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Instruction Sheet
2019 S-7 Supplement

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CITY OF CROSSVILLE, TENNESSEE

CODE OF ORDINANCES

2019 S-7 Supplement contains:
Local legislation current through Ord. 1609, passed 11-12-2019

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CHECKLIST
CROSSVILLE MUNICIPAL CODE
 Current through 2019 S-7

The pages listed below have been revised since the original codification process for the Crossville Municipal Code by American Legal Publishing Corporation in the year 2011. Pages revised subsequent to the original codification are designated by certain footers; for example, pages revised in 2012 during the first supplement contain a “2012 S-1” footer. The purpose of this checklist is to allow users to quickly determine if the pages they are consulting are, in fact, the most current pages issued by the publisher. If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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CITY OFFICIALS
OF
CROSSVILLE, TENNESSEE

Mayor
Mayor Pro-Tem
Councilmembers

City Clerk
City Attorney

James S. Mayberry
Art Gernt
Scot Shanks
Rob Harrison
JH Graham III
Valerie Hale
William Ridley

ORDINANCE NO. 1574

An Ordinance enacting and adopting a Supplement to the Code of Ordinances for the City of Crossville, Tennessee, and declaring an emergency.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2018-S6 supplement to the Code of Ordinances of the City of Crossville, Tennessee, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of Crossville, Tennessee; and

WHEREAS, the Acts of the Legislature of the State of Tennessee empower and authorize the City of Crossville to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety, and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROSSVILLE, TENNESSEE AS FOLLOWS:

SECTION I. That the 2018-S6 supplement to the Code of Ordinances, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION II. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the City of Crossville is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the office of the City Clerk.

SECTION III. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

Crossville - Adopting Ordinance

James Mayberry /s/
Mayor

/s/
Councilmember

/s/
Councilmember

/s/
Councilmember

/s/
Councilmember

ATTEST:
Valerie Hale /s/
City Clerk

APPROVED AS TO FORM:
William Ridley /s/
City Attorney

Passed 1st Reading: May 10, 2018
Passed 2nd Reading: May 24, 2018
Passed 3rd Reading: June 5, 2018

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1. Department of Finance to be in charge of levy and collection.
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3. Assessment and collection of ad valorem tax.
4. Certification of ad valorem tax records to the finance director.
5. Date when taxes may be levied.
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Editor's note:

Priv. Acts 2014, ch. 55, sec. 1 deleted in its entirety Article XI, titled Taxation and Revenue, and replaced it with a new Article XI by the same title.

Section 1. Department of Finance to be in charge of levy and collection. Be it further enacted, that the levy and collection of taxes and special assessments shall be in charge of the department of finance, subject to the limitations elsewhere found in this charter. (As amended by Priv. Acts 2014, ch. 55, sec. 1)

Section 2. Taxes collected for municipal purposes. Be it further enacted, that all property, real, personal and mixed subject to state, county, and city taxes, and all privileges taxable by law, shall be taxed and taxes thereon collected for municipal purposes as hereinafter provided. (As amended by Priv. Acts 2014, ch. 55, sec. 1)

Section 3. Assessment and collection of ad valorem tax. Be it further enacted, that the ad valorem tax upon merchants, stocks, accounts, and equipment may be assessed and collected in like manner as state and county merchants ad valorem tax is assessed upon the same property. It shall be the duty of the Cumberland County Assessor of Property and of the Tennessee Regulatory Authority to prepare a separate assessment book or roll showing assessable real, personal and mixed property lying within the limits of the city. (As amended by Priv. Acts 2014, ch. 55, sec. 1)

Section 4. Certification of ad valorem tax records to the finance director. Be it further enacted, that these records shall be certified to the Finance Director of the city upon the completion of the work of the boards of equalization, and as thus certified shall constitute the tax assessment and levy for said year. (As amended by Priv. Acts 1995, ch. 55, sec. 5 and Priv. Acts 2014, ch. 55, sec. 1)

Section 5. Date when taxes may be levied. Be it further enacted, that the city council of the city shall have full power to levy taxes as of January 1 of each and every year. (As amended by Priv. Acts 1995, ch. 55, sec. 2 and Priv. Acts 2014, ch. 55, sec. 1)

Editor's note:

See Article X, section 3 of the charter for date when taxes are due.

Section 6. Tax book prepared. Be it further enacted, that as soon as practicable in each year after the assessment books for the City of Crossville shall have been completed, which shall be after equalization board shall have completed their work, it shall be the duty of the Finance Director to prepare or cause to be prepared from the assessment books of the Cumberland County Assessor of Property and of the Tennessee Regulatory Authority a tax book similar in form to that required by laws of the state to be made out for the county trustee, embracing, however, only such property and persons as are liable for taxes within the city. Such tax books, when certified to be true, correct, and completed by the Finance Director, shall be the assessment for taxes in the City of Crossville for all municipal purposes; provided, that there may be an assessment by the Finance Director at any time, of any property subject to taxation found to have been omitted, and such assessment shall be duly noted and entered on the assessment books of the city. (As amended by Priv. Acts 1995, ch. 55, sec. 5 and Priv. Acts 2014, ch. 55, sec. 1)

Section 7. Occupancy tax. This section shall not apply in any city having a population of not less than ten thousand seven hundred (10,700) nor more than ten thousand eight hundred (10,800) that is located within any county having a population of not less than fifty-six thousand (56,000) nor more than fifty-six thousand one hundred (56,100), according to the 2010 federal census or any subsequent federal census; provided, that the city is authorized to levy a privilege tax by ordinance adopted by a two-thirds (2/3) vote of its governing body upon the privilege of occupancy in any hotel located within the city of each transient in an amount not to exceed two percent (2%) of the consideration charged by the operator. All proceeds received by the city from the tax shall be used solely to promote tourism and economic development in the city and for no other purpose. The ordinance shall set forth the manner of collection and administration of the privilege tax. (As amended by Priv. Acts 2018, ch. 1065, sec. 1)

ARTICLE XII: LICENSE TAXES

SECTION

1. Imposed by ordinance; finance director to enforce.

Editor's note:

Priv. Acts 2014, ch. 55, sec. 1 deleted in its entirety Article XII, titled License Taxes, and replaced it with a new Article XII by the same title.

