physically oversee the maintenance and upkeep of said cemeteries and to have such further authority as may be necessary to insure the proper maintenance, upkeep, and dignity befitting the cemeteries. The city administrator shall be subject to the direction of the board of mayor and aldermen in his action in regard to all municipally owned cemeteries. (1975 Code, § 1-1303, as replaced by Ord. #2018-002, Feb. 2018)

20-103. Establishment. A municipal cemetery has been established and is continued upon land owned by the Town of Somerville, Tennessee, generally located in the northwest quadrant of the intersection of South Somerville and Sycamore Streets, and named as "Somerville Cemetery." (1975 Code, § 1-1304, as replaced by Ord. #2018-002, Feb. 2018)

20-104. Sale of cemetery lots. The price of each cemetery lot in Somerville Cemetery shall be two hundred fifty dollars ($250.00) for residents of the Town of Somerville and five hundred dollars ($500.00) for non-residents. Any person purchasing a lot is entitled to a license agreement conveying the lot. A license agreement conveying the lot gives the purchaser only the right of burial therein and shall be considered as a license that restricts the use to burial purposes. There shall be no reserving of lots or plots for future purchase.
(1) All family burial plots, at the time of purchase, are required to have four (4) eight inch (8") cornerstones for identification purposes. The family burial plot purchaser is required to purchase these markers and the markers must only be installed by a designated agent of the town.

(2) A refundable monument deposit of one hundred fifty dollars ($150.00) per grave site will be collected by the funeral home handling the funeral arrangements for the deceased. Said monument deposit shall be remitted by the funeral home to the town and shall be held by the town until a suitable permanent monument has been erected at the grave site. In the event a permanent monument is not in place within nine (9) months of the opening of the grave site, the town shall apply said monument deposit toward the purchase of a small in-ground marker.

(3) A non-refundable fee of one hundred fifty dollars ($150.00) per grave site will be collected by the funeral home handling the funeral arrangements for the deceased in order to cover the costs of removing excess dirt and withered flowers from the grave site. This non-refundable fee shall be remitted by the funeral home to the town which shall be responsible through its employees and/or designated agents to perform this removal service.

(4) A non-refundable fee of five hundred dollars ($500.00) per grave site will be collected by the funeral home handling the funeral arrangements for the deceased in order to cover the costs of opening and closing the grave site. This non-refundable fee shall be remitted by the funeral home to the town which shall be responsible through its employees and/or designated agents to perform this service.

(5) In lieu of the fee described in subsection (4), cremation urns will be charged a non-refundable fee of two hundred dollars ($200.00) per interment which will be collected by the funeral home handling the funeral arrangements for the deceased in order to cover the costs of opening and closing the grave site. This non-refundable fee shall be remitted by the funeral home to the town which shall be responsible through its employees and/or designated agents to perform this service.

(6) All fees established in this section may be adjusted at any time through resolution by the town's board of mayor and aldermen. (1975 Code, § 1-1305, as amended by Ord. of ____ , as replaced by Ord. #2018-002, Feb. 2018)

20-105. **Conditions of plot purchase.** All plot agreements are subject to reasonable rules and regulations as the town may adopt relative to the use of the cemetery. No plot shall be used for any purpose other than the burial of human remains and the placing of memorials as permitted in this ordinance. (Ord. of Nov. 12, 1979, as replaced by Ord. #2018-002, Feb. 2018)

20-106. **Handling of funds.** All money received from the sale of cemetery plots and other services shall be paid to the town. No plot agreement
to any cemetery plot shall be issued, nor any cemetery service performed until a receipt showing payment to the town of the cost thereof is exhibited to the person who issues the agreement or performs the services. (as added by Ord. #2018-002, Feb. 2016)

20-107. **Interments.** There shall be no more than one (1) coffin interred in each burial plot. Written permission from a cemetery plot owner to the town must accompany all requests for permission to inter remains. No interment may be made in a town owned cemetery unless all laws, ordinances, rules and regulations regarding interments have been complied with and until the purchase price of the plot and all burial fees have been paid. (as added by Ord. #2018-002, Feb. 2016)

