CITY OF DICKSON MUNCIPAL CODE

Prepared by the City of Dickson staff and
Municipal Technical Advisory Service (MTAS)
In cooperation with the Tennessee Municipal League

Municipal Codes Updated
As of July 2026

CITY OF DICKSON

600 E. Walnut St.
Dickson, Tennessee 37055
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MAYOR

Don L. Weiss Jr., O.D.

VICE MAYOR

Robby Harmon

COUNCIL MEMBERS

Betty Lou Alsobrooks
Jon Bird Armstrong
Jason Epley
Dwight E. Haynes
Michael J. Outlaw
Horace Perkins III
Joey Turbeville

CITY ADMINISTRATOR

E. Rydell Wesson

RECORDER

Kimberly Givens

PREFACE

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

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

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

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

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

Section 2.07....(a) Any action of the Council having a regulatory or penal effect, awarding franchises, authorizing the borrowing of money, conveying or leasing or authorizing the conveyance or lease of any lands of the City, or required to be done by Ordinance under this Charter or the general laws of the state, shall be done only by Ordinance. All purchasing shall be done in accordance with State of Tennessee purchasing laws as they apply to municipalities.

Other actions of the Council may be accomplished by Resolutions or motions. Ordinances and Resolutions shall be in written form before introduced. The enacting clause of Ordinances shall be "**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DICKSON, TENNESSEE**…" No action of the Council shall be valid or binding unless approved by the affirmative vote of a majority of the Council members present. Any Ordinance which repeals or amends existing Ordinances shall set forth at length the sections or subsections repealed or as amended. Every Ordinance except an emergency Ordinance must be approved on two (2) readings, on two (2) separate days, and shall become effective immediately after final approval unless its terms provide a later effective date. Every Ordinance, except codes adopted by reference, shall be read in full on the first reading; the second reading may be title only except that any amended provisions shall be read in full. Each Resolution shall be read in full one (1) time and shall become effective when adopted unless its terms provide otherwise.

To meet a public emergency affecting life, health or property, as determined by a majority of the Council present, an emergency Ordinance may be adopted on one (1) reading and become effective immediately, by the affirmative votes of a majority of the members of the Council present, if the Ordinance contains a full statement of the facts creating the emergency; but any emergency Ordinance shall be effective for only ninety (90) days. Franchises, contracts, levy of taxes, or special privileges shall not be passed as emergency Ordinances.

The Council shall have the general and continuing Ordinances of the City assembled into an official code of the City, a copy of which shall be kept currently up-to-date and shall be available to the public. After adoption of the official code, Ordinances shall be adopted as additions to, deletions from, or amendments to the code.

Standard codes may be adopted by Ordinances which contain only references to titles, dates, issuing organizations, and such changes to the standard codes as the Council may deem desirable.

Procedures prescribed by general law shall be followed when adopting such standard codes. Copies of the official code and any standard code adopted by reference shall be available to the public at prices fixed by the Council.

The original copies of Ordinances, Resolutions, contracts, and other documents shall be filed and preserved by the City Recorder. The title and brief summary of each Ordinance shall be

published in a newspaper of general circulation in the City within ten (10) days after its final approval.

Section 2.03 The Mayor shall preside at all meetings of the Council, but shall have no vote except to break a tie. The Mayor shall examine all Ordinances and Resolutions passed by the Council for his approval or veto.

The Mayor shall have five (5) whole days, Saturdays and Sundays excluded, in which to approve or veto any Ordinance or Resolution, or part thereof. Should he approve said Ordinance or Resolution passed by said Council, he will sign it and it shall become the law of said City. Should he veto such Ordinance or Resolution, or part thereof, he shall give his reasons therefore, in writing and re-submit such to the next meeting of the Council. Should such Ordinance or Resolution be again passed by said Council with the affirmative vote of five (5) members, it shall become the law of said City and may be entered in the records with or without the signature of the Mayor.

TABLE OF CONTENTS

CONTENT	PAGE

INTRODUCTION

City Officials at Time of Codification	2
Preface	3
Ordinance Adoption Procedures Prescribed by the City Charter	4
Table of Contents	6

CHARTER

Charter Table of Contents	10
City of Dickson Charter	12

CODE OF ORDINANCE

Code – Adopting Ordinance	72

TITLE 1 – GENERAL ADMINISTRATION

CHAPTER		
1	City Council	75
2	Mayor	77
3	Recorder	78
4	Treasurer	79
5	Code of Ethics	80

TITLE 2 – BOARDS AND COMMISSIONS, ETC.

CHAPTER		
1	Dickson Parks and Recreation Advisory Board	84
2	Utilities Board	85
3	Tree Management and Beautification Board	86
4	Compensation for Boards and Commissions	88

TITLE 3 – MUNICIPAL COURT

CHAPTER		
1	City Judge	89
2	Court Administration	91

TITLE 4 – MUNICIPAL PERSONNEL

CHAPTER		
1	Vacation and Sick Leave	94
2	Personnel System	99
3	Occupational Safety and Health Program	116
4	Infectious Disease Control Policy	118

TITLE 5 – MUNICIPAL FINANCE AND TAXATION

CHAPTER		
1	Miscellaneous	127
2	Property Taxes	127
3	Privilege Tax Generally	129
4	Wholesale Beer Tax	130
5	Litigation Tax	131
6	Purchasing Procedures	132
7	Hotel / Motel Tax	133

TITLE 6 – LAW ENFORCEMENT

CHAPTER		
1	Police and Arrest	137

TITLE 7 – FIRE PROTECTION AND FIREWORKS

CHAPTER		
1	International Fire Code	139
2	Fire Department	141
3	Fire Service Outside City Limits (Rural Fire)	143
4	Fireworks	144

TITLE 8 – ALCOHOLIC BEVERAGES

CHAPTER		
1	Intoxicating Liquors	152
2	Beer	159

TITLE 9 – BUSINESS, PEDDLERS, SOLICITORS, ETC.

CHAPTER		
1	Miscellaneous	168
2	Peddlers, Etc.	169
3	Charitable Solicitors	175
4	Pool Rooms	177
5	Cable Television	178
6	Broadband Communications Systems	179
7	Mobile Food Services	207

TITLE 10 – ANIMAL CONTROL

CHAPTER		
1	In General	217
2	Dogs and Cats	219
3	Keeping of Domesticated Bees	221

TITLE 11 – MUNICIPAL OFFENSES

CHAPTER		

1	Miscellaneous	224
2	Alcohol	227
3	Offenses Against the Person	228
4	Offenses Against the Peace and Quiet	229
5	Interference with Public Operations and Personnel	232
6	Firearms, Weapons, and Missiles	233
7	Trespassing, Malicious Mischief and Interference with Traffic	234
8	Alcohol and Drugs on Parks and Recreation Property	235
9	School Safety Zones	237

TITLE 12 – BUILDING, UTILITY, ETC. CODES

CHAPTER		
1	Building Code	239
2	Residential Code	241
3	Plumbing Code	243
4	Existing Building Code	245
5	Energy Conservation Code	246
6	Excavation and Grading Code	247
7	Property Maintenance Code	248
8	Accessible Building and Facilities Code	249
9	International Fire Code	251
10	International Fire Gas Code & International Mechanical Code	252
11	National Electrical Code	253

TITLE 13 – PROPERTY MAINTENANCE REGULATIONS

CHAPTER		
1	Miscellaneous	255
2	Junkyards	258
3	Outdoor Burning	259
4	Slum Clearance	262
5	Litter	267
6	Maintenance of Private Drives, Roads, Streets, and Alleys	269

TITLE 14 – ZONING AND LAND USE CONTROL

CHAPTER		
1	Municipal Planning Commission	270
2	Zoning Ordinance	271
3	Trailer Coach Parks	272
4	Earthen Berms and Retaining Structures	275

TITLE 15 – MOTOR VEHICLES, TRAFFIC, AND PARKING

CHAPTER		
1	Miscellaneous	279
2	Emergency Vehicles	287
3	Speed Limits	289
4	Turning Movements	290
5	Stopping and Yielding	291
6	Parking	295
7	Enforcement	299

TITLE 16 – STREETS AND SIDEWALKS

CHAPTER		
1	Miscellaneous	301
2	Excavations and Cuts	304

TITLE 17 – REFUSE AND TRASH DISPOSAL

CHAPTER		
1	REFUSE	307

TITLE 18 – STORMWATER

CHAPTER		
1	Stormwater Management	310

TITLE 19 – ELECTRICITY AND GAS

CHAPTER		
1	Reserved For Future Use	335

TITLE 20 – MISCELLANOUS

CHAPTER		
1	Union Cemetery Committee	336
2	Fair Housing Regulations	338
3	Burglary and Robbery Alarms	344
4	Emergency Assistance policy	348
5	Uniform Numbering System	351
6	Tree Ordinance	352

CERTIFICATE OF AUTHENTICITY

Certificate of Authenticity	359

APPENDIX

A	Occupational Safety and Health Program	36

INDEX

Index		385

CHARTER OF THE TOWN OF DICKSON, TENNESSEE[1]

CHAPTER NO. 160
SENATE BILL NO. 3344
By J. Springer Substituted for
HOUSE BILL NO. 3361
By Jackson

AN ACT To amend Chapter 274 of the Private Acts of 1925; as rewritten by Chapter 33 of the Private Acts of 1973, and amended by Chapter 145 of the Private Acts of 1977, Chapter 302 of the Private Acts of 1980, Chapter 128 of the Private Acts of 1986, and any other acts amendatory thereto, relative to the Town of Dickson, Tennessee.

TABLE OF CONTENTS

ARTICLE	SECTION	PAGE
I. CHARTER DEFINITIONS, CITY LIMITS, AND CORPORATE POWERS		
1.01	Act Constitutes City Charter	12
1.02	Definitions	12
1.03	City Limits	13
1.04	Division Into Wards	15
1.05	Corporate Powers	17
II. CITY COUNCIL		
2.01	Election of Mayor and Councilmen	19
2.02	Meetings of the Council	21
2.03	Mayor as Presiding Officer	21
2.04	Vice Mayor	22
2.05	Vacancy in Office of Mayor or Councilman	22
2.06	Restrictions on Councilmen	22
2.07	City Legislation	23

[1]Priv. Acts 2000, Ch. 160, is the current basic charter act for the Town of Dickson, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2019 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.
Acts which did not expressly or in effect amend any particular section or part of the basic charter, but which supplemented it, have been placed after the basic charter act as "Related Acts."

Acts of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

III. ORGANIZATION AND PERSONNEL

3.01	Organization of City Government	24
3.02	Duties of the Mayor	24
3.03	City Administrator	25
3.04	City Recorder	25
3.05	City Court	26
3.06	Chief of Police	27
3.07	City Attorney	27
3.08	City Treasurer	28
3.09	Tax Collector	28
3.10	Personnel Rules	29
3.11	Oath of Office	29
3.12	Official Bonds	29
3.13	Dickson Industrial Trust	29

CHARTER OF THE CITY OF DICKSON, TENNESSEE

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The charter of the Town of Dickson, Tennessee, the same being Chapter 274 of the Private Acts of 1925, as rewritten by Chapter 33 of the Private Acts of 1973, and as amended by Chapter 145 of the Private Acts of 1-977, Chapter 302 of-the Private Acts of 1980; Chapter 128 of-the Private Acts of 1986, and all acts amendatory thereof, is hereby amended and revised with the same to continue as a body politic, and the following to constitute its charter:

ARTICLE 1
CHARTER DEFINITION, CITY LIMITS, AND CORPORATE POWERS

Section 1.01. **ACT CONSTITUTES CITY CHARTER**. The Town of Dickson Tennessee, shall continue as a body politic and corporate name by the name and style of the City of Dickson, Tennessee, and this Act shall constitute its complete Charter. The City of Dickson shall have perpetual succession, may sue and be sued, plead and be impleaded, in all of the courts of law and equity and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

Section 1.02. **DEFINITIONS**. As used in this Charter, the following words and terms shall have the following meanings:

a) "City" shall mean the City of Dickson.

b) "Council" and "City Council" shall mean the legislative body of the City and shall be composed of the Mayor and eight (8) Councilmen elected as provided in this Charter, and any incumbent Aldermen until the expiration of their current terms of office.

c) "Councilman" and "Member of the Council" shall mean a person elected to the office of Councilman as provided in this Charter and shall include the Mayor.

d) "Non-partisan" shall mean without any definition of candidates as members or candidates of any State or National political party or organization.

e) "Ward" shall mean any one of the four (4) subdivisions of the City of Dickson as hereinafter described in this Charter.

f) "At large" shall mean the entire City, as distinguished from representation by Wards or other districts.

g) "Code" shall mean any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared

or recommended by an agency of the federal or state government, or by a trade association or other organization generally recognized as an authority in its field of activity.

h) "Elector" shall mean a qualified voter residing within the City.

i) "Masculine" shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

Section 1.03. **CITY LIMITS**. The city limits set forth in this section have been extended or contracted by the following ordinances which are of record in the office of the City Recorder: 404, 405, 406, 407, 408, 418, 649, 666, 677, 720, 721, 722, 723, 750, 779--784, 794, 824, 848, 875,942, 957, 962, 965, and 988.1

The boundaries of the City shall be those fixed by Chapter 274 of the Private Acts of 1925 and all Acts amendatory thereof which are the present boundaries and described, as follows:

Beginning at a point in the center of the L & N Railroad track near the Northern most corner of the Town of Dickson's Vanleer Tract; thence with the center of the Railroad, South 47 degrees East 1,710 feet; thence, leaving the Railroad, North 70-1/2 degrees East, crossing Old State Highway No. 1 on 406 feet, in all 700 feet to a point in Hardy Few's S. B. L. and in the abandoned bed of the Old Yellow Creek Road; thence, South 47-1/2 degrees East 2,234 feet to a point in the old roadbed; thence, North 68 degrees East 1,208 feet to a point in a fence, said fence being the East boundary line of the Dickson Golf and Country Club and the West boundary line of the W.
C. Morrison property; thence, following said fence, North 4-1/2 degrees East and crossing Old Pond Road at 3,074 feet and in all 3,282 feet to a point in the Southerly right-of-way line of the Tennessee Valley Authority New Johnsonville-Dickson-Davidson 161 KV Transmission Line; thence, Easterly with said right-of-way North 88 degrees East 5,148 feet; North 78 degrees East" 744 feet, to a point in field; thence, leaving right-of-way and paralleling the Easterly right-of-way line of State Highway No. 48, South 5-1/2 degrees West 3,641 feet to a point in the Gray-Donaldson boundary; thence, south 20 degrees West 1,878 feet to a point in J.W. Adkins field; thence, South 87 degrees East, across Jones Creek Road on 1,571feet in all 4,064feet to a point 15 feet West of the Center of Jackson Road; thence, with the West margin of Jackson Road North 11 degrees East 414 feet; thence North 33 degrees East 234 feet; thence, North 42 3/4 degrees East 475 feet; thence, North 31-1/2 degrees East 114feet; thence, North 13 degrees East 112feet to a concrete marker, which is 15 feet West of the Center of Jackson Road; thence, crossing Jackson Road South 75-1/2 degrees East 657feet; thence, South 87 degrees East 175 feet; thence, North 89 degrees East 111feet, along Slayden Weaver's North property line to a point 276 feet from the center line of Hummingbird Lane; thence, parallel with the center line of Hummingbird Lane North 47 degrees East 669 -feet; thence, North 31 degrees· East 1,810 feet; thence, North 42 degrees East 389feet; thence, North 56 degrees East 1,398 feet to a point in a fence; thence, South 34 degrees East 276 feet to a point in the center line of Hummingbird Lane; thence, following 20 feet South