Section 1. Imposed by ordinance; finance director to enforce. Be it further enacted, that license taxes may be imposed by ordinance upon any and all privileges, businesses, occupations, vocations, pursuits, or callings, or any class or classes thereof, now or hereafter subject to such taxation under the laws of Tennessee; and a separate license tax may be imposed for each place of business conducted or maintained by the same person, firm, or corporation.

The Finance Director shall enforce the collection of merchants' taxes and all other license taxes, and for the purpose shall have and exercise the powers by law vested in, and follow the procedure and methods prescribed for, county court clerks. (As amended by Priv. Acts 1995, ch. 55, sec. 5 and Priv. Acts 2014, ch. 55, sec. 1)

ARTICLE XXVII: EFFECTIVE DATE OF THIS ACT

SECTION

1. Effective date.

Section 1. Effective date. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

PASSED: April 8, 1953

James L. Bomar, Speaker of the House of Representatives.

APPROVED: April 10, 1953

Jared Maddux, Speaker of the Senate.

Frank G. Clement, Governor.

Private Acts Comprising the Charter of the City of Crossville, Tennessee

<i>Year</i>	<i>Chapter</i>	<i>Subject</i>
1953	519	An act to incorporate the City of Crossville, Cumberland County, Tennessee, which is the present basic charter act of the city.
1965	259	Amends the following articles and sections of the basic charter: Art. II, sec. 1; Art. III
1972	416	Amends the following articles and sections of the basic charter: Art. IV, sec. 3; Art. V, sec. 1, 8, 16; Art. VII, sec. 3; Art. VIII; Art. IX; Art. X, sec. 1, 2, 7; Art. XIV, sec. 1, 2, 3; Art. XV; Art. XVI; Art. XVII, sec. 1; Art. XVIII, sec. 1, 3; Art. XIX, sec. 1, 4; Art. XX.
1975	119	Amends Art. III, sec. 1 of the basic charter.
1982	205	Amends Art. XV, sec. 12 of the basic charter
1982	281	Amends Art. IV, sec. 3 of the basic charter.
1991	99	Amends Art. IV, sec. 5 of the basic charter.

Editor's note:

Art. IV; Art. V, sec. 1; Art. XIII; Art. XV, sec. 1; Art. XXII, sec. 2; Art. XXIII, sec. 1.

Priv. Acts 1982, ch. 227 also relates to the City of Crossville; however it does not amend the basic charter. It provides for a referendum on the subject of the sale of surplus real property owned by the City of Crossville by which the Crossville City Council sought to know the preference of voters on the prospective sale.

The following private acts were passed by the legislature but were rejected locally: Priv. Acts 1970, ch. 70; Priv. Acts 1970, ch. 256; Priv. Acts 1970, ch. 257; Priv. Acts 1970, ch. 238; Priv. Acts 1970, ch. 239; Priv. Acts 1974, ch. 266; Priv. Acts 1974, ch. 291; Priv. Acts 1974, ch. 292; Priv. Acts 1974, ch. 308; Priv. Acts 1974, ch. 310; and Priv. Acts 1974, ch. 327, Priv. Acts 1984, ch. 233, and Priv. Acts 1986, ch. 138.

Crossville - Charter*Private Acts Comprising the Charter of the City of Crossville, Tennessee*

<i>Year</i>	<i>Chapter</i>	<i>Subject</i>
1991	101	Amends Art. IV, sec. 5 of the basic charter.
1991	102	Amends Art. IV, sec. 5 of the basic charter.
1991	103	Replaces Art. V, sec. 4 of the basic charter.
1991	105	Amends Art. IV, sec. 5 of the basic charter.
1994	116	Amends Art. IV, sec. 3 of the basic charter.
1995	55	Amends Art. IV, sec. 5 of the basic charter; Also amends entire charter by deleting the language "Board of Commissioners" and substituting instead "City Council"; deleting "Commissioners" and substituting instead "Councilmembers"; deleting "City Recorder" and substituting instead "City Clerk"; and deleting "City Treasurer" and substituting instead "Finance Director."
2014	54	Amends Art. IV, sec. 5 of the basic charter.
2014	55	Amends entire charter.
2014	83	Amends Art. IV of the basic charter.
2018	1065	Amends Art. XI of the basic charter.

TITLE 2: BOARDS, COMMISSIONS AND THE LIKE

Chapter

- 1. EMERGENCY MANAGEMENT**
- 2. SPORTS COUNCIL**
- 3. AIRPORT COMMITTEE**

CHAPTER 3: AIRPORT COMMITTEE

Section

- 2-301 Creation, membership, compensation, term and vacancies
- 2-302 Delegation of authority, powers
- 2-303 Duties

§ 2-301 CREATION, MEMBERSHIP, COMPENSATION, TERM AND VACANCIES.

(A) There has been heretofore created and hereby remains in full force and effect an Airport Committee. This Committee shall consist of up to seven persons who shall be appointed by the Mayor. The members shall be residents of Cumberland County. The committee shall be comprised of:

- (1) Up to four pilots, with at least two being IFR rated.
- (2) One representative from the Crossville-Cumberland County Chamber of Commerce.
- (3) One representative with an engineering background.
- (4) One representative with experience in marketing/aviation marketing.

(B) The Committee shall be compensated at the rate of \$15 per meeting attended, not to exceed one per month. The terms of office shall be for five years or until their successors are appointed and qualified, except for the first board which will have three members appointed for three years, two members appointed for four years, and two members appointed for five years. Vacancies in such Committee occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term.

(Ord. 1590, passed 3-12-2019)

§ 2-302 DELEGATION OF AUTHORITY, POWERS.

Immediately after their appointment, they shall meet and organize by electing one of their members chairperson and such other officers as may be necessary. The Committee shall have the power to adopt by-laws and other rules necessary for the proper conduction of business. The Committee shall keep a record of its proceedings. Copies of the minutes shall be available to the governing body after each meeting.

(Ord. 1590, passed 3-12-2019)

§ 2-303 DUTIES.