20-108. **Burial vaults.** All caskets to be placed in a town owned cemetery shall be encased in a permanent type burial case or vault constructed of metal or concrete. Fiberglass vaults are prohibited. Policy for burial of cremains urns containing cremains must be placed in a small vault. Vault must be at least twelve inches (12”) below ground level. A marker must be placed above vault to indicate the place of burial. (as added by Ord. #2018-002, Feb. 2016)

20-109. **Cremation urns.** Cremation urns may have their own individual burial plot or columbarium. Two (2) urns may be interred in a conventional burial plot. A coffin and a cremation urn may also be interred in the same burial plot. (as added by Ord. #2018-002, Feb. 2016)

20-110. **Disinterment and removal.** Before any grave may be opened, written permission of the plot owner or next of kin shall be filed with the city administrator, a permit from the county health officer shall be secured and presented, and a fee of one hundred dollars ($100.00) shall be paid to the town. This provision shall not apply when disinterment is ordered by a duly authorized public authority. Removal of a body by the heirs so that the plot may be sold for profit to themselves, or removal contrary to the expressed or implied wish of the original owner is prohibited. (as added by Ord. #2018-002, Feb. 2016)

20-111. **Ownership and transfer of privileges.** (1) Burial privileges shall not be transferrable or assignable to any other person or persons without the consent of the city administrator and written request from burial plot owner. Any purchaser that surrenders such plots to the town shall be entitled to a refund of ninety percent (90%) of the purchase price of such plot.

(2) The City administrator shall determine the eligibility of all persons desiring to purchase a burial plot in a municipally owned cemetery and the city administrator's determination shall be certified to the board of mayor and aldermen.
(3) The sale of cemetery plots in a municipally owned cemetery shall be limited to a total of not more than five (5) grave plots per family, unless just cause for additional grave plots is shown to the city administrator. The city administrator's determination shall be certified to the board of mayor and aldermen.

(4) Cemetery plots or burial spaces sold after the effective date of this chapter and remaining vacant eighty (80) years from the date of their sale shall automatically revert to the town upon occurrence of the following events:

(a) Notice shall be sent by the city administrator by first class mail to the last known address of the last owner of record informing the city administrator of the expiration of the eighty (80) year period and that all rights with respect to said plots or spaces will be forfeited if owner does not affirmatively indicate in writing to the city administrator within sixty (60) days from the date of mailing of the within notice his desire to retain said burial rights.

(b) If no written response to said notice indicating a desire to retain the cemetery plots or burial spaces in question is received by the city administrator from the last owner of record of said plots or spaces, or his heirs or legal representative, within sixty (60) days from the date of mailing of said notice, ownership of the said cemetery plots or burial spaces will revert to the town and then may be sold to another party. (as added by Ord. #2018-002, Feb. 2016)

20-112. Personal conduct within a town-owned cemetery.

(1) No person may discharge any firearm within the cemetery grounds without the written permission of the city administrator; provided that no such approval shall be required for funerals for currently-serving or retired military personnel.

(2) No person may remove any object from any place in a cemetery or make any excavation without the written permission of the city administrator, such written permission to be shown to any law enforcement officer of the cemetery superintendent upon demand.

(3) No person shall obstruct any drive or pathway in the cemetery or in any way injure, deface, or destroy any structure, grave, flower, tree, or other thing in the cemetery.

(4) The speed limit for all vehicles on any road or path within a municipally owned cemetery shall be ten (10) miles per hour. All automobiles, excluding hearses at a burial, shall be kept off the grass.

(5) No person may disturb the quiet of the cemetery by noise or improper conduct of any kind.

(6) No person may enter or leave the cemetery except at the entrances provided.

(7) No person may use the cemetery grounds or any road therein as a public thoroughfare.
20-113. **Monuments and markers.** All markers or memorials must be of stone or other equally durable composition. Markers may not be homemade. All monuments must be located upon a suitable foundation to maintain the same in an erect position.