1Additional annexation ordinances not listed in Private Acts 2000, Chapter 160 are: 1018, 1084 (De-annexation), 1088, 1097, 1105, 1108, 1110 (De-annexation), 1141, 1142, 1153, 1156, 1168, 1189, 1197, 1207, 1209, 1219, 1227 (De-annexation), 1234, 1247, 1262, 1316, and 1329

of and parallel to the center line of a gravel road North 82-1/4 degrees East 839 feet; thence, North 71-1/2 degrees East 236 feet to a point 20 feet South of the center line of said gravel road; thence leaving said road North 35 degrees East 138 feet; thence, North 63-1/2 degrees East 309 feet to an iron pin at a gate; thence, following a fence North 81 degrees East 754 feet to a point in the center of Spicer Branch; thence, following Spicer Branch South 18-1/2 degrees West 415 feet; thence, South 22-1/2 degrees West 378 feet; thence, South 51-1/2 degrees East 126 feet; thence South 17-1/2 degrees East 208 feet; thence, South 45 degrees West 164 feet thence, south 14-1/2 degrees East 162 feet; thence, South 3-1/2 degrees East 272 feet to a point in the center of Spicer Branch; thence, leaving Spicer Branch North 84-1/2 degrees West 962 feet to a point near the Northeast corner of Parkway Acres Subdivision; thence, South 2-1/2 degrees West 2,202 feet to a point on the North right-of-way of U.S. Highway No. 70; thence, running with the North right-of-way of said Highway North 70-1/2 degrees East 250 feet to a point; thence, crossing said Highway South 20 degrees East 125 feet to a point in the center of the Colesburg Road and in the South right-of-way of U.S. Highway No. 70; thence, South 53 degrees West 894 feet to a point; thence, parallel to U.S. Highway No. 70 South 63-1/2 degrees West 2,441feet, to a point 350 feet South 27 degrees East from the center of said highway; thence, South 4 degrees West 2,457 feet to a point in W. A Bell's South boundary line; thence, North 86 degrees West 96 feet to a point in Bell's South boundary line, also, the Northeast corner of Clement Heights Subdivision; thence, running with the East boundary of said subdivision South 3 degrees West 1,888.34feet to a point on the Southside of a road and on the North right-of-way line of the L & N Railroad; thence, with said road North 85-1/4 degrees West 844feet to a point; thence, South 2 degrees West, crossing the railroad and crossing old State Highway No. 1 on 241 feet in all 612 feet to a point; thence, South 77 degrees West 3,580 feet to a stake at the West edge of Lewis Hollow Road; thence, North60-l/4 degrees West 2,375 feet to a point at across fence on Lee Mathis' property; thence, South 34 degrees East 870 feet to a fence corner, same being Wayne Stephen's (Stephen's Truck Line) back corner; thence, South 44 degrees East 2,463 feet to a point in a fence row in the West margin of Lewis Hollow Road said fence being Claude Martin's East property line; thence, more or less with said margin of road South 6 degrees East passing the center line of State Route No. 46 at 735 feet in all 881feet to a point in the South right-of-way line of State Route No. 46; thence, with said right-of-way line South 44 degrees East 246 feet to a marker in the Northwest margin of a road; thence, South 58 degrees West 325 feet to a point; thence, North 44 degrees West 2,841 feet to a point in J. W. Beasley's property line; thence, following said property South 46 degrees West 300 feet; thence, North 43 degrees West 750 feet; thence, North 46 degrees East 275 feet to a point in Beasley's property; thence, North 44 degrees West 51 feet to a point in a North and South cross fence on J. W. Beasley's property; thence, North 30-1/2 degrees West 1,199 feet to a point in the East margin of a street; thence, South 89 degrees West cross Cowan Road on 1,030 feet, in all 2,725 feet to a point in J. W. Beasley's East boundary line; thence, South 62 degrees West 1,209 feet to a point in J. W. Beasley's South boundary line; thence, North 89-1/4 degrees West 1,010 feet to a stake at the East edge of the Piney Road; thence, South 73 degrees West 190 feet to a point; thence, North 17-1/2 degrees West 728 feet to a point at the North edge of State Highway No. 48; thence, North 64 degrees East 876 feet to a point; thence,

North 36-1/2 degrees East 662 feet to a point; thence, North 5 degree East 294 feet to a point; thence, North 87 degrees West 649 feet to a point on the East side of the creek near Phillips' Southwest corner; thence, North 1-1/4 degrees West 848 feet to a point; thence, North 36 degrees West 1,805 feet to a point; thence, north 48- 3/4 degrees West 475 feet to a point; thence, South 44-1/2 degrees West 1,000 feet to a point on Frank Brannon's property; thence, South of and parallel to the center line of Furnace Hollow Road South 89 degrees West 1,929 feet to a point; thence, still parallel to said road North 89 degrees West 765 feet to a point in a field; thence, due North and crossing Furnace Hollow Road on 307 feet in all 1,573 feet to the Northwest corner of Eastbrook Subdivision; thence, North 80-1/4 degrees West 1,254 feet to a point in a field; thence, South 87 degrees West 2,715 feet to a point on the Elmer Bass property; thence, due North and crossing a road on 203 feet and in all, 1,553 feet to a point in the North right-of-way of U.S. Highway 70; thence, due West following the North right-of-way of U.S. Highway No. 70, 490 feet to a point in a fence; thence, following said fence North 1-1/2 degrees East 212 feet to a corner; thence following a fence North 48-1/2 degrees East 632 feet to a point; thence, leaving fence due North 758 feet to a point on the bank of a stock pond; thence, North 87 degrees East 3,250 feet to a point; thence, North 47 degrees East 1,847 feet to the point of the beginning.

Section 1.04. **DIVISION INTO WARDS**. The City of Dickson shall be divided into four (4) Wards, as follows:

WARD 1: All the properties within the Corporate Limits of the City of Dickson lying east and south of the following description: As shown on Exhibit "B," beginning in an existing city limits line at a point approximately 129 feet north of the intersection of Jones Creek Road at Brookside Drive, thence following the centerline of Jones Creek Road southward to a point intersecting the centerline of Pump Hill Road, thence following the centerline of Pump Hill Road approximately 3,682 feet to a point intersecting the center line of Hwy 70 By-Pass/Henslee Drive, thence from that point turning east and following the centerline of Hwy 70 By-Pass/Henslee Drive to the intersection with Hwy 46/Mathis Drive, thence turning south and following the centerline of Hwy 46/Mathis Drive approximately 2,875 feet to the CSX Railroad overpass, turning east and following the CSX Railroad approximately 9,175 feet to the convergence with the South Central Tennessee Rail line, thence from that point continuing east following the existing city limits line as shown on Exhibit "B", thence continue following the existing city limits line as shown on Exhibit "B" to the beginning point in this description.

WARD 2: All the properties within the Corporate Limits of the City of Dickson lying west and north of the following description: Beginning in an existing city limits line at a point approximately 129 feet north of the intersection of Jones Creek Road at Brookside Drive, thence following the existing city limits line as shown on Exhibit "B" to a point intersecting the centerline of the CSX Railroad, thence in a southeastward direction following the centerline of the CSX Railroad approximately 4,659 feet to the intersection of the Hwy 70 West overpass, thence continuing southeastward and following the centerline of CSX Railroad approximately 8,330 feet to the overpass at Hwy 46/Mathis Drive, thence at a point intersecting the centerline of Hwy 46/Mathis Drive turning north and following the centerline of Hwy 46/Mathis Drive approximately 2,875 feet to the intersection with Hwy 70 By-Pass/Henslee Drive, thence turning west and following the centerline of Hwy 70 By-Pass/Henslee Drive to the intersection

with Pump Hill Road, thence turning northward and following the centerline of Pump Hill Road approximately 3,682 feet to a point approximately 129 feet north of the intersection of Jones Creek Road at Brookside Drive shown on Exhibit "B" to the beginning point in this description.

WARD 3: All the properties within the Corporate Limits of the City of Dickson lying west and south of the following description: Beginning at a point of intersecting the centerline at Hwy 46/Mathis Drive at the CSX Railroad overpass, thence in a northwestward direction following the centerline of the CSX Railroad approximately 8,330 feet to a point of intersecting the centerline at the Hwy 70 West overpass, thence continuing northwestward along the centerline of the CSX Railroad approximately 6,280 feet to the existing city limits line as shown on Exhibit "B", thence following the existing city limits line as shown on Exhibit "B" to a point of intersecting the centerline of Cowan Road at the intersection with Bar B Q Road, thence continuing northward following the centerline of Cowan Road approximately 380 feet to a driveway entrance on the western side of Cowan Road, thence turning northwestward and following the driveway approximately 865 feet, thence turning north and following the driveway approximately 883 feet to the centerline of the dead end of Sawmill Road, thence continuing northward approximately 1,290 feet to a point of intersecting the centerline of Cowan Road, thence in a westward direction along the centerline of Cowan Road approximately 3,656 feet to a point of intersecting the centerline of East Walnut Street, thence in an eastward direction along the centerline of East Walnut Street approximately 1,484 feet to a point of intersecting the centerline of Hwy 46/Mathis Drive, thence in a northward direction following the centerline of Hwy 46/Mathis Drive shown on Exhibit "B" to the beginning point in this description.

WARD 4: All the properties within the Corporate Limits of the City of Dickson lying east and south of the following description: Beginning at a point in the centerline of Hwy 46/Mathis Drive at the CSX Railroad overpass, thence in an eastward direction following the centerline of the CSX Railroad approximately 9,175 feet to the convergence with the South Central Tennessee Rail line, thence from that point turning south and following the existing city limits line as identified on Exhibit "B," thence turning northward and following the existing city limits line as shown on Exhibit "B" to a point of intersecting the centerline of Cowan Road at the intersection with Bar B Q Road, thence continuing northward following the centerline of Cowan Road approximately 380 feet to a driveway entrance on the western side of Cowan Road, thence turning northwestward and following the driveway approximately 865 feet, thence in a northward direction following the driveway approximately 883 feet to the centerline of the dead end of Sawmill Road, thence continuing northward approximately 1,290 feet to a point of intersecting the centerline of Cowan Road, then in a westward direction along the centerline of Cowan Road approximately 3,656 feet to a point of intersecting the centerline of East Walnut Street, thence in a eastward direction along the centerline of East Walnut Street approximately 1,484 feet to a point of intersecting the centerline of Hwy 46/Mathis Drive, thence in a northward direction following the centerline of Hwy 46/Mathis Drive shown on Exhibit "B" to the beginning point in this description. (Ord. #1526, Oct. 2022)
The Council may change the boundaries of the Wards by Ordinance.1

[1]The current boundaries of the wards are defined in Ords. #1091 and #1338 which are of record in the office of the city recorder. Ward Boundaries Changed by Ord. #1526, Oct. 2022-Ward Map (Exhibit B) can be viewed at City Hall or on the City of Dickson's website - www.cityofdickson.com

Section 1.05. **CORPORATE POWERS**. The City shall have power:

a) To enact such Ordinances and by-laws as may be necessary to preserve the health, quiet, peace, morals and good order of the City.

b) To fix the compensation of all the officers and agents of said corporation not fixed herein, and to provide a pay plan and retirement program for employees.

c) To assess, levy and provide for the collection of taxes on all property subject to taxation for all general and special purposes; provided, that before any Council shall make the tax levy, it shall make and record in the Minutes a budget of proposed expenditures and expected revenues for the coming year. The tax levy shall be made annually by a resolution passed by the Council at the stated meeting in July or any adjournment thereof.

d) To appropriate money and provide for the debts and running expenses of the Corporation, to incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided.

e) To expend the money of the municipality for all lawful purposes, and to contract and be contracted with.

f) To license and tax the privileges taxable by the laws of the State, including the adoption of the Business Tax Act.

g) To establish Fire Districts in the City and to make suitable regulations for the preservation of life and property from fires and other casualties; to establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, heating and air conditioning installations and equipment, fixed mechanical equipment, plumbing, and housing, for the health, sanitation, cleanliness, safety and comfort of the inhabitants of the City, and to provide for the enforcement of such standards.

h) To pass all Ordinances necessary for the health, morality, peace, safety, convenience and good order in the City, including but not limited to the operation of motor vehicles, the carrying of concealed weapons for the purpose of going armed not in conflict with the general law, the storage, sale or use of fireworks, or dynamite, or other explosives or combustibles, to prevent dogs or other animals from running at-large · in the streets and alleys, to prevent the keeping of swine and other animals in the City, and to provide penalties for a violation of said Ordinances.

i) To condemn property, real or personal, or any easement, interest, or estate of use therein, either within or without the municipality, for present or future public use; the condemnation

shall be effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapter 16, or in any other manner provided by law, and appropriate money for the payment of property so taken according to law.

j) To maintain the streets and alleys and parks in the City; to prevent engines and trains from unnecessarily blocking the streets or alleys in the City.

k) To provide for the organization, operation and regulation of fire companies, departments, or divisions, volunteer or otherwise.

l) To acquire, construct, own, sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, and provide for the operation and maintaining of a water and sewer system and to do all things necessary to successfully operate same, including the exercising of the power of eminent domain, to maintain and operate an electric distribution system within and without the Corporate Limits and to delegate the authority to operate same to a Board of Utilities, as provided by Tennessee Code Annotated § 7-52-109. Further, the municipality may issue debt for these purposes under the Local Government Public Obligations Act, compiled in Tennessee Code Annotated, Title 9, Chapter 21

m) To purchase, lease or control cemeteries and land adjoining the same, to levy a tax for the up-keep or payment of the same and to make all necessary regulations in regard to its regulation and control.

n) To make special assessment for local improvements, and to fix liens to secure the payment thereof, and to provide a method for the collection of such assessments.

o) To license, tax and regulate any business, person, firm, corporation, company, association, animal, thing, vocation, pursuit, privilege or calling operating within the City so long as not in conflict with State law.

p) To define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the City of Dickson, and exercise general police powers.

q) To prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained.

r) To regulate the location, bulk, occupancy, area, lot, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe.

s) To plan for the orderly development of the community, including economic, physical, and cultural aspects, and to institute programs to effectuate such plans.

t) To provide that the violation of any Ordinances, Rule, Regulation or Order shall be punishable by a fine, penalty or forfeiture and by other actions or proceedings in any court of competent jurisdiction, and provide by Ordinance for court costs.

u) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general law or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the City and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein.

v) To issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders in the name of the City of Dickson, upon the credit of the City of Dickson or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the City of Dickson, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits.

w) To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state.

x) To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys; parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, water and sewers and drains within or without the corporate limits of the City of Dickson, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions of Tennessee Code Annotated, Sections 7-31-107--7-31-111and29-16-114, or any other manner provided by general laws.

y) To regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them.

No enumeration of particular powers in this Charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition of such powers unless expressly prohibited to cities by the Constitution or general laws of the State.

ARTICLE II CITY COUNCIL

Section 2.01. **ELECTION OF MAYOR AND COUNCILMEN**.
The officers of the City of Dickson to be elected by popular vote shall be a Mayor and two (2) Councilmen from each of the four (4) Wards.

a) Each elector in the City shall be entitled to vote for one (1) candidate for Mayor and for one (1) candidate for Councilman for the Ward in which the elector resides in subsequent biennial elections. Each candidate for City Council shall reside in the Ward from which the candidate seeks election.

b) Biennial elections shall be held on the second Thursday in September in each odd numbered year to elect one (1) Councilperson from each of four (4) Wards for four-year terms beginning with the election in 2023. Effective with the election in September, 1987, and all succeeding elections the term of office for the Mayor shall be four (4) years. No formality shall invalidate such an election, providing it is conducted fairly and in substantial conformity with the requirements of this Charter and the general election laws of the state. Any elector who shall have been a resident of the City of Dickson for twelve (12) months immediately preceding the election shall be eligible to become a candidate for Mayor or Councilperson. (Private Chapter 55 2022)

c) The present Mayor and Members of the Council of the City of Dickson shall hold their respective offices and do and perform all the duties imposed upon them under the Ordinances of said City as they now exist until expiration of the terms for which they were elected, and until their successors are elected and qualified. The present City Recorder shall hold office and do and perform all the duties imposed upon him, or her, by this Charter and by the Ordinances of said City as they now exist until expiration of the term for which the City Recorder was elected, and until the City Recorder's successor or successors have been elected and qualified.

d) The terms of office of the Mayor and Councilmen shall begin at 7:00 P.M. on the first Monday in October next after their election.

e)

Said election shall be opened and held by the County Election Commission of Dickson County after advertising same by publication in a newspaper of general circulation in the City of Dickson, as required by law for the election of county officers, giving the time, place and purpose of said election, assisted by such judges and clerks as the state law provides to be appointed by such Commissioners. Said election shall be governed by the same laws governing the elections in this State for state and county officers. Any person who is a qualified voter for members of the General Assembly under the laws of Tennessee in Dickson County and who shall have been a resident of said City for thirty (30) days immediately preceding the election, or in the case of annexation, a resident of said annexed territory for thirty (30) days immediately preceding the election, shall be entitled to vote in said election and have his vote counted as cast.