The Airport Committee shall advise and make recommendations to the City Council on the needs of the Crossville Memorial Airport through periodically studying the Master Plan, monitoring the fixed base operator and airport facilities, assist with the promotion of the airport and the City of Crossville, providing guidelines on the use and rental of t-hangars, reviewing grant opportunities, and receiving comments or concerns from pilots and other interested parties. Annually, the Committee shall review the proposed operations budget for the airport before its submission to the City Council.
(Ord. 1590, passed 3-12-2019)

TITLE 5: MUNICIPAL FINANCE AND TAXATION

Chapter

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- 2. REAL PROPERTY TAXES**
- 3. WHOLESALE BEER TAX**
- 4. PRIVILEGE TAXES**
- 5. CONTROL PROCEDURES FOR RECEIPT OF MONEY BY CITY**
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CHAPTER 7: HOTEL/MOTEL OCCUPANCY TAX

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- 5-701 Definitions
- 5-702 Levy of tax
- 5-703 Tax added to room invoice
- 5-704 Remittance to tax collection official
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- 5-711 Audits to be conducted

§ 5-701 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Crossville, Tennessee.

CONSIDERATION. The consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

HOTEL. Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes within the area of the jurisdiction of the city, and includes any hotel, inn, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

OCCUPANCY. The use or possession or the right to use the possession, of any room, lodgings or accommodations in a hotel for a period of less than 30 days.

OPERATOR. The person operating the hotel whether as owner, lessee or otherwise.

PERSON. Any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

TAX COLLECTION OFFICIAL. The city revenue department or its designate.

TRANSIENT. Any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, or accommodations in a hotel for a period of less than 30 days.
(Ord. 1577, passed 7-10-2018)

§ 5-702 LEVY OF TAX.

There is hereby levied a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of 2% of the consideration charged by the operator. Said tax so imposed is a privilege tax upon the transient occupying said room and is to be collected and distributed as hereinafter provided.
(Ord. 1577, passed 7-10-2018)

§ 5-703 TAX ADDED TO ROOM INVOICE.

Said tax shall be added by each and every operator in each invoice prepared by the operator for the occupancy of such invoice to be given directly or transmitted to the transient and shall be collected by such operator from the transient and occupying said room and is to be collected and distributed as hereinafter provided.
(Ord. 1577, passed 7-10-2018)

§ 5-704 REMITTANCE TO TAX COLLECTION OFFICIAL.

The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms to the city department of revenue not later than the twentieth of each month next following collection from the transient. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy whether prior to occupancy as may be the custom of the operator; the obligation to the city entitled to such tax shall be that of the operator.
(Ord. 1577, passed 7-10-2018)

§ 5-705 OFFER TO ABSORB TAX PROHIBITED.

No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded.
(Ord. 1577, passed 7-10-2018)

§ 5-706 PENALTIES AND INTEREST FOR DELINQUENCY.

Taxes collected by an operator which are not remitted to the tax collection official on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of 12% annum, calculated at a daily rate, and in addition for penalty of 1% for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor. Any fine levied herein shall be applicable to each individual transaction involving lodging services paid by a customer to the operator in those cases when the operator fails or refuses to pay the tax payable.

(Ord. 1577, passed 7-10-2018)

§ 5-707 RECORDS.

It shall be the duty of every operator liable for the collection and payment of any tax imposed by this act to keep and preserve for a period of three years all records necessary to determine the amount of such tax, which records the tax collection official shall have the right to inspect at all reasonable times.

(Ord. 1577, passed 7-10-2018)

§ 5-708 ADMINISTRATION.

In administering and enforcing the provisions of this act, the tax collection official shall have, as additional powers, those powers and duties with respect to collection of taxes provided in T.C.A. Title 67 or otherwise provided by law. Upon any claim of illegal assessment and collection the taxpayer shall have the remedy provided in T.C.A. § 67-2-313, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected be conformed to apply to the recovery of taxes illegally assessed and collected under the authority of this act; provided the tax collection official shall possess those powers and duties as provided in T.C.A. § 67-2-301, with respect to the adjustment and settlement with taxpayers of all errors of taxes collected by him under the authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the tax collection official and suit for recovery shall be brought against the tax collection official.

(Ord. 1577, passed 7-10-2018)

§ 5-709 EXPENDING AND DISTRIBUTING TAX.

The proceed from the tax levied shall be allocated to improving tourism, economic and community development. Any expenditures made from these funds must be approved by a majority vote of the City Council.

(Ord. 1577, passed 7-10-2018)

§ 5-710 TAX TO BE IN ADDITIONAL TO ALL OTHER TAXES LEVIED.

The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

(Ord. 1577, passed 7-10-2018)

§ 5-711 AUDITS TO BE CONDUCTED.

(A) The tax collector shall audit each operator in the municipality at least once per year and shall report on audits made on a quarterly basis to the municipal legislative body.

(B) The municipal legislative body is authorized to adopt reasonable rules and regulation for the implementation of this part, including the form for such reports.

(Ord. 1577, passed 7-10-2018)

CHAPTER 6: OPEN BURNING

Section

- 7-601 Purpose
- 7-602 Definition of terms
- 7-603 Standards for open burning
- 7-604 Permits
- 7-605 Penalties

§ 7-601 PURPOSE.

The purpose of this chapter is to regulate certain open burning in order to protect the public from the hazards of uncontrolled fires and pollution. This chapter will not relieve the person who will be burning from complying with T.C.A. §§ 39-14-305; 39-14-401; 68-102-146; and 68-211-101 et seq. (Ord. 1588, passed 12-13-2018)

§ 7-602 DEFINITION OF TERMS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORITY HAVING JURISDICTION. The organization, agency, office, department or individual responsible for approval or enforcement.

OPEN BURNING. The burning of any matter under such conditions that products of combustion are emitted directly into the open atmosphere without passing directly through a stack. Open burning includes, but is not limited to, fires located or burning in a pile on the ground, a barrel, a fire pit, or other semi-enclosure.

PERMIT. The written authority of the city issued under the authority of this chapter.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, an agency, authority, commission, or department of the United States government, or of the State of Tennessee government; or any other legal entity, or their legal representative, agent, or assigns.