Only one (1) monument, marker or memorial shall be permitted per burial space unless otherwise approved by the city administrator.

If any monument, effigy, or structure whatsoever or any inscription be placed in or upon any plot which shall be determined by the board of mayor and aldermen to be offensive or improper or injurious to the surrounding plots or grounds or public, the board of mayor and aldermen reserves the right to enter upon such plot and remove, or cause the same to be removed.

Effective with the opening of the new sections in the Southwest corner at the junction of Sycamore Street and Oak Street, the only raised monuments allowed will be headstones. Any other or additional markers must be placed in-ground and no higher than one inch (1”). (as added by Ord. #2018-002, Feb. 2016)

20-114. **Foundations.** All monuments and markers shall be placed on foundations of solid masonry or granite at a depth and size to be determined by the cemetery superintendent. The base of any monument or marker shall not extend over the foundation by more than one-half inch (1/2”). The top of all foundations shall not be higher than two inches (2") below the established grade. (as added by Ord. #2018-002, Feb. 2016)

20-115. **Installation of monuments and markers.** Persons engaged in erecting monuments and other structures shall provide adequate planking to protect turf and shall remove all materials, equipment, and refuse immediately upon completion of the work. The scattering of materials on adjoining plots, or leaving materials on the ground longer than necessary is prohibited. In all cases the work is subject to the control of the cemetery superintendent and work must be conducted within the regulations of the cemetery. Ropes and cables may be attached to trees or other objects only on approval of the superintendent. (as added by Ord. #2018-002, Feb. 2016)

20-116. **Mausoleums.** Mausoleums may be placed only on burial plots designated by the board of mayor and aldermen for such structures. All requests to place a mausoleum in the cemetery must be accompanied by a drawing of the structure indicating the size and placement within the boundaries of the burial plot. (as added by Ord. #2018-002, Feb. 2016)
20-117. **Columbaria.** Columbaria may be placed in various locations throughout the cemetery by the Town of Somerville for the purpose of interring the remains of individuals who have been cremated and placed in a cinerary urn. All requests by individuals to place individual columbaria in the cemetery must be accompanied by a drawing of the structure indicating the size and placement within the boundaries of the burial plot and must be approved by the city administrator. (as added by Ord. #2018-002, Feb. 2016)

20-118. **Decoration of plots.** (1) No grading, leveling, or excavating upon burial space shall be allowed without the permission of the city administrator. The placement of boxes, shells, toys, metal designs, ornaments, chairs, settees, glass, wood, or iron cases, and similar articles upon cemetery plots shall not be permitted; if such items are placed, the town shall remove them.

(2) No shrubs, trees or vegetation of any type shall be planted. Any of the foregoing items planted may be removed by the town.

(3) All objects not described above, including balloons, banners, food and beverages, knickknacks, shepherd hooks, solar lights and lanterns, stuffed animals, wind chimes, windmills, windsocks, and statuary not incorporated into a monument, is prohibited and may be subject to immediate removal.

(4) The town shall have the authority to remove all monuments, markers, flowers, plants, trees, decorations or other similar items without liability to the owner whenever any of these objects become unsafe or unsightly.

(5) Seasonal arrangements of your choice may be placed on individual graves in either permanently mounted vases or disposable, non-breakable vases. At no time should wire be used to secure arrangements as this causes damage to the maintenance equipment. (as added by Ord. #2018-002, Feb. 2016)

20-119. **Cemetery hours.** The cemetery shall be open to the general public from dawn till dusk each day. Permission to enter at other times may be secured from the city administrator. (as added by Ord. #2018-002, Feb. 2016)
CHAPTER 2

FIRE ALARM SYSTEMS

SECTION
20-201. Written notice of responsibility required.
20-202. Current information of owner or operator required.
20-203. False emergency alarms.
20-204. Violation and penalty.