The County Election Commission holding said election shall at once make two certified copies of the result of said election, showing the names of all candidates voted for, the offices for which they were candidates, and the number of votes received by each.

One copy shall be delivered and deposited with the County Clerk of Dickson County and the other shall be delivered to the Mayor.

f) The salary of the Mayor is established as thirty (30%) percent of the Dickson County Mayor's salary plus any local supplements of the County Mayor as set by Tennessee Code Annotated, Section 8-24-102(b). The salary of each Member of the Council is established as seventeen and one half (17-1/2%) percent of the Dickson County Mayor's salary plus any local supplements of the County Mayor as set by Tennessee Code Annotated, Section 8-24-102(b). The Mayor and Council members shall also be reimbursed for actual and necessary expenses incurred in the conduct of their official duties and shall be permitted to participate in the Tennessee Consolidated Retirement System (TCRS) and any other retirement plan offered by the City of Dickson to its employees for which they are qualified; according to the provisions contained in Tennessee Code Annotated, Section 8-35-226. Provided, however, these raises shall not become effective until October 1, 2001. (Private Chapter 55 2022)

g) The Mayor and Council members before entering upon their duties, shall take an oath that they will honestly and faithfully discharge the duties of their office without partiality, favor or affection.

Section 2.02. **MEETINGS OF THE COUNCIL**.

a) The Mayor and eight (8) Councilmen elected under this Charter shall compose the City Council, in which is vested all corporate, legislative, and other powers of the City, except as otherwise provided in this Charter.
b) The Council shall meet regularly on the first Monday in each month at City of Dickson City Hall at a time to be set by the Council. In the event that any meeting date falls on a holiday, the Mayor shall reschedule the meeting at his/her discretion. The Council may meet in adjourned sessions, or special sessions, when called by the Mayor, or when requested in writing by four (4) members of the Council. (Private Chapter 55 2022)
c) A majority of the Council, excluding the Mayor, shall constitute a quorum. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the Minutes. The Council may adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Council may subpoena and examine witnesses and order the production of books and papers.

Section 2.03. **MAYOR AS PRESIDING OFFICER**.
The Mayor shall preside at all meetings of the Council, but shall have no vote except to break a tie. The Mayor shall examine all Ordinances and Resolutions passed by the Council for his approval or veto.

The Mayor shall have five (5) whole days, Saturdays and Sundays excepted, in which to approve or veto any Ordinance or Resolution, or part thereof. Should he approve said Ordinance or Resolution passed by said Council, he will sign it and it shall become the law of said City. Should he veto such Ordinance or Resolution, or part thereof, he shall give his reasons therefor, in writing and re-submit such to the next meeting of the Council. Should such Ordinance or Resolution be again passed by said Council with the affirmative vote of five (5)

members, it shall become the law of said City, and may be entered in the records with or without the signature of the Mayor.

Section 2.04. **VICE MAYOR**.
The Mayor, at the first regular meeting following each biennial election, shall nominate from the Council membership a Vice Mayor candidate to be elected by a majority of the Council members present to serve for a term of two (2) years. The Vice Mayor shall perform the duties of the Mayor during his absence or inability to act, and shall fill out any unexpired term in the office of Mayor, in which case a Member of the Council shall be selected by majority vote of the Council to serve the unexpired term as Vice Mayor. (Private Chapter 55 2022)

Section 2.05. **VACANCY IN OFFICE OF MAYOR OR COUNCILMAN**.
A vacancy shall exist if the Mayor or a Member of the Council resigns, dies, moves his residence from the City, or a Member of the Council moves from the Ward from which he was elected, is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter involving the performance of the duties of his office or the election laws of the State, a crime involving moral turpitude, fails to attend any meetings of the Council for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of (6) months so as to prevent him from discharging the duties of his office. The Council shall by Resolution declare a vacancy to exist for any of these reasons, which shall be subject to appeal to the Chancery or Circuit Court of Dickson County.

Any person convicted of malfeasance or misfeasance in office, a felony, or crime involving moral turpitude shall be prohibited from holding office with the City for a period of ten (10) years thereafter.

The remaining Members of the Council shall elect a qualified person to fill a vacancy in the office of Councilman for the remainder of the unexpired term. If the vacancy is not so filled within forty-five (45) days, the Mayor shall appoint a qualified person to fill the vacancy.

At no time shall there be more than two (2) members of the Council appointed to fill vacancies. If a vacancy occurs more than six (6) months prior to a regular municipal election and while two (2) appointed members are on the Council, a special election shall be held by the County Election Commission of Dickson County, at which election a Councilman shall be elected to serve the unexpired term of each vacant office.

Section 2.06. **RESTRICTIONS ON COUNCILMEN**.
The Council shall deal with the various agencies, officers and employees of the City, except boards or commissions authorized by this Charter or by Public Law, solely through the Mayor, or their designee, and shall not give orders to any subordinates of the Mayor either publicly or privately. The Council shall deal with officers and employees of boards and commissions solely through the Chairman of each such agency. Nothing herein contained shall prevent the Council from conducting such inquiries into the operation of the City government and the conduct of the City's affairs as it may deem necessary. The Council may organize itself into committees for the purpose of investigating problems and examining programs in order to inform the Council on desirable measures.

Section 2.07. **CITY LEGISLATION**.

a) Any action of the Council having a regulatory or penal effect, awarding franchises, authorizing the borrowing of money, conveying or leasing or authorizing the conveyance or lease of any lands of the City, or required to be done by Ordinance under this Charter or the general laws of the state, shall be done only by Ordinance. All purchasing shall be done in accordance with State of Tennessee purchasing laws as they apply to municipalities.

Other actions of the Council may be accomplished by Resolutions or motions. Ordinances and Resolutions shall be in written form before introduced. The enacting clause of Ordinances shall be "**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DICKSON, TENNESSEE**,…" No action of the Council shall be valid or binding unless approved by the affirmative vote of a majority of the Council members present. Any Ordinance which repeals or amends existing Ordinances shall set forth at length the sections or subsections repealed or as amended. Every Ordinance except an emergency Ordinance must be approved on two (2) readings, on two (2) separate days, and shall become effective immediately after final approval unless its terms provide a later effective date. Every Ordinance, including codes adopted by reference, shall be made available for inspection by the general public in person and/or by electronic means at least seventy-two (72) hours prior to the first reading; the second reading may be referenced by title only except that any amended provisions shall be made available for inspection by the general public in person and/or by electronic means at least seventy-two (72) hours prior to second reading. Each Resolution shall be made available for inspection by the general public in person and/or by electronic means at least seventy-two (72) hours prior to the vote and shall become effective when adopted unless its terms provide otherwise. (Private Chapter 55 2022)

To meet a public emergency affecting life, health or property, as determined by a majority of the Council present, an emergency Ordinance may be adopted on one (1) reading and become effective immediately, by the affirmative votes of a majority of the members of the Council present, if the Ordinance contains a full statement of the facts creating the emergency; but any emergency Ordinance shall be effective for only ninety (90) days. Franchises, contracts, levy of taxes, or special privileges shall not be passed as emergency Ordinances.

b) The Council shall have the general and continuing Ordinances of the City assembled into an official code of the City, a copy of which shall be kept currently up-to-date and shall be available to the public. After adoption of the official code, Ordinances shall be adopted as additions to, deletions from, or amendments to the code.

c) Standard codes may be adopted by Ordinances which contain only references to titles, dates, issuing organizations, and such changes to the standard codes as the Council may deem desirable. Procedures prescribed by general law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the Council.

d) The original copies of Ordinances, Resolutions, contracts, and other documents shall be filed and preserved by the City Recorder. The title and a brief summary of each Ordinance

shall be published in a newspaper of general circulation in the City within ten (10) days after its final approval.

ARTICLE III ORGANIZATION AND PERSONNEL

Section 3.01. **ORGANIZATION OF CITY GOVERNMENT**.
The City government shall be organized into such departments as the Council thinks for the best interest of the City.

Section 3.02. **DUTIES OF MAYOR**.
The Mayor shall be the chief executive officer of the municipality. The Mayor shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party. He shall communicate any information needed, and recommend measures the Mayor deems expedient to the Council.

The Mayor shall be the executive head of the City government, responsible for the efficient and orderly administration of the affairs of the City. He shall be responsible for the enforcement of laws, rules and regulations, Ordinances, and franchises of the City, and the City Attorney shall take such legal actions as the Mayor may direct for such purposes. The City Attorney may conduct inquiries and investigations into the affairs of the City and shall have such other powers and duties as the Council may from time-to-time grant and impose, by motion, Resolution, or Ordinance not inconsistent with this Charter.

In the event of any riot or disorder, or any threat thereof, which in the opinion of the Mayor cannot be controlled by the City's police forces, the Mayor may employ any additional police as may be required, but not for a longer period of time than one (1) week, unless, in the meantime, he has secured the approval of the Council for a longer period.

The Mayor shall make temporary appointments of any officer or department head, except that of Councilman, arising from the absence, sickness or disability of any such officer or department head, and shall report such appointment to the Council at its next regular meeting.

The Mayor, with approval of the Council, shall appoint department heads and other major officers of the City whose appointments are not otherwise provided for in this Charter and who would not be employees of boards or commissions.

The Mayor, with the approval of the Council, may appoint a Clerk to the City Judge with the power to issue warrants and accept bonds consistent with the general law.

All department heads of the City of Dickson are encouraged, but not required, to be residents of the City of Dickson and/or Dickson County. (Private Chapter 55 2022)

All department heads and other officers appointed by the Mayor, with the approval of the Council, shall hold office in accordance with such personnel rules and regulations as the Council may adopt. However, the provisions of this section shall not abridge the right of the

Council to re-organize the City government, to establish, abolish and combine positions, nor to transfer or re-assign functions.

The Mayor may call Special meetings of the Council upon adequate notice to the Council and adequate public notice. Such notice shall state the matters to be considered at the Special meeting and the action of the Council shall be limited to those matters submitted.

Section 3.03. **CITY ADMINISTRATOR**.
The City Administrator shall report and be responsible to the Mayor. The City Administrator shall have the following powers and duties:

a) To administer the business of the municipality;

b) To make recommendations to the Council for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;

c) To keep the Council fully advised as to the conditions and needs of the municipality.

d) To report to the Council the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;

e) To recommend to the Council and suggest the priority of programs or projects involving public work or public improvements that should be undertaken by the municipality.

f) To recommend specific personnel positions, as may be required for the needs and operations of the municipality, may propose personnel policies and procedures for approval by the Council, and will be responsible for the management of the personnel rules and regulations; and

g) To perform such other duties as may from time to time be designated or required by the Mayor or Council.

Section 3.04. **CITY RECORDER**.
The City Recorder shall have the following powers and duties:

a) To keep and preserve the City seal and all official records not required by law or Ordinance to be filed elsewhere.

b) To attend all meetings of the Council and to maintain a full and accurate account of the proceedings of all such meetings, the members of the Council present and absent, each motion considered, the title of each Resolution and Ordinance considered, and the vote of each Council Member on each question. This journal shall be open to the public at the Municipal Building in the office of the Recorder during the regular office hours of the City, subject to reasonable restrictions exercised by the City Recorder.

c) To prepare and certify copies of official records in his office. Fees for such services may be established by the Council, to be deposited into the City Treasury.

d) To perform such other duties required by this Charter or other law and as may be required by the Mayor or by the Council.

e) Nothing herein shall prevent the Recorder from being the Tax Collector if the City Council should see fit to combine these offices, or to hold any other administrative position as determined to be beneficial for the operation of the City by the Mayor. (Private Chapter 55 2022)

Section 3.05. **CITY COURT**.

a) A City Court is created to be administered and presided over by a City Judge. The City Judge may not concurrently hold any other office or employment with the City.

b) The City Court possesses jurisdiction in and over cases for violation of the laws and ordinances of the City and arising under the laws and ordinances of the City. The City Court also possesses jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute if, and only if, the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars ($50.00).

c) The appointment, qualifications, term and salary of the City Judge shall be as fixed by ordinance of the legislative body of the City. The City Judge shall comply with the continuing education requirements specified in Tennessee Code Annotated, Section 16-18-309.

d) The City Judge is authorized to administer oaths.

e) Contempt of the City Court shall be punishable by fine in the amount of fifty dollars ($50.00), or such lesser amount as may be imposed in the City Judge's discretion.

f) Any person dissatisfied with the judgment of a municipal court, in any case or cases heard and determined by the court acting pursuant to subsection (b), may, within ten (10) days thereafter, Sundays exclusive, appeal to the circuit court of the county, upon giving bond in the amount of two hundred fifty dollars ($250.00) for the person's appearance and the faithful prosecution of the appeal.

g) At all times there shall be a person elected, appointed or otherwise designated to serve as clerk of the City Court. The manner of the election, appointment or designation of the clerk of the City Court shall be as fixed by the legislative body of the City by ordinance. Immediately upon each such election, appointment or designation, the chief administrative officer of the City shall promptly certify the results of the election, appointment or designation to the administrative office of the courts and shall supply such additional

information concerning the clerk as required by the administrative director. The clerk of the City Court shall maintain an accurate and detailed record and summary report of all financial transactions and affairs of the court. The record and report shall accurately reflect all disposed cases, assessments, collections, suspensions, waivers and transmittals of litigation taxes, court costs, forfeitures, fines, fees and any other receipts and disbursements. An audit of the financial records and transactions of the City Court shall be made each year as part of any audit performed pursuant to Tennessee Code Annotated, Section 6-56-101 or 6-56-105.

h) If the City Judge is unable to preside over the City Court for any reason, then a special substitute City Judge shall be determined pursuant to an ordinance of the legislative body of the City. In the absence of such an ordinance, then the City Judge may designate in writing, to be filed with the clerk of the City Court, the name of a special substitute judge to hold court in the City Judge's place and stead. The special substitute judge must meet the qualifications of the City Judge and the special substitute judge shall take the same oath and have the same authority as the regular City Judge to hold court for the occasion. Such appointment of a special substitute judge is effective for no more than thirty (30) days, after which a new appointment is required. [as repealed by Priv. Acts. 2017, Ch. 16, § 1, and added by Priv. Acts 2019, Ch. 36, § 1]

Section 3.06. **CHIEF OF POLICE**.

The Chief of Police shall be the chief law enforcement officer of the City. He shall arrest all persons violating any of the criminal laws of the State of Tennessee or Ordinances of the City of Dickson, including violations in parking centers where such areas are open to the public, and take them before the City Judge or some authorized person by law for trial examination. He shall have all the powers, authority, duty and jurisdiction within the corporate limits of the City as to all processes in criminal cases that sheriffs have, and from time to time may have, and his criminal jurisdiction and authority shall extend for one (1) mile beyond the City limits. He shall have all such authority and do and perform such duties as the Council may by Ordinance grant and direct.

Any fees collected by the Chief of Police or any other police officer shall be paid into the City Treasury.

Before entering upon his duties, he shall give bond in such conditions and such penalties as the Council may prescribe and shall take an oath to faithfully perform the duties of his office. There shall be such additional policemen as the Council thinks necessary who shall work under and in keeping with the regulations and standards set by the Council.

Section 3.07. **CITY ATTORNEY**.

In addition to the powers granted by the Council as provided in Section 3.02, the City Attorney, or an Assistant City Attorney designated by the Mayor, shall be responsible for representing and defending the City in all litigation in which the City is a party; prosecuting cases in the City court when requested by the Mayor or Council; attending meetings of the Council;

advising the Council, Mayor and other officers and employees of the City concerning legal aspects of their duties and responsibilities; approving as to form legality all contracts, deeds, bonds, Ordinances, Resolutions, and other official documents; and performing such other duties as may be prescribed by the Council or Mayor.