WOOD WASTE. Any product which has not lost its basic character as wood, such as bark, sawdust, chips and chemically untreated lumber whose “disposition” by open burning is to solely get rid of or destroy. Plant life of a herbaceous nature, such as leaves, whether attached, fallen, and/or collected, evergreen needles, and grasses, are not considered **WOOD WASTE**. Additionally, manufactured lumber products, such as plywood, fiberboard, particleboard, and paneling, are not considered **WOOD WASTE**. Painted or artificially stained wood is not considered **WOOD WASTE**.

§ 7-603 STANDARDS FOR OPEN BURNING.

Open burning, as listed below, may be conducted subject to specified limitations. This shall in no way relieve the person responsible for such burning from the consequences, damages, injuries, or claims resulting from such burning. It shall be unlawful for any person, as defined herein, to conduct an open burn within the corporate limits of the city without a permit.

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

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

(C) Burning shall not be initiated when it is determined by the Fire Chief or his or her designee, based on information supplied by the National Weather Service or other competent authority, that stagnant air conditions or inversions exist, or that the conditions may occur during the duration of the burn.

(D) Burning shall not be initiated when it is determined and or announced by the State Fire Marshal that dry, drought, high wind or other hazardous conditions exist to prohibit burning either statewide or in regions affecting the geographical or corporate limits of the city.

(E) Burning shall not be initiated when it is determined and or announced by the Fire Chief or his or her designee that dry, drought, high wind or other hazardous conditions exist to prohibit burning within the corporate limits of the city.

(F) The following items are not permissible to burn in the corporate limits of Crossville or the State of Tennessee:

- (1) Tires and other rubber products;
- (2) Vinyl siding and vinyl shingles;

- (3) Plastics and other synthetic materials, PVC;
- (4) Paper products, cardboard and newspaper;
- (5) Asphalt shingles, other asphalt roofing materials, and demolition debris;
- (6) Asbestos-containing materials;
- (7) Paints, household and agricultural chemicals;
- (8) Aerosol cans and food cans;

(9) Treated lumber or items containing natural or synthetic rubber, or materials made with hydrocarbons shall not be burned or used to ignite the material to be burned or to promote the burning of the material;

- (10) Building material and construction debris;
- (11) Buildings and mobile homes;
- (12) Coated wire;
- (13) Household trash; or
- (14) Most vegetation not grown on site.

(G) No burning shall be permitted within 50 feet of any structure or dwelling.

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

(I) Fires used for cooking of food or for ceremonial, recreational or comfort-heating purposes, including barbecues, campfires, and outdoor fireplaces shall not require a burning permit.

(J) With the exception of permitted bonfires and campfires and items in division (I), all fires shall be completely extinguished at least one-half hour before dark.
(Ord. 1588, passed 12-13-2018)

§ 7-604 PERMITS.

Burn permits will be obtained from the Fire Chief or his or her designee.

(A) Permits issued under this chapter shall be under either one of two classes; Residential and Commercial.

(1) Residential class permits are for leaves, natural materials, wood waste and vegetation grown on the property of the burn site under three cubic yards and may be issued by the Fire Chief or his or her designee by telephone or online. Residential class permits shall be good for one day from 7:00 a.m. to one-half hour prior to sunset.

(2) Commercial class permits are for wood waste materials in an amount of three or more cubic yards and require a written permit and a site inspection by the Fire Chief or designee. Commercial permits shall be valid for the calendar year of issuance unless specified differently by the Fire Chief or designee; however, permit holder must report each day when burning.

(B) All permits issued under this chapter shall record the name of the person undertaking the burning and with emergency contact information, and shall specify the specific address and area in which the burning is to occur, the type and amount of material to be burned, the duration of the permit and other factors as are necessary to identify the burning which is allowed under the permit.

(C) Burn sites containing three cubic yards or more of material shall be inspected by the Fire Chief or his or her designee prior to the issuance of the written permit.

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

(E) Permits shall not be issued when it is determined or announced by the State Fire Marshal that dry, drought or other conditions exist to prohibit burning either statewide or in regions affecting the geographical or corporate limits of the city.

(F) Permits shall not be issued when it is determined or announced by the Fire Chief or his or her designee that dry, drought or other hazardous conditions exist to prohibit burning within the corporate limits of the city.

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

(H) The city through the Fire Chief has the authority to revoke a permit and to extinguish a fire for any reason affecting the health, safety or welfare of the city.

(I) The Fire Chief has the authority to provide additional supplemental conditions, written on the permit, when in the best interest of the health, safety and welfare of the city it is required.
(Ord. 1588, passed 12-13-2018)

§ 7-605 PENALTIES.

Any person violating the provisions of this chapter, or of any permit issued under the authority of this chapter, or any provisions herein, shall be subject to the general penalty provision of this code of ordinances. Each day of violations shall constitute a separate offense. The penalties provided in the section shall be separate and apart and not in lieu of all other civil or criminal penalties which may be imposed under the laws of the state or the city.
(Ord. 1588, passed 12-13-2018)

(F) *Term renewal.* Certificates of compliance shall be valid for two years from issuance. Certificate renewals shall follow all guidelines and requirements as if they were an original application. Renewals shall be subject to compliance with all applicable state statutes, all applicable state rules and regulations and provisions of this chapter.

(Ord. 1205, passed 11-17-2008; Ord. 1477, passed 5-7-2015; Ord. 1506, passed 4-14-2016)

§ 8-304 RESTRICTIONS ON BUILDINGS AND LOCATIONS OF RETAIL STORES.

(A) All retail sales shall be confined to the premises of the licensees. Nor shall curb service be permitted.

(B) No liquor store shall be located in the city on any premises above the ground floor. Each such store shall have only one main entrance for use by the public as a means of ingress and egress for the purpose of purchasing alcoholic beverages at retail; provided, that any liquor store adjoining the lobby of a hotel or motel may maintain an additional entrance into such lobby as long as such lobby is open to the public. [T.C.A. § 57-3-404(f)]

(C) To the fullest extent consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale or dispensing of alcoholic beverages there sold or dispensed.