20-201. Written notice of responsibility required. It shall be unlawful to install or operate a fire alarm system without first giving written notice to the fire chief of the name and telephone number of whoever assumes the responsibility for cutting off the alarm system. (as added by Ord. #05.015, Dec. 2005)

20-202. Current information of owner or operator required. It shall likewise be unlawful for the owner or operator of a fire alarm system not to keep said information current and correct relative to the telephone number and name of whoever has assumed said responsibility for cutting off the alarm system. (as added by Ord. #05.015, Dec. 2005)

20-203. False emergency alarms. Each time there is a false fire alarm, the town shall assess a fee against the owner of the alarm system on an annual (calendar) year basis as follows:
(1) First alarm - No charge
(2) Second alarm - No charge
(3) Third alarm and all subsequent alarms - $25.00 (as added by Ord. #05.015, Dec. 2005)

20-204. Violation and penalty. Any violation of this chapter shall be punishable by a fine not to exceed twenty-five dollars ($25.00). (as added by Ord. #05.015, Dec. 2005)
CHAPTER 3
ALARM SYSTEM STANDARDS

SECTION
20-301. Purpose.
20-304. False alarms.

20-301. **Purpose.** To control false alarms turned into the Town of Somerville by establishing standards for the installation of alarm systems, controlling the number of false alarms received by the various departments of the Town of Somerville, establish a procedure for penalizing owners of alarms for not responding to false alarms during a calendar year, and the establishment of fees and methods of issuing citations, amount of fees, and appeal of fees by owners or alarm systems. (as added by Ord. #2011-002, May 2011)

20-302. **Definitions.** As used in this chapter:
(1) "Alarm agent" shall mean any person employed by a licensed alarm business whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, or monitoring of an alarm system. This definition shall only include persons who work for an alarm business as defined in this section.
(2) "Alarm business" means a firm, company, partnership or corporation engaged in the sale, installation, maintenance, alteration or servicing of alarm systems. "Alarm business" shall not include a business which only manufactures alarm systems or only sells alarm systems to retail outlets, unless the firm, company, partnership, or corporation also services, installs, and monitors alarm systems. This definition shall not include persons who sell alarm systems strictly in an over-the-counter capacity in an established location.
(3) "ANSI" stands for the American National Standards Institute.
(4) "Answering service" shall mean a telephone answering service providing among its services the receiving, through trained employees, of emergency signals from alarm systems, and the relaying of the message by live voice to the communications center of the police emergency condition which the alarm system is designed to detect.
(5) "Automatic telephone dialing equipment" shall mean an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal to report a police emergency condition which the alarm system is designed to detect.
(6) "False alarm" means the activation or an alarm system through failure, malfunction, improper installation, or through negligence of the owner or user of the alarm system, which activation results in a response by the
Somerville Police Department and no keyholder responds to the alarm. "False alarm" does not include an activation by violent acts of God; provided, however, that, if the alarm business have notified the police department, before the third such activation that an alarm system is subject to an intermittent repetitive mechanical failure which is under investigation by the alarm business, all activations of that alarm system within one (1) continuous two (2) week period shall be counted as a single such false alarm. Alarm activation in which case the keyholder responds to assist the police department shall not be deemed a false alarm for the purposes of this chapter.

(7) "Interconnect" shall mean to connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

(8) "Malicious false alarm" shall mean the intentional false reporting to the police of a police emergency condition, or the intentional setting off of an alarm system which will cause another to report the signal to the police. However, this definition is not to include the testing of an alarm system by a licensed alarm business under guidelines established by the police department or the town.

(9) "Monitoring station" or "central station" shall mean an office to which remote police alarm and supervisory signaling devices are connected, where trained personnel are on duty and in attendance at all times to supervise the circuits terminating therein, investigate signals, and retransmit alarm signals to appropriate agencies.

(10) "Notice" shall mean written notice, given by the issuance of a citation left at the scene of a false alarm by officers of the police department or given by personal service upon the addressee, or given by the U.S. Mail addressed to the person to be notified at his last known address. Service of such notice shall be effective upon the completion of personal service or upon placing of the same in the custody of the U.S. Postal Service.