Section 3.08. **CITY TREASURER**.
The City Treasurer shall be the financial agent of the City and the custodian of the funds. He/she shall before entering upon the duties of the office give bond in the penalty and on such conditions as the Council may prescribe, and shall have all authority to do and perform such acts as the Council may grant and direct, and shall take an oath to faithfully perform the duties of his/her office.

Section 3.09. **TAX COLLECTOR**.
The assessment for taxes shall be made by the County Assessor, and the Tax Collector shall be furnished a copy of this assessment of property within the corporate limits of said City of Dickson.

The taxes for each year shall be due on and after the first day of November. The City Tax Collector, in collecting said taxes, shall have all powers, rights and authorities belonging by law to the County Trustee in the collection of County Taxes. The Tax Collector shall make out a list of all delinquent taxes remaining on the books and deliver the same to the Chief of Police, or such other person as the Council may direct not later than the first of April following the year for which said taxes were levied. In order to enforce collection of taxes on property, privileges or occupation tax or assessments, the Council shall have power by Ordinance to fix penalties to be paid by the

delinquent taxpayer, in addition to the legal rate of interest for the nonpayment thereof when due. Such penalties shall not be greater than the maximum amount allowed by law, and shall become a part of the tax and be paid into the Treasury of the municipality as other taxes. Such penalties shall be in addition to interest on all delinquent taxes, and interest shall commence on such delinquent taxes at the date of the delinquency. The Tax Collector shall have power to issue distress and alias and pluris distress warrants in the name of the State of Tennessee on behalf of the City of Dickson, to enforce collections of all taxes, privileges, occupations and assessments. Such warrants may be executed by a deputy sheriff, a sheriff, or a constable of the county, and such officers shall have authority to make their return thereon, or make their collections thereunder and they shall receive such fees as are provided by the general laws of the State in such cases, and the fees shall be paid by the delinquent taxpayer. The lien for taxes on real estate shall remain a lien until the taxes, penalties, interest and costs are paid, whether a bill be filed to collect the same or not. The municipality shall have authority to collect unpaid taxes on realty after a return of nulla bona by a suit either at law or in equity. Any bill filed in equity may include as many as twenty-five (25) district pieces or tracts of land, the owner thereof being made defendant to the bill, and such cause shall not be subject to objection for misjoinder by reason of such distinct interests or because publication has been made for delinquency. The law governing necessary parties to be made to collect taxes shall be the same as in case of the collection of state and county taxes. Each person shall pay his proportionate part of the cost of any such tax bill. The form of the bills in the Chancery Court shall be in

substance that of bills for the purpose of foreclosing and enforcing liens and divesting title. No defendant shall be entitled to a copy of the bill without applying to the Clerk of the Court and paying for such copy. It shall not be necessary that all defendants' names be included in the copy of the subpoena to be left with any defendant, or in the publication for any particular non-resident defendant. The cause shall be at issue as to a defendant when his answer is filed or pro-confesso has been taken against him, and proceeding to a finality, a sale as to any one defendant shall not in any way affect any other defendant, unless he is interested in the same lot or tract. Any defendant, or party to the bill, shall have the right to appeal to the Court of Appeals or Supreme Court, as the case may be, as in other Chancery proceedings.

The Tax Collector shall collect such other taxes or privileges, business taxes, or other taxes, which by municipal Ordinance or State laws, the City is authorized to collect. The sole compensation of the Tax Collector shall be a salary fixed by the Council, and all fees penalties and interest related to the collection of taxes or privileges shall belong to the City and shall be paid into the City Treasury.

Section 3.10. **PERSONNEL RULES**.
The Council may by Ordinance adopt supplementary rules and regulations governing employment by the City, not inconsistent with the provisions of this Charter.

Section 3.11. **OATH OF OFFICE**.
Before a person takes any office in the City government, such person shall subscribe to the following oath, or affirmation, administered by the City-Recorder, or any person authorized to administer oaths: "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and the State of Tennessee; and that I will in all respects, support and defend the provisions of the Charter and Ordinances of the City of Dickson, and that I will faithfully discharge the duties of my office."

Section 3.12. **OFFICIAL BONDS**.
Every officer, agent and employee of the City having duties embracing the receipt, disbursement, custody or handling of money, and other officers and employees designated by the Council, shall give a fidelity bond or faithful performance bond, as determined by the Council, with some surety company authorized to do business in the State of Tennessee, in such an amount as shall be prescribed by the Council. The cost of such bonds shall be paid by the City. Such bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable.

Section 3.13. **DICKSON INDUSTRIAL TRUST**.
Chapter 60 of the Private Acts of 1967 relative to the members of the Dickson Industrial Trust and naming the Mayor of the City of Dickson, the President of the Bank of Dickson, the Chairman of the Finance Committee of the city of Dickson and the City Attorney of the City of Dickson, and their successors in office, as members of the Dickson Industrial Trust is hereby retained and made a part of this Charter.

SECTION 2. All previous provisions in the Charter of the Town of Dickson, prior to this enactment, which conflict with the provisions of this Act, are hereby repealed, and all other provisions are revised by this Act so that this will constitute a complete charter for the Town of Dickson

SECTION 3. All Resolutions and Ordinances heretofore enacted by the City of Dickson Council, as they now exist, not in conflict with this Charter, and not repealed or rescinded by them, shall be and remain in full force and effect until altered, modified or repealed by the Council.

SECTION 4. If any Article, Section, Sub-Section, paragraph, sentence or part of this Charter shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter. It is the legislative intent in enacting this Charter that each Article, Section, Sub-Section, paragraph, sentence or part be enacted separately and independently of each other.

SECTION 5. To be applicable as the Charter of the City of Dickson, Tennessee, this Act must be approved by two-thirds (2/3) of the governing body of the City of Dickson, now Town of Dickson, within not less than sixty (60) days, nor more than one hundred twenty (120) days after passage of this Act. The Mayor shall within ten (10) days thereafter certify to the Secretary of State the result of said vote.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 5.

PASSED: June 14, 2000

s/ John S. Wilder
JOHN S. WILDER SPEAKER OF THE SENATE

s/ Jimmy Naifeh
JIMMY NAIFEH SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED this day of 2000.

DON SUNDQUIST
GOVERNOR

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, the Governor had Senate Bill No. 3344 in his possession longer than ten (10) days, so therefore the bill becomes law without the Governor's signature.

RELATED ACTS

Priv. Acts 1989, Ch. 50, "Natural Gas System." C-21

Priv. Acts 1998, Ch. 178, "Water and Wastewater Authority of Greater Dickson."....C-36 Priv. Acts 2001, Ch. 59, "Privilege tax on occupancy of rooms, etc." C-55

PRIVATE ACTS 1989
CHAPTER NO. 501

HOUSE BILL NO. 1452
By Representative Jackson

AN ACT to amend Chapter 215 of the Private Acts of 1988, to create and establish an authority for and on behalf of the City of Dickson, Tennessee, and the Sam Houston Utility District of Houston, Stewart, and Dickson Counties, Tennessee, to be known as the "Greater Dickson Gas Authority"; to authorize said authority to exercise and possess certain powers, duties, obligations, and authority, including the planning, acquisition, constructing, improving, furnishing, equipping, financing, ownership, operation, and maintenance of a natural gas system, including facilities, properties, and services incident thereto; the sale and distribution of natural gas, including but not limited to propane gas; the authority to enter into contracts and agreements in connection therewith; to provide for the appointment, powers, and duties of the board of directors of said authority; to authorize and provide for the issuance of bonds, notes, and other evidences of indebtedness of said authority and the securing thereof; to authorize the State of Tennessee, its agencies, instrumentalities, and subsidiaries and other public bodies to take actions and enter into agreements with said authority and to levy taxes in connection therewith; to provide for the transfer of assets and liabilities to said authority by the City of Dickson, Tennessee and by the Sam Houston Utility District of Houston, Stewart, and Dickson Counties, Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Section 1. Sections 1 through 14 of Chapter 215 of the Private Acts of 1988 are amended by deleting said Sections in their entirety and by substituting instead the following:

Section 1. **Purpose and Creation of Authority**.
A governmental authority, to be known as the "Greater Dickson Gas Authority," is hereby created and constituted. The Authority shall be a public corporation in perpetuity under the corporate name of the Greater Dickson Gas Authority, and shall under that name be a political subdivision of the State and a body politic and corporate. The Authority is created for the purpose of planning, acquiring, constructing, improving, furnishing, equipping, financing, owning, operating, and maintaining gas systems for various types of gas, within or outside the Region and such other utility systems as any gas utility is authorized by the general laws of the· State of Tennessee to own or operate. [As replaced by Priv. Acts 2002, Ch. 148, § 1]

Section 2. **Definitions**.
Whenever used in this act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

1Ordinance #752, of record in the recorder's office, conveys the assets of the city gas department to the Greater Dickson Gas Authority.
Ordinance #759, also of record in the recorder's office, approves the "spin-off from the present City of Dickson Retirement Plan of a separate retirement plan covering only Greater Dickson Gas Authority employees."

(a) "Authority" means the Greater Dickson Gas Authority created by this Act.
(b) "Board" means the Board of Directors of the Authority.
(c) "Bonds" means bonds, interim certificates, notes, debentures, lease/purchase agreements, loan agreements and all other evidences of indebtedness either issued by or the payment of which has been assumed by the Authority.
(d) "Governing Body" means the chief legislative body of a municipality, as hereinafter defined.
(e) "Municipality" means any county, incorporated city or town, utility district, school district, power district, sanitary district, or other municipal, quasi-municipal, or governmental body or subdivision within or without this state, and any agency, authority, branch, bureau, commission, corporation, department or instrumentality of the foregoing now or hereafter authorized by law to be created.
(f) "Person" means any individual, firm, partnership, association, corporation, or any combination thereof.
(g) "Project" means all systems owned and/or operated by the Authority for the provision of any type of gas and related energy for heating, processing, lighting and any other purpose for which gas and its related projects can be used.
(h) "Region" means (1) the area within the corporate limits of the City of Dickson, Tennessee, as such boundaries now or hereafter exist; (2) the geographic boundaries of the Sam Houston Utility District of Houston, Stewart and Dickson Counties, Tennessee, as set out in Chapter 50 of the Private Acts of 1989; (3) all areas of Dickson, Stewart and Houston Counties and any additional-county contiguous to said counties not presently served by any other holder of a franchise as of the effective date of Chapter 50 of the Private Acts of 1989, upon consent by resolution of the governing body of said county; and (4) any other area outside of areas designated in (1), (2), and (3) within or without the state upon consent of the applicable governing body; provided, the Authority shall not exercise any of the powers granted in this Act wholly or partly within the legal boundaries of an incorporated city or town or a utility district incorporated pursuant to the Utility District Act of 1937, as amended, or any other municipality, except as allowed by law, without the consent of the governing body of such city, town, utility district, or other municipality.
(i) "Revenues" means all monies received by the Authority derived from the Project.
(j) "System" means any plant, works, system, facility, property, or parts thereof, together with all appurtenances thereto, used or useful in connection with the furnishing of any of the services, personal property and commodities authorized to be provided herein, including generation or production facilities, transmission facilities, storage facilities, distribution and collection facilities, and all real and personal property of every nature comprising part of or used or useful in connection with the foregoing, and all appurtenances, contracts, leases, franchises and other intangibles relating to the foregoing. [As amended by Priv. Acts 2002, Ch. 148, § 2]

Section 3. **Board of Directors**.

a) The Authority shall have a board of directors in which all powers of the Authority shall be vested.

b) Membership of the board of directors shall consist of five (5) directors to be as follows:

1) The Mayor of the City of Dickson or the designee of the Mayor who is named in a revocable written instrument executed by the Mayor;

2) An elected member of the City of Dickson governing body to be selected by a majority then present and voting of such governing body;

3) Two directors to be selected by a majority then present and voting of the City of Dickson governing body who reside within the geographic boundaries of the Sam Houston Utility District of Houston, Stewart, and Dickson Counties, Tennessee; and

4) One director to be selected by a majority then present and voting of the City of Dickson governing body who resides within the region.

c) Any director who ceases to regularly reside within the area that director was selected to represent, as set forth above, shall automatically become ineligible to serve in that office. The term of directors serving pursuant to subsections (b)(l) and (2) above shall be concurrent with their term of office or, if the member is a designee of the Mayor, concurrent with the term of the Mayor. The terms of the directors serving pursuant to subsection (b)(3) and (b)(4) shall be five years; provided, however, that the initial term of the directors appointed pursuant to (b)(3) shall be four years and five years, respectively, as designated by the governing body of the City of Dickson, and the initial term of the director appointed pursuant to (b)(4) shall be one year. At the expiration of any term of office of a director, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so appointed. Any vacancy of a director (whether at the expiration of a term or for the remainder of an unexpired term) selected pursuant to subsections (b)(3) and (b)(4) shall be filled by a majority vote of the governing body of the City of Dickson from a recommendation of one or more names which shall be submitted to the governing body by the remaining Board of Directors. In the event the governing body rejects the recommendations of the Board of Directors, this procedure shall be followed until such vacancy is filled. All appointments shall be made within 30 days following the effective date of this act and the terms of such directors shall commence on said date.

d) A majority of the Board of Directors shall constitute a quorum and the Board of Directors shall act by a vote of a majority present at any meeting attended by a quorum. Vacancies among the directors shall not affect their power and authority, so long as a quorum remains. Within 30 days after their selection, as herein provided, the Board of Directors shall hold a meeting to elect a chairman, a vice-chairman, and a secretary-treasurer and/or such other officers as shall from time to time be deemed advisable by the Board of Directors. The secretary-treasurer shall keep minutes of all regular and special meetings of the authority,

which shall be available for inspection by the public at the office of the authority at all reasonable times.

e) The Board of Directors shall hold meetings at such times and places as the board of directors may determine and all such meetings shall be open to the public. Special meetings may be called and held upon such notice and in such manner as the Board of Directors may, by resolution, determine. Except as otherwise expressly provided herein, the Board of Directors shall establish its own rules of procedure. Any action taken by the Board of Directors exercising its powers and authority under the provisions of this act may be exercised by vote or resolution at any regular or special meeting.

f) All directors shall serve without compensation but may receive a per diem allowance as the Board of Directors may determine by resolutions. Actual reasonable expenses incurred by directors while engaged in the business of the authority are subject to reimbursement by the authority. All directors shall be eligible for health insurance to the same extent as the employees of the authority.

g) Any director may be removed from office for cause upon a vote of three (3) members of the Board.

h) The Board shall appoint a chief executive officer of the Authority and who shall be qualified by training and experience for the general management of and operation of the business and affairs of the Authority. The salary and title of the chief executive officer shall be fixed by the Board. The chief executive officer shall serve at the pleasure of the Board and shall have such authority, duties and responsibilities, as the Board of Directors shall deem necessary for the business of the Authority. [As amended by Priv. Acts 2002, Ch. 148, § 3]

Section 4. **Powers of the Authority**.
The authority shall have the following powers in addition to those specified in other sections of this act, together with powers incidental thereto or necessary for the performance of those hereinafter stated:

1) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

2) To have a seal and to alter the same at pleasure, provided, however, that the absence thereof shall have no effect on the validity of any document, instrument, or other writing;

3) To plan, establish, acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain, or otherwise, and to construct, equip, furnish, improve, repair, extend, maintain, and operate the project, including all real and personal property, facilities, and appurtenances which the Board of Directors of the authority may deem necessary in connection therewith and regardless of whether or not such project shall then be in existence;

4) To acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain, or otherwise, any and all types of property, franchises, assets, and liabilities, whether real, personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances and to hold, sell, lease, exchange, donate, or convey its properties, facilities, or services, but only for the purpose of continuing operation of the project by the authority, whenever the board of directors of the authority shall find such action to be in furtherance of the purposes for which the authority is hereby created; provided, however that revenues of the project of the authority shall be accounted for in such manner as not to impair the obligations of contract with reference to bond issues or other legal obligations of the transferor and shall fully protect and preserve the contract rights vested in the owners of outstanding bonds, obligations, or contractual interests, and further, provided that any income from the sale of such properties, facilities, and services shall be dedicated to the continued operation of the project by the authority;