(D) No form of entertainment, including pin ball machines, music machines or similar devices, shall be permitted to operate upon any premises from which alcoholic beverages are sold.

(Ord. 1205, passed 11-17-2008; Ord. passed 6-10-2014; Ord. 1477, passed 5-7-2015; Ord. 1569, passed 5-8-2018)

Statutory reference:

Related provisions, see T.C.A. § 57-3-404(f)

§ 8-305 RETAIL LIQUOR LICENSE.

(A) *Qualifications of applicant.* To be eligible to apply for or to receive a retail liquor license in the city, an application must satisfy all of the requirements of the state statutes and of the state rules and regulations for a holder of a state liquor retailer's license and must have been a resident of Cumberland County at least two years immediately preceding the date when the application is filed with the City Clerk.

(B) *Only one establishment to be operated by retailer.* No retailer shall operate, directly or indirectly, more than one place of business for the sale of alcoholic beverages in the city. The word **INDIRECTLY**, as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise.

(C) *Nature of license: suspension or revocation.* The issuance of a license does not vest a property right in the license but is a privilege subject to revocation or suspension by the State Alcoholic Beverage Commission. The Mayor shall have the authority to report to the Commission any violation of this chapter by the licensee or by any person for whose acts the licensee is responsible.

(D) *Display.* The licensee shall display and post, and keep displayed and posted his or her license in a conspicuous place in the licensee's liquor store at all times when an activity or business authorized hereunder is being done by the licensee.

(E) *Number of licenses.* There shall be a limit of three licenses issued and outstanding in the city.

(F) *Transfer.* A licensee shall not sell, assign or transfer his or her license or any interest therein to any other person without a certificate of compliance by the Board. Provided, however, licensees who are serving in the military forces of the United States in time of war may appoint an agent to operate under the license of the licensee during the absence of the licensee. In these instances, the license shall continue to be carried and renewed in the name of the owner. The agent of the licensee shall conform to all the requirements of a licensee. No person who is ineligible to obtain a license shall be eligible to serve as the agent of a licensee under this section. In any case where a licensee is an individual and the individual dies or becomes incapacitated during the term of the license, upon proper application to the City Council and upon compliance with all regulations hereunder and all applicable laws of the state or regulations of the Alcoholic Beverage Commission of the state, the widow or duly qualified and appointed personal representative or guardian or conservator of the licensee may be issued a license for the retail establishment for the duration for the term of the original licensee's license. If a partnership, the surviving partner may do likewise, having the license issued to him or her as an individual.

(G) *Miscellaneous restrictions upon licensees and their employees.*

(1) No retailer's license shall be issued to a person who is a holder of a public office, either appointive or elective, or who is a public employee, either national, state, city or county. It shall be unlawful for any person to have any interest in the retail business, directly or indirectly, either proprietary or by means of any loan, mortgage or lien, or to participate in the profits of any business. The foregoing shall not apply to uncompensated appointees to municipal boards and commissions where the boards or commission on which the appointees serve have no duty to vote for, overlook or in any manner superintend the sale of alcoholic beverages.

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

obligation of the payment of the inspection fee, and it shall be the licensee's duty to see that the payment of the inspection fee is made to the City Clerk on or before the fifteenth day of each calendar month.

(E) *Effect of failure to report and pay.* The failure to pay the inspection fee and to make the required reports accurately and within the time prescribed in this chapter shall be reported by the Mayor to the State Alcoholic Beverage Commission as a violation of this chapter.

(F) *Use of funds.* All funds derived from the inspection fees imposed herein shall be paid into the General Fund of the city. The city shall defray all expenses in connection with the enforcement of this chapter, including particularly the payment of the compensation of officers, employees or other representatives of the city in investigating and inspecting licensees and applicants and in seeing that all provisions of this chapter are observed; the Board finds and declares that the amount of those inspection fees is reasonable and that the funds expected to be derived from these inspection fees will be reasonably required for those purposes.

(G) *Supplemental nature.* The inspection fee levied herein shall be in addition to any general gross receipts, sales or other general taxes applicable to the sale of alcoholic beverages and shall not be a substitute for the taxes.

(H) *Inspections.* The City Manager, City Clerk or the authorized representative of either of them are authorized to examine the books, papers and records of any licensee at any and all reasonable times for the purpose of determining whether the provisions of this chapter are being observed. The City Manager, the City Clerk, the Finance Director, the Chief of Police and any other police officer of the city is authorized to enter and inspect the premises of a liquor store at any time the liquor store is open for business. Any refusal to permit the examination of the books, papers and records of a licensee, or the inspection and examination of the premises of a liquor store shall be unlawful. The Mayor shall forthwith report the violation to the State Alcoholic Beverage Commission with the request that appropriate action be taken to revoke the license of the offending licensee.

(Ord. 1205, passed 11-17-2008)

Statutory reference:

Related provisions, see T.C.A. §§ 57-3-210(f), 57-3-210(h), 57-3-210(i)

§ 8-307 OPERATIONAL RULES AND REGULATIONS.

(A) *Records to be kept by licensee.*

(1) In addition to any records specified in the rules and regulations promulgated by the City Clerk pursuant to this chapter, each licensee shall keep on file at the licensee's liquor store the following records:

(a) Original invoices required herein for all alcoholic beverages bought by or otherwise supplied to the licensee;

Crossville - Alcoholic Beverages

(b) The original receipts for any alcoholic beverages returned by the licensee to any wholesaler; and

(c) An accurate record of all alcoholic beverages lost, stolen, damaged, given away or disposed of other than by sale, and showing for each transaction the date thereof, the quantity and brands of alcoholic beverages involved and, where known, the name of the person or person receiving the same.

(2) All such records shall be preserved for a period of at least two years unless the City Clerk gives the licensee written permission to dispose of the records at an earlier time.

(B) *Hours and days of operation.* No liquor store shall be open and no licensee shall sell or give away alcoholic beverages on Christmas Day, Easter, or Thanksgiving Day. No liquor store shall be open and no licensee shall sell or give away any alcoholic beverage before 8:00 a.m. or after 11:00 p.m. Monday through Saturday; or before 10:00 a.m. or after 11:00 p.m. on Sunday.