(11) "Police emergency alarm system" means an assembly of equipment or devices which is designed, arranged, or used for the detection of a hazardous condition or an unauthorized entry or attempted entry into a building, structure or facility, or for alerting persons of a hazardous condition or the commission of an unlawful act within a building, structure or facility, and which emits a sound, or transmits a signal or message when activated, to which annunciation a law enforcement agency or other service agency may be summoned to respond, but shall exclude a proprietary system.

(12) "Primary trunkline" shall mean a telephone line leading directly into the communications center of the police department that is for the purpose of handling emergency calls on a person-to-person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company and covering the service area within the police department's jurisdiction.
"Proprietary system" shall mean an alarm system emitting alarm or supervisory signals from within a control center located within a protected premises. If a proprietary system includes any signal visible or audible outside the protected premises, it thereby becomes a police emergency alarm system as defined in this section.

"Special trunkline" shall a telephone line leading into the communications center of the police department and having the primary purpose of handling emergency signals or messages originating either directly or through a central location from automatic dialing devices.

"Subscriber" or "user" shall mean any person who purchases, leases, contracts for, or otherwise obtains an alarm system.

"Telephone company" shall mean the publicly regulated industry which furnishes telephone communication services to the citizens of the town.

"Transmitting device" shall mean an instrument which sends a signal to a monitoring point indicating intrusion into a given protected area.

"UL" shall stand for Underwriter's Laboratories. (as added by Ord. #2011-002, May 2011)

20-303. System standards. (1) Any person operating any police emergency alarm system, or causing or permitting one to be operated on premises owned or controlled by him, shall utilize equipment and methods of installation substantially equivalent to or exceeding the minimum applicable UL or ANSI standards.

(2) Every alarm business which has interconnected any automatic dialing device in the town to a special trunkline in the communications center of the police department or which is designed to terminate in a primary trunkline of the police department shall maintain a current list of such installations for inspection by the town during the course of its official duties and include in such list:

(a) The name, home address, and telephone number of the device's owner or lessee;
(b) The address of the location where the device is installed and the telephone number at that location;
(c) The name and telephone number of at least one (1) other person who can be reached at any time, day or night, and who is authorized to respond to an emergency signal transmitted by the automatic dialing device, and who can open the premises wherein the device is installed.

(3) The information contained in the lists required by this section shall be restricted to inspection only by the chief of police or his designated representative in the course of their official duties. If the chief of police or any employee of the town is found to have knowingly or willfully revealed the information contained in such list to any other person for any purpose not related to official law enforcement matters and without the express written
consent of the alarm business maintaining such list or lists, he shall be found guilty of a misdemeanor.

(4) Automatic dialing devices installed on any premises within the town which are interconnected to a special trunkline transmitting signals into the police department or to a primary trunkline of the police department shall meet the following minimum standards, as determined by the town:

(a) The contents of the recorded message to be transmitted by such device must be intelligible and in a format approved by the chief or his designated representative as appropriate for the type of emergency being reported. All callers must first give the name of the business, address, and telephone number, including the telephone number of a contact person.

(b) Upon a single stimulus of the alarm device, an automatic dialing device may place two (2) separate calls to the police department. No such call shall be longer than one (1) minute and fifteen (15) seconds in duration. There must be at least three (3) minutes between the completion of the first call and the initiation of the second, and the second call must be clearly identified as the second call.

(c) Messages transmitted during such calls, stating the location and nature of the alarm condition, shall not exceed fifteen (15) seconds in length.

(d) The time gap between delivery of messages must be less than five (5) seconds.

(e) All such devices shall be capable of transmitting an emergency message to two (2) separate locations, so that upon activation any message may be sent not only to the police department, but also to a location where an authorized person is available to respond to the emergency message and to open the premises on which the device is installed.

(f) The sensory apparatus and hardware comprising such devices shall be maintained by the owner or lessee in physical condition that false alarms will be minimized.