5) To sell, transfer, distribute, or otherwise dispose of natural gas, including propane gas, from the operation of the project or any facility or service of the authority to any municipality, the State of Tennessee, the United States of America or any agency thereof, the Tennessee Valley Authority or any person, whether public or private, and to enter into contracts, agreements, or other arrangements in connection therewith;

6) To make and enter into all contracts, trust instruments, agreements, and other instruments with any municipality, the State of Tennessee, the United States government or any agency thereof, the Tennessee Valley Authority, or any person, including, without limitation, bonds and other forms of indebtedness and contracts for the management and operation of any project, any facility or any system and the services provided in connection therewith;

7) To incur debts, to borrow money, to issue bonds, and to provide for the rights of the holders thereof;

8) To apply for, accept, and pledge donations, contributions, loans, guarantees, financial assistance, capital grants, or gifts from any municipality, the State of Tennessee, the United States government or any agency thereof, the Tennessee Valley Authority, or any person, whether public or private, for or in aid of the purposes of the authority and to enter into agreements in connection therewith;

9) To pledge all or any part of the revenues, receipts, donations, contributions, loans, guarantees, financial assistance, capital grants, or gifts of the authority, to mortgage and pledge its project or any part or parts thereof, whether then owned or thereafter acquired, and to assign and pledge all or any part of its interest in and rights under contracts and other instruments relating thereto as security for the payments of the principal of and interest on bonds issued by the authority;

10) To have control of its project, facilities, and services with the right and duty to establish and charge rates, fees, rentals, tolls, and other charges for the use of the facilities and services of the authority or the sale of materials or commodities by the authority and to

collect revenues and receipts therefrom, not inconsistent with the rights of holders of its bonds;

11) To enter into any lands, waters, and premises for the purpose of making surveys, soundings, and examinations in and for the furtherance of the purposes authorized by this part;

12) To use any right-of-way, easement, or other similar property right necessary or convenient in connection with a project, held by the state or any political subdivision thereof, provided that the governing body of such political subdivision shall consent to such use;

13) To employ and pay compensation to such agents, including attorneys, accountants, engineers, architects, and financial advisors, as the Board of Directors shall deem necessary for the business of the authority;

14) To employ and pay compensation to such employees, who shall have such authority, duties, and responsibilities, as the Board of Directors shall deem necessary;

15) To exercise all powers expressly given to it and to establish and make rules and regulations not inconsistent with the provisions of this part, deemed expedient for the management of the authority's affairs;

16) To procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any act of any member, officer, or employee of the authority in the performance of the duties of his office or employment or any other insurable risk, including the payments of its bonds or notes, as the Board of Directors in its discretion may deem necessary;

17) To plan, acquire, construct, improve, and operate one or more systems as part of its project and to enter into an agreement with any municipality or person to operate any system owned by such municipality or person upon such terms and conditions as shall be agreed upon by the Board;

18) To make and execute any and all contracts and instruments necessary or convenient for the full exercise of the powers herein granted, and in connection therewith to stipulate and agree to such covenants, terms and conditions and such term or duration as shall be appropriate, including, but without limitation, contracts for the purchase or sale of any of the commodities, personal property or services authorized herein to be provided by the Authority, and carry out and perform the covenants, terms and conditions of all such contracts and instruments. In connection with any contract to acquire or sell any of the commodities or services authorized herein, the Authority may enter into commodity price exchange or swap _agreements, agreements establishing price floors or ceilings, or both, or other price hedging contracts with any person or entity under such terms and conditions as the Authority may determine, including, without limitation, provisions permitting the Authority to indemnify or otherwise pay any person or entity for any loss of benefits under such agreement upon early termination thereof or default thereunder. When entering into any such contract or arrangement or any such swap, exchange or hedging agreement

evidencing a transaction bearing a reasonable relationship to this State and also to another state or nation, the Authority may agree in the w1·itten contract or agreement that the rights and remedies of the parties thereto shall be governed by the laws of this State or the laws of such other state or nation; provided, that jurisdiction over the Authority shall lie solely in the courts of Dickson County, Tennessee;

19) To sell, exchange or interchange any of the commodities or services authorized to be provided herein either within or outside the State and to establish prices to be paid for such commodities or services and establish pricing structures with respect thereto, including provision for price rebates, discounts, and dividends; and, in connection with any such sales, exchanges or interchanges, to act as agent for such consumers, to secure contracts and arrangements with other entities or persons, to make contracts for the sale, exchange, interchange, pooling, transmission, distribution, or storage of any of the commodities or services authorized to be provided herein, inside or outside this State, and to transmit, transport and distribute any such commodities or services both for itself and on behalf of others;

20) To enter into joint ventures and cooperative arrangements with one or more persons, including the formation of a partnership, limited liability company or not-for-profit corporation to accomplish any of the purposes set forth herein or to exercise any of the powers set forth herein;

21) To contribute its funds for the financial aid of any nonprofit charitable organization or nonprofit civic organization, as such terms are defined in Section 6-54-111; [As amended by Priv. Acts 2002, Ch. 148, §§ 4, 5, 6, and 7] Section 5. Condemnation and eminent domain.

22) The Authority is hereby authorized and empowered to condemn in its own name any land, rights in land, easements, and/or rights-of-way situated within the region which, in the judgment of the board of directors, are necessary for carrying out the purposes for which the Authority is created. If such property or interest in such property is owned or held for public use by persons, municipalities or counties having the power of eminent domain, such prior public use will not be interfered with by the use to which such property will be put by the authority and the exercise of such eminent domain power in such case must be approved by a majority of those present and voting of the governing body of the persons, municipality, or county within whose jurisdictions said power is exercised. The power of condemnation and eminent domain may be exercised in the manner prescribed by Chapter 16 of Title 29, Part 4 of Chapter 17 of Title 29, Part 7 of Chapter 17 of Title 29, and/or Part 8 of Chapter 17 of Title 29 of Tennessee Code Annotated, or in the manner prescribed by any other statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain by any municipality or county in the State of Tennessee. [As replaced by Priv. Acts 1998, Ch. 176, § 1]

Section 6. **Rates Sufficient to Pay Costs and Retire Bonds**.
The Board of Directors shall prescribe and collect reasonable rates, fees, tolls, or charges for the services, facilities, and commodities of the project, shall prescribe penalties for the

nonpayment thereof, and shall revise such rates, fees, tolls, or charges from time to time whenever necessary to insure that the project shall be and always remain self-supporting. The rates, fees, tolls, or charges prescribed shall be such as will always produce revenue at least sufficient:

1) To provide for all expenses of operation and maintenance of the project, including reserves therefore; and

2) To pay when due all bonds and interest thereon for the payment of which such revenues are or shall have been pledged, charged, or otherwise encumbered, including reserves therefore.

Section 7. **Bonds of the authority**.

a) The authority created pursuant to this act shall have the power to issue bonds from time to time to finance the project. All bonds issued shall be payable solely out of the revenues and receipts derived from the project as maybe designated in the proceedings under which· the bonds shall be authorized to be issued. Such bonds may be issued in one or more series, may be executed and delivered at any time and from time to time, may be in such form and denomination and of such terms and maturities, may be subject to redemption prior to maturity either with or without premium, may be in fully registered form of in bearer form register able either as to principal or interest or both, may bear such conversion privileges and be payable in such installments and at such time or times not exceeding 40 years from the date thereof, may be payable at such place or places whether within or without the State of Tennessee, may bear interest at a zero (0) rate or at such rate or rates which may vary from time t6 time payable at such time or times and at such place or places and evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings hereunder the bonds shall be authorized to be issued.

b) Bonds may be sold at public or private sale for such price and in such manner and from time to time as may be determined by the board of directors to be most advantageous, and the authority may pay any and all expenses, premiums, and commissions which its board of directors may deem necessary or advantageous in connection with the issuance thereof.

c) All bonds and the interest applicable thereto are hereby made and shall be construed to be negotiable instruments.

d) Interim certificates or notes or other temporary obligations pending the issuance of revenue bonds shall be payable out of proceeds of bonds or other funds of the authority available for such purpose.

e) Proceeds of bonds may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping·, furnishing, bettering, or extending the project, including the payment of interest on the bonds during construction of the project and for two years after the estimated date of completion, the payment of engineering, fiscal, architectural, bond insurance, and legal expenses incurred in connection with such project and the issuance of bonds, and the establishment of a reasonable reserve fund for the payment of principal of

and interest on such bonds in the event of a deficiency in the revenues and receipts available for such payment.

f) The Authority shall have the power and is hereby authorized to issue notes in anticipation of the collection of revenues from all or any portion of the project for whose benefit the financing is undertaken for the purpose of financing gas purchases, including storage costs and pipeline capacity costs. Any such notes shall be secured solely by a pledge of and lien on the revenues of the system constituting the portion of the project for whose benefit the financing is undertaken. The principal amount of notes which may be issued during any twelve-month period shall not exceed sixty percent (60%) of total gas purchases for the same period, and all notes issued during such period shall be retired and paid in full on or before the end of such period. The notes shall be sold in such manner, at such price and upon such terms and conditions as may be determined by the Board. No notes shall be issued under this subsection unless the system, constituting the portion of the project as applicable, has positive retained earnings as shown in the most recent audited financial statements of such system, and such system has produced positive net income in at least one (1) fiscal year out of the three (3) fiscal years next preceding the issuance of the notes as shown on the audited financial statements of such system. No notes issued under this subsection shall be issued without first being approved by the state director of local finance. If revenues of such system are insufficient to pay all such notes at maturity, any unpaid notes may be renewed one (1) time for a period not to exceed one (1) year or otherwise liquidated as approved by the comptroller of the treasury or the director of the division of local finance.

g) Bonds issued hereunder as a part of an issue the last maturity of which is not later than five (5) years following the date of issuance of said Bonds shall be issued as and shall be referred to as notes.

h)

1) The Authority, by resolution of the Board, may authorize and enter into interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings or both, and other interest rate hedging agreements under such terms and conditions as the Board may determine, including, without limitation, provisions permitting the Authority to pay to or receive from any person or entity any loss of benefits under such agreement upon early termination thereof or default under such agreement with respect to all or any portion of any issue of bonds and refunding bonds issued pursuant to this Act, at any time during the term of the bonds or refunding bonds, and upon receipt of a report of the comptroller of the treasury or the comptroller's designee finding that the contracts and agreements authorized in this subsection are in compliance with the guidelines, rules or regulations adopted or promulgated by the state funding board, as set forth in Section 7-34-109(h).

2) The Authority may enter into an agreement to sell bonds (other than its refunding bonds) under this chapter providing for delivery of its bonds on a date greater than ninety (90) days and not greater than five (5) years (or such greater period of time if approved by the comptroller of the treasury or the comptroller's designee), from the date of execution of such agreement or to sell its refunding bonds providing for delivery thereof on a date

greater than ninety (90) days from the date of execution of the agreement and not greater than the first optional redemption date on which the bonds being refunded can be optionally redeemed resulting in cost savings or at par, whichever is earlier, only upon receipt of a report of the comptroller of the treasury or the comptroller's designee finding that the agreement or contract of the Authority to sell its bonds as authorized in this subsection is in compliance with the guidelines, rules or regulations adopted or promulgated by the state funding board in accordance with the provisions of Section 7-34-109(h). Agreements to sell bonds and refunding bonds for delivery ninety (90) days or less from the date of execution of the agreement do not require a report of the comptroller of the treasury or the comptroller's designee.

3) Prior to the adoption by the Board of a resolution authorizing a contract or agreement described in subsection (h) (1) or (2), a request shall be submitted to the comptroller of the treasury or the comptroller's designee for a report finding that such contract or agreement is in compliance with the guidelines, rules or regulations of the state funding board. In accordance with such guidelines, rules or regulations of the state funding board, within fifteen (15) days of receipt of the request, the comptroller of the treasury or the comptroller's designee shall determine whether the contract or agreement substantially complies with the guidelines, rules or regulations and shall report thereon to the Authority. If the report of the comptroller of the treasury or the comptroller's designee finds that the contract or agreement complies with the guidelines, rules or regulations of the state funding board or if the comptroller of the treasury shall fail to report within the fifteen-day period, then the Authority may take such action with respect to the proposed contract or agreement as it deems advisable in accordance with the provisions of this subsection and the guidelines, rules or regulations of the state funding board. If the report of the comptroller of the treasury or the comptroller's designee, if issued within fifteen (15) days of receipt of the request, finds that such contract or agreement is not in compliance with the guidelines, rules or regulations, then the Authority is not authorized to enter into such contract or agreement. The guidelines, rules or regulations shall provide for an appeal process to a determination of noncompliance.

4) When entering into any contracts or agreements facilitating the issuance and sale of bonds or refunding bonds, including contracts or agreements providing for liquidity and credit enhancement and reimbursement agreements relating thereto, interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings or both, other interest rate hedging agreements, and agreements with the purchaser of the bonds evidencing a transaction bearing a reasonable relationship to this State and also to another state or nation, the Authority may agree in the written contract or agreement that the rights and remedies of the parties thereto shall be governed by the laws of this State or the laws of such other state or nation; provided, that jurisdiction over the Authority shall lie solely in the courts of Dickson County, Tennessee.
    (i) Prior to the adoption or promulgation by the state funding board of guidelines, rules or regulations with respect to the contracts and agreements authorized in subsections (h) (1) and (2), the Authority may enter into such contracts or agreements to the extent otherwise authorized by the general laws of the State. [As amended by Priv. Acts 2002, Ch. 148, §§ 8 and 9]

Section 8. **Refunding bonds of the authority**.

Any bonds or notes at any time outstanding may at any time and from time to time be funded by the issuance of refunding bonds in such amount as the board of directors may deem necessary, but not exceeding the sum of the following: (a) the principal amount of the obligations being refinanced, (b) applicable redemption premiums thereon, (c) unpaid interest on such obligations to the date of delivery or exchange of the refunding bonds, (d) in the event the proceeds from the sale of the refunding bonds are to be deposited in trust as hereinafter provided, interest to accrue on such obligations from the date of delivery to the first or any subsequent available redemption date or dates elected, in its discretion, by the board of directors, or to the date or dates of maturity, whichever shall be determined by the board of directors to be the most advantageous or necessary to the authority, (e) a reasonable reserve for the payment of principal of and interest on such bonds and/or a renewal and replacement reserve, (f) if the project to be constructed from the proceeds of the obligations being refinanced has not been completed, an amount sufficient to meet the interest charges on the refunding bonds during the construction of such project and for two years after the estimated date of completion (but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced), and expenses, premiums, and commissions of the authority, including bond discount deemed by the board of directors to be necessary for the issuance of the refunding bonds. A determination by the board of directors that any refinancing is advantageous or necessary to the authority or that any of the amounts provided in the preceding sentence shall be included in such refinancing, or that any of the obligations to be refinanced shall be called for redemption on the first or any subsequent available redemption date or permitted to remain outstanding until their respective dates of maturity, shall be conclusive.

Any such refunding may be effected whether the obligations to be refunded shall have then matured or shall thereafter mature, either by the exchange of the refunding bonds for the obligations to be refunded thereby with the consent of the holders of the obligations so to be refunded, or by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations refunded thereby, and regardless of whether or not the obligations to be refunded were issued in connection with the same projects or separate projects, and regardless of whether or not the obligations proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

Unless the obligations to be refunded are to be retired at the time of delivery of the refunding bonds, prior to the issuance of the refunding bonds, notice of intention to issue such bonds, identifying the obligations proposed to be refunded and setting forth the estimated date of delivery of the refunding bonds, shall be given to the holders of the outstanding obligations by publication of an appropriate notice one time in a newspaper having general circulation in the geographic area of the region.