(C) *Management.* Each liquor store licensed hereunder shall be personally and actively managed by the holder of the license, if the licensee is an individual, or by a partner or corporate officer, if the licensee is a partnership or corporation. In every case where alcoholic beverage is sold by a licensee that is either a partnership or a corporation, the name and address of the managing partner or the corporate officer who will be in active control and management of the liquor store shall be designated in the application, and any future changes in the manager shall be reported forthwith in writing to the City Clerk.

(D) *Drunkenness.* No retailer shall sell, lend, or give away any alcoholic beverages to any person who is drunk, nor shall any retailer selling alcoholic beverages sell, lend, or give away the beverages to any person accompanied by a person who is drunk.

(E) *Minors.* No retailer shall sell, lend or give away any alcoholic beverages to a person under 21 years of age. It shall be the responsibility of the retailer, or his or her agents or employees, or ascertaining the age of any persons hereunder and, in the absence of false representations by any person under the age of 21 years, reasonably relied upon by the retailer, his or her agent or employees, and any selling, lending or giving away to persons under 21 years of age shall be a violation of this section. (Ord. 1205, passed 11-17-2008; Ord. 1572, passed 5-24-2018)

Statutory reference:

Related provisions, see T.C.A. § 57-3-406(e)

§ 8-308 ADVERTISING.

No outdoor sign, advertisement or display that advertises alcoholic beverages may be erected or maintained on the property on which an establishment holding a valid retail liquor license from the State of Tennessee and the City of Crossville is located other than one sign, advertisement or display which makes reference to the fact that the establishment sells alcoholic beverages but does not use brand names,

CHAPTER 2: DOGS

Section

- 10-201 Vaccination required
- 10-202 Animals at large
- 10-202.1 Humane restraint, shelter, and minimum enclosure guidelines
- 10-203 Vicious dogs to be securely restrained
- 10-204 Noisy dogs prohibited
- 10-205 Confinement of dogs or any other animal suspected of being rabid
- 10-206 Seizure and disposition of dogs and other domestic animals

Statutory reference:

Related provisions, see T.C.A. § 44-8-408

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 (1927)

§ 10-201 VACCINATION REQUIRED.

(A) It is unlawful for any person to own, keep or harbor any dog which has not been vaccinated against rabies. All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the state.

(B) Evidence of the vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the dog shall be revaccinated, description and sex of the dog vaccinated, type and lot number of vaccine administered and the signature of the person administering the vaccine.

(C) However, in lieu of these requirements, documentary proof that a rabies vaccination has been given in another governmental jurisdiction within the past 12 calendar months may be used. (1989 Code, § 10-202, modified)

§ 10-202 ANIMALS AT LARGE.

(A) It shall be unlawful for person owning or having possession, charge, care, custody or control of any animal to knowingly cause, permit or allow the animal to stray or in any manner to run at large in or upon any public street, sidewalk or park or upon the property of another, if such animal is not under sufficient restraint as to allow the animal to be controlled.

(B) **DOMESTIC ANIMAL** means any dumb creature including, but not limited to, dogs, cats, warm blooded mammals, birds, reptiles and fish.

(C) **DIRECT CONTROL** means immediate and continuous physical control of an animal (excluding herding dogs, dogs in the process of hunting, police dogs, and dogs participating in organized field competition) at all times such as by means of a fence, leash, cord, or chain of sufficient strength to restrain the animal.

(1989 Code, § 10-206) (Ord. 1499, passed 1-18-2016)

§ 10-202.1 HUMANE RESTRAINT, SHELTER, AND MINIMUM ENCLOSURE GUIDELINES.

(A) In order to enhance the quality of life of citizens and dogs and to protect the general public from damage and nuisance that may be caused by dogs confined outdoors:

(1) No person shall tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object other than a spiral tie-out stake or permanently affixed anchor which allows 360 degrees of movement. Notwithstanding, a person may attach a dog to a running line, pulley, or trolley system. Any pulley or trolley system must be at least 15 feet in length and at least four feet and no more than seven feet off the ground.

(2) The tether must allow the dog to easily stand, sit, lie, turn around, and make all other normal body movements in a comfortable normal position. Vinyl coated cable is the preferred and recommended material for tethering. (However, if a chain is used, no chain or tether shall weigh more than 1/8 of the animal's body weight and be appropriate for the size of the dog. Welded metal link chain with links larger than 7/64 inches in thickness cannot be used to tether an animal regardless of the length or weight of the chain.)

(3) Any tether shall be at least 12 feet in length and have swivels on both ends.

(4) Any tether must be attached to a properly fitting buckle-type collar or harness worn by the animal. Choke collars and pinch collars are prohibited for purposes of tethering an animal to a spiral tie-out stake, pulley system or cable run. A person may not wrap tether around an animal's neck.

(5) A tether used to restrain an animal must, by design and placement, be unlikely to become entangled with other objects or animals or from extending over an object or edge that could result in the strangulation or injury of the dog.

(6) It shall be unlawful to tether any un-sterilized female dog during their 24-day period of fertility per T.C.A. § 44-8-410.

(7) The dog cannot be tethered (or confined to an outdoor enclosure) during extreme weather, including, but not limited to, extreme heat or near-freezing temperatures, dangerous thunderstorms, unless adequate food, potable water, shade, shelter and protection is provided as outlined in this section. Animals must have access to enter a dwelling during severe weather alerts from the National Weather Service (i.e., tornado watches, floods, etc.).

(8) The animal, while restrained by a tether (or confined to an outdoor enclosure) shall have access to tip-proof potable (sanitary and liquid) water at all times, sufficient food and dry ground.

(9) A dog may never be left tethered (or confined in an outdoor enclosure) and unattended on vacant or abandoned property.

(10) A dog that has been declared dangerous cannot be tethered. A dog that is demonstrably aggressive cannot be tethered unless a competent adult is present for the duration of the tethering.

(11) The following dogs may not be tethered: sick or injured, pregnant, a female nursing pups, a dog less than six months of age.