(5) No alarm system designed to transmit emergency messages directly to the police department shall be tested or demonstrated without first obtaining permission from the chief of police or his designated representative. Permission is not required to test or demonstrate alarm devices not retransmitting emergency messages directly to the police department unless the messages are to be relayed to the police department.

(6) When an alarm business’ service to one of its subscribers is disrupted for any reason by the alarm business, or the alarm business becomes aware of such disruption, it shall promptly notify such subscriber by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make such notification by
telephone during certain hours, the alarm company may comply with such instructions. (as added by Ord. #2011-002, May 2011)

20-304. **False alarms.** (1) Any location experiencing more than two (2) false alarms during a rolling twelve (12) month period beginning with the month in which the first false alarm occurs, will be subject to a fee of fifty dollars ($50.00) per alarm. The subscriber of the alarm will be notified by the chief of police or his designated representative after the second such alarm that the next incidence of a false alarm may result in a citation for excessive false alarms.

(2) Upon receipt of the third false alarm, the responding officer will forward a memo to the chief of police identifying the location, resident or business name, number of alarms received to the location and owner and/or business phone number.

(3) The chief of police or his representative will determine the severity of the problem, and may order representatives to visit the location, determine the nature of the problem, issue a warning citation or a regular citation for "excessive false alarms." The citation will list the business name, owner/subscriber's name or his representative at the location at time of issuance, date and time of the false alarm, address of alarm, and owners telephone number. The citation shall list "Violation of Town of Somerville Alarm Ordinance: Excessive False Alarms" as the charge upon the face. (as added by Ord. #2011-002, May 2011)
CHAPTER 4
PUBLIC RECORDS POLICY

SECTION
20-402. Requesting access to public records.
20-403. Responding to public records requests.
20-404. Inspection of records.
20-406. Fees and charges and procedures for billing and payment.
20-407. Aggregation of frequent and multiple requests.

20-401. Definitions. (1) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. (See Tennessee Code Annotated, § 10-7-503(a)(1)(A).)

(2) "Public records request coordinator." The individual, or individuals, designated in § 20-403(1)(c) of this policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. (See Tennessee Code Annotated, § 10-7-503(a)(1)(B).) The public records request coordinator may also be a records custodian.

(3) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication. (as added by Ord. #2017-003, June 2017)

20-402. Requesting access to public records. (1) Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing (or email) address from the requestor for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing using the attached public records request Form J at City Hall located at 13085 N. Main Street, Somerville, Tennessee or by phone at (901) 465-7300.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing using the attached public records request Form J at 13085 N. Main Street, Somerville, Tennessee.
(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of ID is required as a condition to inspect or receive copies of public records.

(6) Public notices, meeting documents, and frequently requested records are posted and readily available at on our website at www.somervilletn.org. (as added by Ord. #2017-003, June 2017)

20-403. Responding to public records requests. (1) Public record request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

(i) If the requestor provided evidence of Tennessee citizenship;
(ii) If the records requested are described with sufficient specificity to identify them; and
(iii) If the governmental entity is the custodian of the records.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requester of this policy and the elections made regarding:
   (A) Proof of Tennessee citizenship;
   (B) Form(s) required for copies;
   (C) Fees (and labor threshold and waivers, if applicable); and
   (D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
   (A) The requester is not, or has not presented evidence of being, a Tennessee citizen.
   (B) The request lacks specificity. (Offer to assist in clarification.)
   (C) An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial.)
   (D) The governmental entity is not the custodian of the requested records.
   (E) The records do not exist.

(iii) If appropriate, contact the requester to see if the request can be narrowed.

(iv) Forward the records request to the PRRC in the Town of Somerville.

(v) If requested records are in the custody of a different governmental entity, and the PRRC knows the correct
governmental entity, advise the requester of the correct governmental entity and PRRC for that entity if known.