The principal proceeds from the sale of any refunding bonds shall be applied only as follows: either,

a) To the immediate payment and retirement of the obligations being refunded; or,
b) To the extent not required for immediate payment of the obligations being refunded, such proceeds shall be deposited in trust to provide for the payment and retirement of the

obligations being refunded and to pay any expenses incurred in connection with such refunding, but provision may be made for the pledging and disposition of any surplus, including, without limitation, provisions for the pledging of any such surplus to the payment of the principal of and interest on any issue or series of refunding bonds. Money in any such trust fund may be invested in direct obligations of, or obligations the principal of and interest on which are guaranteed by the United States government, or obligations of any agency or instrumentality of the United States government, or in certificates of deposit issued by a bank or trust company located in the State of Tennessee if such certificate shall be secured by a pledge of any of said obligations having an aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificate so secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded, but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption. [As amended by Priv. Acts 2002, Ch. 148, § 10]

Section 9. **Security for Payments of Bonds**.

a) The principal of and interest on any bonds may be secured by a pledge of such revenues and receipts of all or portion of the project. The proceedings under which the bonds are authorized to be issued may contain any agreements and provisions respecting the maintenance of all or portion of the project or other facilities covered thereby, the fixing and collection of rents, fees, or payments with respect to any project or facilities or portions thereof covered by such proceedings, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, and the rights and remedies available in the event of default, all as the board of directors shall deem advisable and not in conflict with the provisions of this act. To the extent provided in the proceedings authorizing any bonds, each pledge and agreement made for the benefit or security of any of the bonds shall continue in effect until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid or adequate provision for the payment thereof shall have been made by the authority. In the event of default in such payment or in any agreements of the authority made as a part of the proceedings under which the bonds were issued, such payment or agreement may be enforced by suit, mandamus, or the appointment of a receiver in equity, or the proceedings under which the bonds are issued.

b) In addition to all other rights and all other remedies, any holders of bonds of the Authority, including a trustee for bondholders, shall have the right:

1) By mandamus or other suit, action or proceeding at law or in equity, to enforce his rights against the Authority and the Board of the Authority, including the right to require the Authority and such board to fix and collect rates and charges adequate to carry out any agreement as to, or pledge of, the revenues produced by such rates or charges, .and to require the Authority and such Board to carry out any other covenants and agreements with such bondholders and to perform its and their duties under this Act.

2) By action or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of such holder or holders of bonds.

3) By suit, action or proceeding in the Chancery Court of Dickson County to obtain an appointment of a receiver of any system or systems of the Authority or any part or parts thereof. If such receiver be appointed, such receiver may enter and take possession of such system or systems or part or parts thereof and operate and maintain same, and collect and receive all fees, rents, tolls or other charges thereafter arising therefrom in the same manner as the Authority itself might do and shall dispose of such money in a separate account or accounts and apply the same in accordance with the obligations of the Authority as the court shall direct.

4) By suit, action or proceeding in the Chancery Court of Dickson County to require the Board of Authority to account as if it were the trustee of an express trust.

c) Any pledge of, or lien on, revenues, fees, rents, tolls or other charges received or receivable by the Authority to secure the payment of any bonds of the Authority, and the interest thereon, shall be valid and binding from the time that the pledge or lien is created or granted and shall inure to the benefit of the owner or owners of any such bonds until the payment in full of the principal thereof and premium and interest thereon. The priority of any pledge or lien with respect to competing pledges or liens shall be determined by the date such pledge or lien is created or granted. Neither the resolution nor any other instrument granting, creating, or giving notice of the pledge or lien need be filed or recorded to preserve or protect the validity or priority of such pledge or lien. [As amended by Priv. Acts 2002, Ch. 148, §§ 11 and 12]

Section 10. **Exemption from taxation and state regulation**.

a) The Authority and all properties at any time owned by it and the income and revenues therefrom shall be exempt from all taxation in the State of Tennessee; provided, however, that the authority shall be subject to the provisions of Title 7, Chapter 39, Part 4 of this code. All bonds issued by the authority and the income therefrom shall be exempt from all state, county, and municipal taxation, except inheritance, transfer, and estate taxes. Also, for purposes of Title 48, Chapter 2, Tennessee Code Annotated, and any amendments thereto or substitution therefor, bonds issued by the authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the State of Tennessee.

b) Neither the Public Service Commission nor any other board or commission of like character hereafter created shall have jurisdiction over the authority in the management and control of the project, including the regulation of its rates, fees, tolls, or charges, except to the extent provided by this act. [As amended by Priv. Acts 2002, Ch. 148, §§ 13 and 14]

Section 11. **Liability and Indebtedness of Political Subdivisions**.

a) Neither the City of Dickson, Tennessee, the Sam Houston Utility District of Houston, Stewart and Dickson Counties, Tennessee, the State of Tennessee, nor any municipality other than the authority shall, in any event be liable for the payment of the principal of or interest on any bonds of the authority or for the performance of any pledge, obligation, or agreement of any kind whatsoever which may be undertaken by the authority and none of the bonds of the authority or any of its agreements or obligations shall be construed to

constitute an indebtedness of the state, county, cities, or any municipality within the meaning of any constitutional or statutory provision whatsoever.

b) Bonds of the authority shall not constitute a debt or a pledge of the faith and credit of the state or any municipality, except as may be authorized by the governing body of the City of Dickson, and the holders or owners of such bonds shall have no right to have taxes levied by the General Assembly or any municipality or any other taxing authority within the state for the payment of the principal of, premium, if any, and interest on, such bonds but shall be payable solely from the revenues and moneys pledged for their payment.

c) As specified herein above, all such bonds shall contain on the face thereof a statement to the effect that the bonds are not a debt of the state or any municipality or any other taxing authority within the state, but are payable solely from revenues and moneys pledged to the payment thereof. [As amended by Priv. Acts 2002, Ch. 148, § 15]

Section 12. **Disposition of Funds**.
No part of the net earnings of the authority remaining after payment of its expenses shall inure to the benefit of any person except that, at such times as no bonds of the authority are outstanding and unpaid and adequate provisions have been made for the full payment of all liabilities, obligations, and contracts of the authority, and the authority shall have, by operation of law, been terminated, any assets of the authority, to the extent not necessary for such purposes, shall be paid to the City of Dickson and to the Sam Houston Utility District of Houston, Stewart, and Dickson Counties (if said utility district has not previously been dissolved pursuant to Section 15 of this Act) in such proportions as may be agreed upon among such parties and the board of directors. If no agreement has been reached among the parties within 60 days after the commencement of negotiations therefor, the question of the allocation of any available net earnings shall be settled by arbitration in accordance with the laws of the State of Tennessee pertaining to arbitration in effect at the time of submission to the arbitrators. To the extent allowed by this Act, nothing herein contained shall prevent the board of directors from transferring its properties in accordance with the terms of any contract, agreement, or covenant entered into or undertaken by the authority.

Section 13. Budget: **Annual Audits: Contracting Procedures: Personnel Procedures**.
a) The board of directors shall annually establish and adopt a budget for the authority:
b) The board of directors shall cause to be prepared each fiscal year an annual audit of the books and records of the authority, in accordance with generally accepted governmental auditing standards, which audit shall be performed by a recognized firm of certified public accountants. A copy of such annual audit shall be filed with the office of the Mayor of the City of Dickson.
c) The board of directors shall develop purchasing, contracting, and personnel procedures.
d) All existing employees of the City of Dickson Gas Department and the Sam Houston Utility District of Houston, Stewart, and Dickson Counties, Tennessee, shall become employees of the authority at the same level of compensation and provision of benefits as that offered by each employer as of the effective date of this act, to serve at the will of the authority. To the extent permitted by law, all retirement benefits of employees shall be

transferred to the Authority for the benefit of said employees. The board of directors shall establish employment procedures.

Section 14. **Powers of the City and the Utility District**.
The City of Dickson, Tennessee, and the Sam Houston Utility District of Houston, Stewart, and Dickson Counties, Tennessee, shall have all necessary powers in order to further the purposes of this act, including without limitation, the power to sell, lease, dedicate, donate, or otherwise convey to the authority any of their interests in any existing natural gas system, franchises, assets, liabilities, or other related property, whether real, personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, or grant easements, licenses, or other rights or privileges therein to the authority. For so long as the authority exists, the City of Dickson shall not establish and operate any competing natural gas system.

Section 15. **Dissolution of the Utility District**.
To the extent legally permissible, within 30 days of the effective date of this act, the Sam Houston Utility District of Houston, Stewart, and Dickson Counties, Tennessee, shall petition the county executive pursuant to the provisions of Section 7-82-202(e), Tennessee Code Annotated, as amended, for dissolution of said utility district and for the transfer of all franchises, assets, and liabilities of the utility district to the authority upon order of the county executive (as set forth in said section). The legislature hereby finds and determines that the public convenience and necessity requires the creation of the authority and the dissolution of the Sam Houston Utility District of Houston, Stewart, and Dickson Counties and further finds that the same is economically sound and feasible and in the public interest.

Section 16. **Powers Not Restricted**.
Neither this act not anything herein contained shall be construed as a restriction or a limitation upon any powers which a city or utility district might otherwise have under any laws of this state but shall be construed as cumulative of and supplemental to any such powers. No proceeding, notice, or approval shall be required with respect to the issuance of any bonds of the authority or any instrument as security therefor except as provided in this act, any law to the ·contrary notwithstanding; provided, however, that nothing herein shall be construed to deprive the State of Tennessee and its governmental subdivisions of their respective police powers, or to impair any power of any official or agency of said state and its governmental subdivisions which may be otherwise provided by law.

Section 17. **Agreements with the Authority**.
The authority is hereby authorized, whenever the same shall be found desirable by its board of directors, to enter into contracts, agreements, or other arrangements with any incorporated town or city and county regarding the project, any facility, or any service of the authority. Any such contract or agreement may extend for any period not exceeding 40 years from the date thereof.

Section 18. **Liberal Construction**.
This act is remedial in nature and shall be liberally construed to effect its purpose of providing for a systematic and efficient means of distributing and encouraging the best utilization and conservation of energy and natural resources.

Section 19. **Severability**.
If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 20. **Local Approval**.
This act shall have no effect unless approved by a two-thirds (2/3) favorable vote of those present and voting of the governing body of the City of Dickson, Tennessee, which action may be by resolution. Its approval or disapproval shall be proclaimed by the presiding officer of the governing body and certified by such officer to the Secretary of State.

Section 21. **Effective Date**.
For the purpose of approving or rejecting the provisions of this act, as provided in Section 20, it shall be effective upon becoming a law, but for all other purposes, it shall be effective only upon being approved as provided in Section 20, the public welfare requiring it.

Section 22. **Open Meetings**.
The Board is a governing body as provided in and for purposes of the Open Meetings Act, codified as Tennessee Code Annotated, Title 8, Chapter 44. [As added by Priv. Acts 2002, Ch. 148, § 16]

Section 23. **Governmental Tort Liability**.
The Authority is a governmental entity as provided in and for purposes of the Tennessee Governmental Tort Liability Act, codified as Tennessee Code Annotated, Title 29, Chapter 20. [As added by Priv. Acts 2002, Ch. 148, § 16]

Section 24. **Interlocal Cooperation**.
The Authority is a public agency as provided in and for purposes of the Interlocal Cooperation Act, codified as Tennessee Code Annotated, Title 12, Chapter 9. [As added by Priv. Acts 2002, Ch. 148, § 16]

Section 25. **Energy Acquisition Corporations**.
The Authority may be an associated municipality of an energy acquisition corporation as provided in and for the purposes of the Energy Acquisition Corporation Act, codified as Tennessee Code Annotated, Title 7, Chapter 39. [As added by Priv. Acts 2002, Ch. 148, § 16]1

PASSED: APRIL 5, 1989

s/ Ed Murray ED MURRAY
SPEAKER HOUSE OF REPRESENTATIVES

1
Priv. Acts 2002, Ch. 148, § 17 did not amend any specific section of Priv. Acts 1989, Ch. 50, but does affect the act and is therefore provided as follows:

SECTION 17. **Supplemental Powers**.
The powers conferred by this part shall be in addition and supplemental to the powers conferred by any other law. Bonds may be issued hereunder for the purposes provided herein notwithstanding that any other law may provide for the issuance of bonds for like purposes and without regard to the requirements, restrictions or procedural provisions contained in any other law.

s/ John S. Wilder
JOHN S. WILDER SPEAKER OF THE SENATE

APPROVED this 18th day of April 1989

s/ Ned McWherter NED McWHERTER
GOVERNOR

PRIVATE ACTS, 1998
CHAPTER NO. 178
HOUSE BILL NO. 3445
By Representative Jackson
Substituted for SENATE BILL NO. 3439
By Senator Springer

An act to create and establish an authority for and on behalf of the City of Dickson, Tennessee, to be known as the "Water and Wastewater Authority of Greater Dickson," to authorize the city of Dickson, Tennessee, the Turnbull-White Bluff Utility District of Dickson County, Tennessee, the Harpeth Utility District of Dickson County, Tennessee, and the Sylvia-Tennessee City-Pond Utility District of Dickson County, Tennessee, and any successor entity to said districts, to become participating governmental entities in the authority and, among other things to convey all or a portion of their water and wastewater systems to the authority and with respect to the districts to institute dissolution procedures, and to authorize all necessary powers in connection therewith and to repeal Chapter 84 of the Private Acts of 1997.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Section 1. **Purpose and creation of authority**.

a) A governmental authority to be known as the "Water and Wastewater Authority of Greater Dickson" is hereby created and established for the purpose of planning, acquiring, constructing, improving, extending, furnishing, equipping, financing, owning, operating, and maintaining a water and wastewater system, including treatment, storage, distribution and collection facilities, properties, and services, as hereinafter provided; the selling, donating, conveying, or otherwise disposing of water and wastewater; and undertaking any project or work related thereto or connected therewith. It is hereby determined and declared that the authority shall be a public and governmental body acting as an instrumentality and agency of the City of Dickson, Tennessee, and that the powers herein granted are for public and governmental purposes and matters of public necessity.

a) It is the further purpose of the authority to plan for and develop the water resources of said geographic region and to provide necessary wastewater collection and treatment attendant thereto. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178 § 1]

Section 2. **Definitions**.