(12) The animal (tethered or confined to an outdoor enclosure) must be kept in a clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in its own excrement. The animal must be able to defecate and urinate in an area separate from the area where it must eat, drink and lie down. The person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact and keep them free of sharp objects, trash, or debris.

(13) Shade, separate from the shelter, either natural or manmade, shall be available at all times to a tethered dog, or a dog confined to an outdoor enclosure.

(14) The animal, while restrained by tether or in an outdoor enclosure, shall have access to proper shelter at all times.

(15) Proper shelter shall have a weatherproof roof, enclosed sides, a doorway, a solid floor raised at least two inches above the ground. No interior surfaces shall be metal. The shelter shall have an entryway that the dog can easily enter and sufficient in size for a dog to stand, turn around, lie down, and exit in a natural manner. The shelter shall have adequate ventilation and protection from temperature extremes at all times. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand up and turn around comfortably. The enclosure shall be structurally sound and in good repair. Bedding, such as wood shavings, straw or other material, shall be provided in sufficient quantity for insulation. Bedding shall be kept dry.

(16) Any dog confined within a permanent outdoor enclosure must have adequate space for exercise. A minimum of 100 square feet is required. Dogs over 75 pounds must have an additional 50 square feet. Seventy-five square feet is required for each additional dog kept within the same enclosed area. This requirement shall not apply to portable, temporary kennels.

(17) Any dog tethered or confined must be provided reasonable necessary medical care to prevent suffering, in addition to the required rabies.

(B) *Exceptions.* Hunting dogs as defined below:

(1) *Of hunting dogs.* As used in this section, the term **HUNTING DOG** means a dog actually used to lawfully hunt game in Tennessee or another state of the United States under a valid hunting license issued by the state where the hunting occurred during the present year or the year previous, and with respect to a dog of less than 18 months of age a dog that has had training toward hunting lawful game in Tennessee or another state of the United States. The owner of the dog relying on the dog's status as a "hunting dog" under this section may establish a prima facie case of such status by providing to a law enforcement officer with a sworn written statement setting forth the specific facts establishing that the dog is a "hunting dog" within the meaning of this section. This exception shall not apply to unsterilized female dogs as noted in division (A)(6).

(2) *Of working dogs.* As used in this section, the term **WORKING DOG** means a dog that functions in a herding, service, therapy, or K-9 capacity and is only exempt when working in those capacities.

(Ord. 1585, passed 11-13-2018)

§ 10-203 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 the dog is so confined and/or otherwise securely restrained as to reasonably provide for the protection of other animals and persons.

(1989 Code, § 10-207)

§ 10-204 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.

(1989 Code, § 10-208)

§ 10-205 CONFINEMENT OF DOGS OR ANY OTHER ANIMAL SUSPECTED OF BEING RABID.

It shall be unlawful for any person except the shelter operator or a licensed veterinarian to destroy or dispose of any dog or other animal which has bitten or is suspected of having bitten any person or any other animal within a period of ten days after the alleged incident. When any dog or other animal has bitten or is suspected of having bitten any person or any other animal within the corporate limits, the dog

or other animal, when identified, shall be impounded and quarantined at the shelter by the Animal Control Officer or his or her assistant; or upon the request of the owner of the dog or other animal, it shall be impounded under the jurisdiction and observation of a licensed veterinarian for a reasonable time to determine whether the dog or other animal has rabies. Any expenses incurred for the impounding or veterinarian services shall be paid by the owner of the animal impounded.

(1989 Code, § 10-209)

§ 10-206 SEIZURE AND DISPOSITION OF DOGS AND OTHER DOMESTIC ANIMALS.

(A) Any domestic animal found running at large may be seized by the Animal Control Officer or any police officer and placed in a shelter provided by the City Council. If the animal is wearing a tag, the owner shall be notified in person, by telephone or by a postcard addressed to his or her last known mailing address to appear within ten days and redeem his or her animal by paying a shelter fee, or the animal will be humanely destroyed or offered for adoption. If the animal is not wearing a tag, it shall be humanely destroyed or sold unless legally claimed by the owner within ten days. No animal shall be released in any event from the shelter unless or until the animal has been properly vaccinated and a tag placed on its collar.

(B) When, because of its viciousness or apparent infection with rabies, an animal found running at large cannot be safely impounded, it may be summarily destroyed by the Animal Control Officer or any police officer.

(1989 Code, § 10-210) (Ord. 1499, passed 1-18-2016)

CHAPTER 6: FIREARMS, WEAPONS AND MISSILES

Section

- 11-601 Air rifles and the like
- 11-602 Throwing missiles
- 11-603 Discharge of firearms

§ 11-601 AIR RIFLES AND THE LIKE.

It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun or sling shot capable of discharging a bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive or other force-producing means or method.

(1989 Code, § 11-601)

§ 11-602 THROWING MISSILES.

It shall be unlawful for any person maliciously to throw any stone, snowball, bottle or any other missile upon or at any vehicle, building, tree or other public or private property or upon or at any person.

(1989 Code, § 11-602)

§ 11-603 DISCHARGE OF FIREARMS.

(A) It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits except as provided for in § 11-603(B). This section shall not apply to a hunter safety course or handgun safety course conducted by a licensed instructor at a site approved by the Chief of Police, provided the licensed instructor is present at all times that firearms are discharged.

(B) *Shooting galleries.*

(1) *Defined.* The term **SHOOTING GALLERY** as used in this section means any public place or range for shooting and discharging firearms at a target for which a fee is charged, except shooting galleries or ranges maintained or operated by any military organization, police department or school, the privileges of which are not available to the general public.

(2) *License required.* No person shall conduct, maintain, operate, or cause to be conducted, maintained or operated, any public shooting gallery without being licensed under this section.