(c) The designated PRRC(s) is(are):
   (i) Name or Title: Tammy Lewis.
   (ii) Contact information: Tammy Lewis, Public Records Request Coordinator c/o City Hall located at 13085 N. Main Street, Somerville, Tennessee or call (901) 465-7306.

(d) The PRRC shall report to the city administrator who shall report to the board of mayor and aldermen on an annual basis about the town's compliance with the TPRA pursuant to this policy and shall make recommendations, if any, for improvement or changes to this policy.

(2) Records custodian. (a) Upon receiving a public records request, the PRRC shall promptly make requested public records available in accordance with Tennessee Code Annotated, § 10-7-503. If the PRRC is uncertain that an applicable exemption applies, the custodian may consult with counsel, or the OORC.
   (b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the PRRC's receipt of the request, send the requester a completed public records request response form which is attached as Form J,\(^1\) based on the form developed by the OORC.
   (c) If the PRRC denies a public record request, he or she shall deny the request in writing as provided in § 20-403(1)(b)(ii) using the public records request response form.
   (d) If the PRRC reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the PRRC shall use the public records request response form to notify the requester that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the PRRC should contact the requester to see if the request can be narrowed.
   (e) If the PRRC discovers records responsive to a records request were omitted, the PRRC should contact the requester concerning the omission and produce the records as quickly as practicable.

(3) Redaction. (a) If a record contains confidential information or information that is not open for public inspection, the PRRC shall prepare a redacted copy prior to providing access. If questions arise

\(^1\)Form J is available at Somerville City Hall.
concerning redaction, the PRRC should coordinate with counsel or other appropriate parties regarding review and redaction of records. The PRRC may also consult with the OORC.

(b) Whenever a redacted record is provided, the PRRC should provide the requester with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information. (as added by Ord. #2017-003, June 2017)

20-404. Inspection of records. (1) There shall be no charge for inspection of open public records.

(2) The location for inspection of records within the offices of the Town of Somerville should be determined by the PRRC.

(3) Under reasonable circumstances, the PRRC may require an appointment for inspection or may require inspection of records at an alternate location. (as added by Ord. #2017-003, June 2017)

20-405. Copies of records. (1) The PRRC shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at a location specified by the PRRC.

(3) Upon payment for postage, copies will be delivered to the requester's home address by the United States Postal Service.

(4) A requester will not be allowed to make copies of records with personal equipment. (as added by Ord. #2017-003, June 2017)

20-406. Fees and charges and procedures for billing and payment. (1) Fees and charges for copies of public records should not be used to hinder access to public records.

(2) The PRRC shall provide requesters with an itemized estimate of the charges using Form J prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(3) When fees for copies and labor do not exceed five dollars ($5.00), the fees may be waived. Requests for fee waivers must be presented to the city administrator, who is authorized to if such waiver is in the best interest of the Town of Somerville and for the public good.

(4) Fees and charges for copies are as follows:

(a) Fifteen cents ($0.15) per page for letter- and legal-size black and white copies.

(b) Fifty cents ($0.50) per page for letter- and legal-size color copies.

(c) Labor time exceeds one (1) hour.

(d) If an outside vendor is used, the actual costs assessed by the vendor.
(5) Payment is to be made in cash or by check payable to the Town of Somerville presented to a billing clerk who will issue a receipt for the payment.

(6) Payment in advance when the estimated cost exceeds five dollars ($5.00). (as added by Ord. #2017-003, June 2017)

20-407. **Aggregation of frequent and multiple requests.** The Town of Somerville will aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert). (as added by Ord. #2017-003, June 2017)
ORDINANCE NO. 03.004

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF SOMERVILLE TENNESSEE.

WHEREAS some of the ordinances of the Town of Somerville are obsolete, and

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

WHEREAS the Board of Mayor and Aldermen of the Town of Somerville, 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 "Somerville Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF SOMERVILLE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Somerville Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any 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 town; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the
portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars ($500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the

¹State law reference
For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.
extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

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

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.
Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.


[Signatures]

Robert Swarb
Mayor

Virginia Plagge
Recorder