Whenever used in this act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

1) "Authority" means the Water and Wastewater Authority of Greater Dickson created by this act;

2) "Board" means the board of directors of the authority;

3) "Bonds" means bonds, interim certificates, loan agreements, or other obligations of the authority issued pursuant to this Act including joint obligations of the authority and the city issued pursuant to this Act and title 9, chapter 21, parts 1 and 2 of the code;

4) "City" means the City of Dickson, Tennessee;

5) "Code" means the Tennessee Code;

6) "District" or "Districts" mean the Turnbull-White Bluff Utility District of Dickson County, Tennessee, the Harpeth Utility District of Dickson County, Tennessee, and the Sylvia-Tennessee City- Pond Utility District of Dickson County, Tennessee, and any successor entity to said districts;

7) "Governing Body" means the chief legislative body of the City or any participating governmental entity;

8) "Participating Governmental Entity" means any district that by resolution of its governing body chooses to become a member of the authority;

9) "Notes" means notes or interim certificates of the authority issued pursuant to this Act, including joint obligations of the authority and the city issued pursuant to the act and Title 9, Chapter 4, Parts 1, 4 and 5 of the code;

10) "Person" means any individual, firm, partnership, association, corporation, or any combination thereof;

11) "Refunding Bonds" means refunding bonds, issued pursuant to this Act, including joint obligations of the authority and the city issued pursuant to this Act and title 9, Chapter 21, Parts 1 and 9 of the code to refund bonds of the authority or bonds issued to refund bonds or notes of the city, for a participating governmental entity issued by the city or participating governmental entity the proceeds of which were used to construct, acquire, extend, improve or equip all or a portion of a system acquired by the authority or to refund bonds, the proceeds of which were used for such purposes;

12) "State" means the State of Tennessee; and

13) "System" means a water and wastewater system, which shall include, but not be limited to, all devices and systems used in the collection, storage, treatment, recycling and reclamation of sewage of residential, commercial and industrial wastes of a liquid nature to restore and maintain the chemical, physical and biological integrity of the State's waters, or any devices and systems used in the treatment and distribution of water, including intercepting sewers, outfall sewers, sewage collection systems, water storage facilities, water transmission lines, pumping, power and other equipment, and other appurtenances, extensions, improvements,

remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities, and any works. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 2]

Section 3. **Creation of Authority**.
The city together with one or more districts may create an authority under this Act by the adoption of a resolution by the governing body of each so declaring and creating the authority. The resolution shall also identify the names of the initial board of directors and the name and principal office address of the authority. Subsequent to the initial formation of the authority, a district may become a participating governmental entity by resolution of its governing body. Notice of the date, time, place and purpose of the meeting at which such resolutions shall be considered shall be published at least once in a newspaper of general circulation in the city and the district respectively, at least five (5) days prior to the meeting. [As added by Priv. Acts 1998, Ch. 178, § 3]

Section 4. **Board of Directors**.

a) The authority shall have a board of directors in which all powers of the authority shall be vested. Membership of the board of directors shall consist of five (5) directors as follows:

    i. The Mayor of the city or the designee of the Mayor who is named in a revocable written instrument executed by the Mayor;
    ii. An elected member of the city governing body to be selected by a majority then present and voting of such governing body upon recommendation of the Mayor;
    iii. One (1) director who resides within the area served by the authority to be initially selected by a majority then present and voting of the city governing body upon recommendation of the Mayor and thereafter to be selected as set forth in subsection below; and
    iv. Two (2) directors who reside or own real property within the geographic boundaries of any one or more participating governmental entities and outside the geographic boundaries of the city to be initially selected by a majority then present and voting of the governing body of the city upon recommendation of the Mayor and thereafter to be selected as set forth in subsection below.

b) The terms of directors serving pursuant to subsections (a)(i) and (ii) above shall be concurrent with their term of office or, if the director is a designee of the Mayor, concurrent with the term of office of the Mayor. The terms of the directors serving pursuant to subsection (a)(iii) and (a)(iv) shall be five (5) years; provided, however, that the initial term of the directors appointed pursuant to (a)(iii) shall be one (1) year and pursuant to (a)(iv) shall be four (4) and five (5) years, respectively, as designated by the governing body of the city. Any director who ceases to meet the qualifications set forth above shall become ineligible to serve as a director; provided, however, upon the ineligibility of a director or the expiration of any term of office of a director, then the director who shall become ineligible or whose term of office shall have expired shall continue to hold office until a successor shall be so appointed. Any vacancy of a director (whether at the expiration of a term or for the remainder of an unexpired term) selected pursuant to subsection (a)(ii) shall be filled by a majority vote of the governing body of the city upon recommendation of the

Mayor or if selected pursuant to subsections (a)(iii) and (a)(iv) shall be filled by a majority vote of the governing body of the city from a recommendation of one or more names which shall be submitted to the governing body of the city by the remaining directors. In the event the governing body of the city rejects all of the recommendations of the board, this procedure shall be followed until such vacancy is filled. Any director selected pursuant to the provisions of (a)(iii) and (a)(iv) may be removed by the remaining directors for cause by resolution of the board.

c) A majority of the board shall constitute a quorum, and the board shall act by a vote of a majority present at any meeting attended by a quorum. Vacancies among the directors shall not affect their power and authority, so long as a quorum remains. Within thirty (30) days after their selection, as herein provided, the board shall hold a meeting to elect a chairman, a vice-chairman, and a secretary-treasurer and/or such other officers as shall from time to time be deemed advisable by the board. The secretary-treasurer shall keep minutes of all regular and special meetings of the authority which shall be available for inspection by the public at the office of the authority at all reasonable times.

d)

1) The board shall hold meetings at such times and places as the board may determine and all such meetings shall be open to the public. Special meetings may be called and held upon such notice and in such manner as the board may, by resolution, determine. All meetings of such board shall be held in accordance with Tennessee Code Annotated, Title 8, Chapter 44, Part 1.

2) Except as otherwise expressly provided herein, the board shall establish its own rules of procedure. Any action taken by the board exercising its powers and authority under the provisions of this Act may be exercised by vote or resolution at any regular or special meeting.

e) All directors shall serve with reasonable compensation as the board may determine by resolution. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 4]

Section 5. **Powers of the Authority**.

The authority shall have the following powers in addition to those specified in other sections of this Act, together with powers incidental thereto or necessary for the performance of those hereinafter stated.

a) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

b) To have a seal and to alter the same at pleasure, provided, however, that the absence thereof shall have no effect on the validity of any document, instrument or other writing;

c) To plan, establish, acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain, or otherwise, and to construct, equip, furnish, improve, repair, extend, maintain, and operate one or more systems within or without the geographic boundary and service areas of the city any participating governmental entity and any other

city, town, county, metropolitan government or utility district to the extent such city, town, county metropolitan government or utility district is so authorized by public or private laws applicable to such entity as such boundaries now or may hereafter exist, including all real and personal property, facilities, and appurtenances which the board of the authority may deem necessary in connection therewith and regardless of whether or not such system shall then be in existence;

d) To enter into agreements with the city any participating governmental entity and any other city, town, county, metropolitan government or utility district to the extent such city, town, county, metropolitan government or utility district is so authorized by public or private laws applicable to such entity for the orderly transfer of all or any part of the system of the city or such participating governmental entity, or any other city, town, county, metropolitan government or utility district to the extent such city, town, county, metropolitan government or utility district is so authorized by public or private laws applicable to such entity, and to assume, to reimburse or to otherwise agree to pay outstanding obligations or liabilities of the city or such participating governmental entity and any other city, town, county, metropolitan government or utility district to the extent such city, town, county metropolitan government or utility district is so authorized by public or private laws applicable to such entity incurred to acquire, extend or equip the system;

e) To enter into agreements with the city and any other participating governmental entity, and any other city, town, county, metropolitan government or utility district to the extent such city, town, county, metropolitan government or utility district is so authorized by public or private laws applicable to such entity, to acquire by lease, gift, purchase or otherwise any system or property related thereto, of the city or such participating governmental entity or any other city, town, county, metropolitan government or utility district, and operate such system separately or as a part of its system; or enter into agreements with the city or any participating governmental entity or any other city, town, county, metropolitan government or utility district to the extent such city, town, county, metropolitan government or utility district is so authorized by public or private laws applicable to such entity, providing for the operation by the authority of the system, or any portion thereof; owned by the city or participating governmental entity or any other city, town, county, metropolitan government or utility district to the extent such city, town, county, metropolitan government or utility district is so authorized by public or private laws applicable to such entity;

f) To acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain, or otherwise any and all types of property, franchises, assets, and liabilities, whether real, personal or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances and to hold, sell, lease, exchange, donate, or convey its properties, facilities, or services, but only for the purpose of continuing operation of any system by the authority, whenever the board of the authority shall find such action to be in furtherance of the purposes for which the authority is hereby created; provided, however, that revenues of any system of the authority shall be accounted for in such manner as not to impair the obligations of contract with reference to bond issues or other legal obligations of the transferor and shall fully protect and preserve the contract rights vested in the owners of outstanding bonds, obligations, or contractual interests, and

further, provided that any income from the sale of the such properties, facilities, and services shall be dedicated to the continued operation of any system by the authority;

g) To buy, sell, store, treat and distribute water; to collect and provide treatment for wastewater from, with or to the city, any participating governmental entity, and any other city, town, county, metropolitan government or utility district or other governmental unit of the State to the extent such city, town, country, metropolitan government or utility district is so authorized by public or private laws applicable to such entity, or any agency thereof or the United States or any agency thereof or any person, whether public or private, and to enter into contracts, agreements, or other arrangements in connection therewith;

h) To make and enter into all contracts, trust instruments, agreements and other instruments with the city any participating governmental entity, and with any municipality, county, metropolitan government, utility district, or authority authorized by law to be created, to the extent such entity is so authorized by public or private laws applicable to such entity, and with the State or any agency thereof; the United States or any agency thereof; or any person, including without limitation, bonds, notes, loan agreements with the Tennessee Local Development Authority and/or the Tennessee Department of Environment and Conservation and other forms of indebtedness as if it were a local government as such term is defined in applicable statutes of the code governing grants and loans, to construct, equip or extend the system, and to enter into contracts for the management and operation of a system or any facility or service of the authority or the treatment, processing, collection, distribution, storage, transfer, or disposal of water and wastewater;

i) To incur debts, to borrow money, to issue bonds, and to provide for the rights of the holders thereof;

j) To apply for, accept and pledge donations, contributions, loans, financial assistance, capital grants, or gifts from the city, any participating governmental entity, and any municipality, county, metropolitan government, or utility district, to the extent such city, town, county, metropolitan government or utility district is authorized by public or private laws applicable to such entity, any authority authorized by law to be created, the State or any agency thereof; the United States or any agency thereof; or any person, whether public or private, for or in aid of the purposes of the authority, to enter into agreements in connection therewith and to accept the same;

k) To pledge all or any part of the revenues, receipts, donations, contributions, loans, guarantees, financial assistance, capital grants, or gifts of the authority, to mortgage and pledge one or more of its systems or any part or parts thereof; whether then owned or thereafter acquired, and to assign and pledge all or any part of its interest in and rights under contracts and other instruments relating thereto as security for the payments of the principal of, premium, if any, and interest on bonds, refunding bonds, loan agreements or notes issued by the authority;

l) To have control of its systems facilities, and services with the right and duty to establish and change rates, fees rentals, tolls, deposits and other charges for the use of the facilities

and services of the authority, of the sale of materials or commodities by the authority and to collect revenues and receipts therefrom, not inconsistent with the rights of holders of its bonds, refunding bonds and notes;

m) To require the owner, tenant or occupant of each lot or parcel of land to pay the minimum monthly sewer/water rates assessed for the usage of such wastewater system and to enforce such payment of fees by filing an action in the same manner and with the same penalties and interest attached as provided for the enforcement of unpaid taxes pursuant to the provisions of Title 67, including the sale on execution of such property as provided in Title 26, Chapter 5 and the redemption provisions of Title 66, Chapter 8. The authority shall give a notice to the property owner, if different from the user, not less than ninety (90) days prior to the filing of any action which would include levying on the real property;

n) To require the owner, tenant or occupant of each lot or parcel of land who is responsible for any connection to the wastewater system to properly maintain that portion of the connection that is located on the property of the owner, tenant or occupant;

o) To enter into any lands, waters, and premises for the purpose of making surveys, soundings, and examinations in and for the furtherance of the purposes authorized by this Act;

p) To use any right-of-way, easement, or other similar property right necessary or convenient in connection with a system, held by the State or any political subdivision thereof; provided that the governing body of such political subdivision shall consent to such use;

q) To employ and pay compensation to such agents, including attorneys, accountants, engineers, architects, and financial advisors, as the board shall deem necessary for the business of the authority;

r) To employ and pay compensation to such employees, including a general manager, who shall have such authority, duties, and responsibilities, as the board shall deem necessary;

s) To procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any act of any member, officer, or employee of the authority in the performance of the duties of his office or employment or any other insurable risk, including the payments of its bonds, refunding bonds or notes, as the board in its discretion may deem necessary;

t) To enter into, by contract with the city and/or a participating governmental entity, or otherwise, a plan for pension, disability, hospitalization and death benefits for the officers and employees of the authority;

u) To enter into agreements with the city and/or a participating governmental entity with respect to the manner of transfer, if any, of employees of the city and a participating governmental entity to the authority, and with respect to the retention by such employees of existing accrued pension, disability, hospitalization and death benefits;

v) To take all actions necessary and proper to comply with or participate in any federal or state promulgated or mandated regional water or wastewater facilities plan;

w) To exercise all powers expressly given to it hereunder, given by delegation to it by the city or any participating governmental entity, under any other state or federal law and necessarily implied therefrom, to make and execute contracts and all other instruments necessary or convenient to do any and all things for the exercise of its powers hereunder, and to establish and make rules and regulations not inconsistent with the provisions of this Act, deemed expedient for the management of the authority's affairs; [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 5]

Section 6. **Condemnation and Eminent Domain**.
The authority is hereby authorized and empowered to condemn in its own name any land, rights in land, easements, and/or rights-of-way which in the judgment of the board, are necessary for carrying out the purposes for which the authority is created, and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by persons having the power of eminent domain, or otherwise held or used for public purposes; provided, however, such prior public use will not be interfered with by the use to which such property will be put by the authority; and further, provided that, the exercise of eminent domain power must be approved by a majority of those present and voting of the governing body of the participating governmental entity, municipality, metropolitan government or county within whose jurisdiction said power is exercised. Such power of condemnation may be exercised in the manner prescribed by any applicable statutory provisions in the code now in force or hereafter enacted for the exercise of the power of eminent domain. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 6]

Section 7. **Rates Sufficient to Pay Costs and Retire Bonds**.
The board shall prescribe and collect reasonable rates, fees, tolls, or charges for the services, facilities, and commodities of any system, shall prescribe penalties for the nonpayment thereof; and shall revise such rates, fees, tolls, or charges from time to time whenever necessary to insure that any system shall be and always remain self-supporting. The rates, fees, tolls, or charges prescribed shall be such as will always produce revenue at least sufficient:

a) To provide for all expenses of operation and maintenance of the system, including reserves therefore;

b) To pay when due all bonds notes and interest and premium thereon for the payment of which such revenues are or shall have been pledged, charged, or otherwise encumbered, including reserves therefore; and

c) To the extension or improvement of the system, or to the reduction of rates. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 7]

Section 8. **Notes of the Authority**.
a) The authority may issue, by resolution adopted by the board, interest-bearing bond anticipation notes for all purposes for which bonds can be legally authorized and issued by

the authority. Notes shall be secured by the proceeds from the sale of the bonds in anticipation of which the notes are issued and additionally secured by a lien upon the revenues of the system on a parity with the bonds in anticipation of which such notes are issued. In no event shall the amount of outstanding bond anticipation notes exceed the principal amount of the bonds to be issued by the authority. The notes shall mature not later than two (2) years from their date of issuance and may be extended or renewed for not more than two (2) additional periods of two (2) years each by resolution of the board and the issuance of renewal or extension notes.

b) Notes shall be sold at public or private sale for not less than ninety-nine percent (99%) of the par value thereof and accrued interest as the board may direct. Notes may be sold in one (1) or more series, may bear such date or dates, may bear interest at such rate or rates (which may vary from time to time), may be payable at such time or times, may be in such denomination or denominations, may be in such form, either coupon or registered, may be payable at such place or places, may be executed in such manner, may be payable in such medium of payment, may be subject to such terms of redemption; without a premium or, for notes sold for not less than the par value thereof and accrued interest, without or with a premium of not exceeding one percent (1%) of the principal amount thereof, all as may be provided by resolution of the board.

c) Notes shall be executed in the name of the authority by the proper officials authorized to execute the same, together with the seal of the authority attached thereto.

d) The proceeds arising from the sale of such notes shall be paid to the proper official to be disbursed by such official as provided by the resolution authorizing the issuance of the notes. Included within the term "bond anticipation notes" shall be interim certificates or other temporary obligations which may be issued by the authority to the purchaser of such notes upon the terms and conditions herein provided. Whenever it issues bond anticipation notes or interim certificates pursuant to the provisions of this section, neither the principal nor the interest on such notes or certificates shall be taxed by the State or by any municipality in this State. When the bonds shall be issued and sold a sufficient amount of the proceeds of the bonds shall be applied to the payment of the notes at their maturity or upon their earlier redemption as directed by the board by resolution.

e) The authority herein granted to issue "bond anticipation notes" shall also authorize the issuance of "grant anticipation notes," to be secured by the grant in anticipation of which such notes are issued, with all provisions of this section being applicable to such grant anticipation notes. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 38]

Section 9. **Bonds of the Authority**.