(3) *Application for license.*

(a) A license to operate a shooting gallery shall be granted only upon application filed with the City Clerk. All applications shall contain the name and address of the applicant. If the applicant is a firm or partnership, the application shall state the names and addresses of all persons constituting such firm or partnership. If the applicant is a corporation (including all certificated entity form recognized in the State of Tennessee, including, without limitation, limited liabilities companies, and “stockholder” and “officer” shall be deemed to include members, limited partners, general partners, managers, principals, and equity holders in said entities), the application shall state its principal place of business, the full name of such entity, the state under whose laws it is incorporated, the full names and addresses of all officers, directors, shareholders, partners, members, principals, and equity holders. No applicant, and no partner, shareholder, member, director, officer, or equity holder of an applicant, shall be a person who has been convicted of a felony prior to the time he or the legal entity with which he is connected shall receive a license; provided, that this provision shall not apply to any person who has been convicted, but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction, and in the case of any such conviction occurring after a license has been issued and received, the license shall immediately be revoked, if such convicted felon be an individual licensee, and if not, the partnership, corporation or association with which he is connected shall immediately discharge him.

(b) Additionally, the applicant, and all partners, shareholders, members, directors, officers, and equity holders of the same, if any, shall submit to a TBI background check prior to the issuance of any license hereunder. If any applicant misrepresents any material fact or conceals any material fact in any application form filed for the purpose of complying with the requirements contained in this section, such applicant shall be deemed to have violated the provisions of this section. The application shall contain the address of the shooting gallery. The application shall further recite the type and caliber of arms proposed to be used, and shall contain a description of the manner and plan for stopping and controlling bullets or other ammunition proposed to be used.

(4) *Approval of Chief of Police.* Prior to the issuance of any permit, the application must have endorsed thereon the written approval of the Chief of Police.

(5) *License fee.* The annual fee for a license under this section is \$50.

(6) *Issuance of license.* Upon the receipt by the City Clerk of the application, and upon compliance by the applicant with all the regulations, conditions and terms of this section, and after action of the City Council granting same, and upon the payment of the fee, the City Clerk shall issue to the applicant a license to operate a shooting gallery at the location described in said application.

(7) *Transfer of license.* No license issued under this section shall be transferred. In the event of change in ownership, a new application must be filed in accordance with all rules and regulations contained in this section.

(8) *Revocation of license.* Any license issued under this section may be revoked by the City Council for violations of any provisions of this section and there shall be no rebate of the license fee in case of revocation.

(9) *Display of license.* Each license issued under this section shall be for the location mentioned therein only, and shall be prominently displayed at such location.

(10) *Expiration date.* License shall expire on December 31 of each year.

(11) *Gambling prohibited; violations of state law.* No gambling, betting or wagering shall be permitted upon the premises, nor shall any licensee violate any state law in the maintenance and operation of the licensed premises. Provided, however, that this section shall not prevent the awarding of prizes for skill in marksmanship.

(12) *Location.* No shooting gallery shall be located nearer than 1,000 feet to the entrance of any school, church, or hospital, nor in any location which would constitute a nuisance under the Municipal Code, common law or any applicable law, statute or regulation, or in a location such that the noise from the shooting gallery would constitute such a nuisance or other violation under the Municipal Code.

(13) *Hours.* No shooting gallery shall be operated between the hours of 8:00 p.m. and 8:00 a.m. the following morning. Upon written request at least seven days in advance, the City Manager shall be authorized to make exceptions to these hours for special events.

(14) *Safety rules.* In the operation of any shooting gallery, the following safety rules shall at all times be observed:

(a) Backstops and bullet traps must be designed in accordance with acceptable standards to reduce back splatter and ricochets and must exceed the ability to stop and trap all types and calibers of ammunition to be used. Backstops and bullet traps shall extend the full width of the room and forward at an angle of 45° from the floor and shall be made rigid. It is highly recommended that a commercial manufacturer be used for the backstop. The counter shall be so constructed that there shall be no interference between or among the persons shooting at different targets.

(b) It is the range operator's responsibility to determine if a shooter is of appropriate age and has the physical and mental ability to safely utilize the range and provide their shooters with appropriate qualified supervision.

(c) All doors, gates and entrances leading into that, part of the premises between the firing point and the backstop shall be securely locked, and no one shall be permitted therein at any time persons are engaged in shooting or have access to the rifles used.

(d) All rifles, pistols and revolvers, including the sights thereon and ammunition, shall be at all times kept in first-class condition and inspected by qualified range personnel.

(e) No ammunition or firearms are to be used that exceed the design limits of the range walls, backstop, ceiling, or floor.

(f) The shooting galleries shall be properly and adequately ventilated at all times and comply with all applicable OSHA, NIOSH, and EPA standards.

(g) Attendants shall wear a uniform, brassard or other distinguishing mark to identify them as employees of the licensee.
(Ord. 1386, passed 3-12-2013; Ord. 1583, passed 9-11-2018)

received a receipt from the officer or the court, it will serve as a substitute for the license until the specified date for court appearance of the licensee or the license is otherwise returned to the licensee by the officer or court accepting the license for deposit.

§ 15-125 ADOPTION OF STATE TRAFFIC STATUTES.

By the authority granted under T.C.A. § 16-18-302, the city hereby adopts by reference as if fully set forth in this section the “Rules of the Road”, as codified in T.C.A. §§ 55-8-101 through 55-8-131 and T.C.A. §§ 55-8-133 through 55-8-180. Additionally, the city adopts T.C.A. §§ 55-3-102, 55-4-101 through 55-4-133, 55-4-135 through 55-4-137, 55-8-181 through 55-8-191, 55-8-193 through 55-8-201, 55-9-601 through 55-9-606, 55-12-139, 55-21-108, and 55-50-351 by reference as if fully set forth in this section.

(Ord. 1099, passed 8-22-2006; Ord. 1564, passed 3-27-2018; Ord. 1609, passed 11-12-2019)

REFERENCES TO TENNESSEE CODE ANNOTATED

<i>T.C.A. Section</i>	<i>Code Section</i>
Title 6, Chapter 54, part 10	12-1101
6-54-107	5-609
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6-54-501 through 6-54-506	7-101, 7-201, 12-101, 12-201, 12-301, 12-401, 12-501, 12-601, 12-701, 12-901, 12-1001
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6-54-1017	12-1103, 13-404, 14-902
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8-21-401	Title 3, Chapter 2
9-17-105	5-602
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12-9-101 et seq.	7-307
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<i>T.C.A. Section</i>	<i>Code Section</i>
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55-21-108	15-125
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Title 57, Chapter 6	5-301
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