The authority shall have the power to issue bonds from time to time to finance the construction, purchase, acquisition, extension, improvements and equipping of one or more systems to fund a reasonable reserve for the payment of principal of and interest on the bond and/or a renewal or replacement reserve and to pay capitalized interest on the bonds as set forth herein. All bonds issued shall be payable solely out of the revenues and receipts derived from

the system for which such bonds are issued or as may be designated in the proceedings under which the bonds shall be authorized to be issued. Such bonds shall be authorized by resolution of the board and may be issued in one (1) or more series, may be executed and delivered at any time and from time to time, may be in such form and denomination and of such terms and maturities, may be subject to redemption prior to maturity either with or without premium, may be in fully registered form, may bear such conversion privileges and be payable in such installments and at such time or times not exceeding forty (40) years from the date thereof; may be payable at such place or places whether within or without the State of Tennessee, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be proved in the proceedings whereupon the bonds shall be authorized to be issued.

a) Bonds may be sold at public or private sale for such price and in such manner and from time to time as may be determined by the board of directors to be most advantageous, and the authority may pay any and all expenses, premiums, and commissions which its board of directors may deem necessary or advantageous in connection with the issuance thereof.

b) All bonds and the interest applicable thereto are hereby made and shall be construed to be negotiable instruments.

c) Interim certificates or notes or other temporary obligations pending the issuance of revenue bonds shall be payable out of proceeds of bonds or other funds of the authority available for such purpose.

d) Proceeds of bonds may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering, or extending a system, include the payment of interest on the bonds during construction of any project for which bonds are issued and for two (2) years after the estimated date of completion, the payment of engineering, fiscal, architectural, bond insurance, and legal expenses incurred in connection therewith and the issuance of bonds, and the establishment of a reasonable reserve fund for the payment of principal of and interest on such bonds in the event of a deficiency in the revenues and receipts available for such payment, and to fund a renewal or replacement reserve for the system. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 9]

Section 10. **Refunding bonds of the Authority**.

Any bonds at any time outstanding may at any time and from time to time be funded by the issuance of refunding bonds in such amount as the board may deem necessary, but not exceeding the sum of the following:

a) the principal amount of the bonds being refinanced,

b) applicable redemption premiums thereon,

c) unpaid interest on such bonds to the date of delivery or exchange of the refunding bonds,

d) in the event the proceeds from the sale of the refunding bonds are to be deposited in trust as hereinafter provided, interest to accrue on such obligations from the date of delivery to the first or any subsequent available redemption date or dates elected, in its discretion, by the board, or to the date or dates of maturity, whichever shall be determined by the board to be the most advantageous or necessary to the authority,

e) a reasonable reserve for the payment of principal of and interest on such bonds and/or a renewal and replacement reserve,

f) if the project to be constructed from the proceeds of the obligations being refinanced has not been completed, an amount sufficient to meet the interest charges on the refunding bonds during the construction of such project and for two (2) years after the estimated date of completion (but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced), and

g) expenses, premiums, and commissions of the authority, including bond discount deemed by the board to be necessary for the issuance of the refunding bonds. A determination by the board that any refinancing is advantageous or necessary to the authority or that any of the amounts provided in the preceding sentence shall be included in such refinancing, or that any of the obligations to be refinanced shall be called for redemption on the first or any subsequent available redemption date or permitted to remain outstanding until their respective dates of maturity, shall be conclusive.

Any such refunding may be affected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by the exchange of the refunding bonds for the bonds to be refunded thereby with the consent of the holders of the bonds so to be refunded, or by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds refunded thereby, and regardless of whether or not the bonds to be refunded were issued in connection with the same projects or separate projects, and regardless of whether or not the bonds proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

If, at the time of delivery of the refunding bonds, the bonds to be refunded will not be retired or a valid and timely notice of redemption of the outstanding bonds is not given in accordance with the resolution, indenture or other instrument governing the redemption of the outstanding bonds, then, prior to the issuance of the refunding bonds, the governing body shall cause to be given a notice of its intention to issue the refunding bonds. The notice shall be given either by mail to the owners of all the outstanding bonds to be refunded at their addresses shown on the bond registration records for the outstanding bonds or given by publication one (1) time each in a newspaper having a general circulation in the local government and in a financial newspaper published in New York City, New York, having a national circulation. The notice shall set forth the estimated date of delivery of the bonds refunding bonds and identify the bonds, or the individual maturities thereof, proposed to be refunded; provided, that if portions of individual maturities are proposed to be refunded the notice shall identify the maturities subject to partial refunding and the aggregate principal amount to be refunded within each maturity. If the issuance of the refunding bonds does not occur as provided in the notice, the

governing body shall cause notice thereof to be given as provided above. Except as otherwise set forth in this section, the notice required pursuant to this section shall be given whether or not any of the bonds to be refunded are to be called for redemption.

If any of the obligations to be refunded are to be called for redemption, notice of redemption shall be given in a manner required by the proceedings authorizing such outstanding obligations.

a) The principal proceeds from the sale of any refunding bonds shall be applied only as follows: either,

b) To the immediate payment and retirement of the bonds being refunded; or

To the extent not required for immediate payment of the. bonds being refunded, such proceeds shall be deposited in trust to provide for the payment and retirement of the bonds being refunded and to pay any expenses incurred in connection with such refunding, but provision may be made for the pledging and disposition, of any surplus, including, without limitation, provisions for the pledging of any such surplus to the payment of the principal of; premium, if any, and interest on any issue or series of refunding bonds. Money in any such trust fund may be invested in:

1) Direct bonds or bonds, the principal of and interest on which are guaranteed by the United States;

2) Bonds of any agency or instrumentality of the United States;

3) Certificates of Deposit issued by a bank or trust company located in the State; provided, that such certificates shall be secured by a pledge of any of the obligations referred to in subdivisions (1) and (2) having an aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificates of Deposit so secured; or

4) Bonds which are rated in either of the top two (2) highest rated categories by a nationally recognized rating agency of such obligations and whose interest income is exempt from tax by the United States, which are direct general obligations of the State or a political subdivision thereof or obligations guaranteed by the State, to the payment of the principal of and interest on which the full faith and credit of the State is pledged or funds of any other State or political subdivision or instrumentality thereof.

Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded, but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 10]

Section 11. **Security for Payment of Bonds and Notes**.

a) The principal of, premium, if any, and interest on any bonds, refunding bonds and notes may be secured by a pledge of revenues and receipts of a system. The proceedings under which the bonds, refunding bonds or notes are authorized to be issued may contain any agreements, provisions and covenants respecting the maintenance of such system or other facilities covered thereby, the fixing and collection of rents, fees or payments with respect to any system or portions thereof covered by such proceedings, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, refunding bonds and notes and the rights and remedies available in the event of default, all as the board shall deem advisable and not in conflict with the provisions of this Act. To the extent provided in the proceedings authorizing any bonds, refunding bonds or not s, each pledge and agreement made for the benefit of security of any of the bonds, refunding bonds or notes shall continue in effect until the principal of and interest on the bonds, refunding bonds or notes for the benefit of which the same were made shall have been fully paid or adequate provision for the payment thereof shall have been made by the authority. In the event of a default in such payment or in any agreements of the authority made as a part of the proceedings under which the bonds, refunding bonds or notes were issued, such payment or agreement may be enforced by suit, mandamus, or the appointment of a receiver in equity, or the proceedings under which the bonds, refunding bonds or notes are issued.

b) The Mayor and City Recorder are hereby authorized and directed to the extent which is now or hereafter legally possible, to execute all documents necessary to guarantee or in any other manner to secure the payment of the bonds or notes of the authority; provided, however, the approval of the governing body of the city to such guarantee or security, which approval may be by resolution of the governing body, shall have been obtained before the execution of such documents. Provided, further, that prior to any meeting where such authorization will be considered by the governing body of the city, the governing body shall cause reasonable public notice to be published describing the matter to be considered and containing an estimate of the dollar amount of any contingent liability by the city if such authorization is given.

c) Bonds, notes or refunding bonds may constitute a joint obligation of the authority and the city. Any such bond, note or refunding bond upon which the city is jointly obligated with the authority may be secured by the full faith and credit and unlimited ad valorem taxing power of the city. Bonds, notes or refunding bonds issued as a joint obligation of the authority and the city shall be issued in the form and manner of Title 9, Chapter 21, Parts 1, 2, and 9, of the Tennessee Code, where applicable, and in the event of a conflict between the Act and Title 9, Chapter 21, Parts 1, 2, and 9, then the provisions of Title 9, Chapter 21, Parts 1, 2, and 9 shall prevail. Notes issued as a joint obligation of the authority and the city shall be issued in the form and manner of Title 9, Chapter 21, Parts 1, 4, and 5, of the Tennessee Code where applicable, and in the event of a conflict between the Act and Title 9, Chapter 21, Parts 1, 4, and 5, then the provisions of Title 9, Chapter 21, Parts 1, 4, and 5 shall prevail.

d) Any bond, note or refunding bond issued under this Act may be secured by a mortgage or deed of trust covering any part or all of the property, real or personal, of the authority. Any pledge of, or lien on, revenues, fees, rents, tolls or other charges received or receivable by any local government to secure the payment of any bonds, notes or refunding bonds issued pursuant to the Act and the interest thereon, shall be valid and binding from the time that the pledge or lien is created and granted and shall inure to the benefit of the holder or holders of any such bonds, notes or refunding bonds until payment in full of the principal and premium and interest thereon. Neither the resolution nor any other instrument granting, creating or giving notice of the pledge of a lien need be filed or recorded to preserve or protect the validity or priority of such pledge or lien. The requirements for recordation of mortgages and other security instruments in the County Register's office shall be waived in the case of the authority's execution of such mortgages or security instruments. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 11]

Section 12. **Exemption From Taxation and State Regulation**.

The authority, its properties at any time owned by it and the income and revenues therefrom shall be exempt from all state, county and municipal taxation. All bonds, notes and refunding bonds issued by the authority and the income therefrom shall be exempt from all State, county, and municipal taxation, except inheritance, transfer, and estate taxes. For purposes of Title 42, Chapter 2, Tennessee Code Annotated, and any amendments thereto or substitution therefor, bonds issued by the authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the State. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 12]

Section 13. **Liability and Indebtedness of Political Subdivisions**.

a) Neither the city, any participating governmental entity, nor the state shall, except as may otherwise be authorized by the governing body of the city, in any event be liable for the payment of the principal of, premium, if any, or interest on any bonds, notes or refunding bonds of the authority or for the performance of any pledge, obligation, or agreement of any kind whatsoever which may be undertaken by the authority and none of the bonds, notes or refunding bonds of the authority or any of its agreements or obligations shall be construed to constitute an indebtedness of the State, the city or any participating governmental entity within the meaning of any constitutional or statutory provision whatsoever.
b) Bonds, notes or refunding bonds of the authority shall not constitute a debt or a pledge of the faith and credit of the State or any participating governmental entity except as may otherwise be authorized by the governing body of the city, and the holders or owners of such bonds shall have no right to have taxes levied by any participating governmental entity the State or any other taxing authority within the State for the payment of principal of, premium, if any, and interest on such bonds, but shall be payable solely from revenues and monies pledged for their payment.
c) Except as may otherwise be authorized by the governing body of the city as specified hereinabove, all such bonds shall contain on the face thereof a statement to the effect that the bonds, refunding bonds or notes are not a debt of the State or any participating governmental entity or any other taxing authority within the State, but are payable solely

from revenues and moneys pledged to the payment thereof. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 13]

Section 14. **Disposition of Funds**.

No part of the net earnings of the authority remaining after payment of its expenses shall inure to the benefit of any person except that, at such times as no bonds, notes or refunding bonds of the authority are outstanding and unpaid and adequate provision has been made for the full payment of all liabilities, obligations, and contracts of the authority, and the authority shall have, by operation of law, been terminated, any assets of the authority, to the extent not necessary for such purposes, shall be paid to the city and to the participating governmental entities (other than a district if such district has not been dissolved) in such proportions as may be agreed upon among the city, the participating governmental entities and the board. If no agreement has been reached among the parties within sixty (60) days after the commencement of negotiations therefor, the question of the allocation shall be submitted to arbitration in accordance with the laws of the State pertaining to arbitration in effect at the time of submission to the arbitrators. To the extent allowed by this act, nothing herein contained shall prevent the board from transferring its properties in accordance with the terms of any contract, agreement, or covenant entered into or undertaken by the authority. Neither the city nor a participating governmental entity will establish or operate any competing system for as long as the authority exists. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 14]

Section 15. **Budget; Annual Audits; Contracting Procedures; Personnel Procedures**.

a) The board shall annually establish and adopt a budget for the authority.
b) The board shall cause to be prepared each fiscal year an annual audit of the books and records of the authority, in accordance with generally accepted governmental auditing standards, which audit shall be performed by a recognized firm of certified public accountants. A copy of such annual audit shall be filed with the office of the Mayor of the city and with the governing body of the city.

c) The board shall develop purchasing, contracting, and personnel procedures.

d) If the system of the city is transferred to the authority, then all existing employees of the city water department shall become employees of the authority at the same level of compensation as was provided while employed by the city initially, and thereafter to serve at will of the authority in accordance with the employment procedures, compensation levels and benefits as shall be established by the board of the authority. If a district transfers its system to the authority, at substantially the same time the city transfers its system to the authority, then all existing employees of the district shall become employees of the authority at the same level of compensation as was provided while employed by the district initially, and thereafter, to serve at will of the authority in accordance with the employment procedures, compensation levels and benefits as have been established by the board of the authority. To the extent permitted by law, all retirement and health benefits of said employees may be transferred to the authority for the benefit of said employees. The board shall establish employment procedures, compensation levels and benefits for the employees of the authority. [Priv. Acts 1997 Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 15]

Section 16. **Powers of the City**.

a) The city is authorized to take all actions hereunder by resolution of its governing body. The city shall have all powers necessary to further the purposes of this Act, including without limitation, the power to sell, lease, dedicate, donate, or otherwise convey to the authority any of its interests in any existing water and wastewater system, franchises, assets, liabilities, or other related property, whether real or personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, or grant easements, licenses, or other rights or privileges therein to the authority and to contract with the authority concerning employees' pension, disability, hospitalization, and death benefits.
b) The city, through its governing body is authorized to issue joint obligations with the authority and to pledge its full faith and credit and unlimited taxing power to such bonds, notes or refunding bonds and to guarantee the bonds, notes or refunding bonds as set forth in Section 11 hereof.
c) The city is authorized to enter into agreements with the authority for the orderly transfer of all or any part of its system and to enter into agreements with the authority for the authority to assume, to pay or to refund bonds, refunding bonds and notes issued by the city or loan agreements entered into by the city to acquire, construct or equip all or any part of a system.
d) The city is authorized to advance, donate or lend money to the authority and to provide that funds available to it for a system shall be paid to the authority.
e) The city is authorized to permit its rights, duties and powers under its Charter or the laws of the State to be performed or exercised by the authority. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 16]

Section 17. **Powers of Each District**.

a) Each district is authorized take all actions hereunder by resolution of its governing body, subject to the provisions of Section 18 hereof. Each district shall have all powers necessary in order to further the purposes of this Act, including without limitation, the power to sell, lease, dedicate, donate, or otherwise convey to the authority any of its interests in any existing water and wastewater system, franchises, assets, liabilities, or other related property, whether real or personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, or grant easements, licenses, or other rights or privileges therein to the authority and to contract with the authority concerning employees' pension, disability, hospitalization, and death benefits.
b) Each district is authorized to enter into agreements with the authority for the orderly transfer of all or any part of its system and to enter into agreements for the authority to assume, to pay or to refund bonds, refunding bonds and notes issued by the district or loan agreements entered into by the district to acquire, construct or equip all or any part of a system.
c) Each district is authorized to advance, donate or lend money to the authority and to provide that funds available to it for a system shall be paid to the authority.
d) Each district is authorized to permit its rights, duties and powers under the laws of the State to be performed or exercised by the authority. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 17]

Section 18. **Dissolution of a District**.
Upon request by the governing body of a district, such district shall petition the County Executive of Dickson County in accordance with the procedures set forth in Section 7-82-202(e) of the code for the transfer of all franchises, assets, and liabilities of the district to the authority. Thereafter, upon such transfer, the governing body of the district shall petition the County Executive of Dickson County in accordance with the procedures set forth in Section 7-82-202(e) of the code for dissolution of the district upon order of the county executive (as set forth in said section). [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 18]

Section 19. **Powers not Restricted**.
Neither this Act nor anything herein contained shall be construed as a restriction or a limitation upon any powers which the city or a participating governmental entity might otherwise have under any laws of this State, but shall be construed as cumulative of and supplemental to any such powers. No proceeding, notice, or approval shall be required with respect to the issuance of any bonds, refunding bonds or notes of the authority or any instrument as security therefor except as provided in this Act, any law to the contrary notwithstanding; provided, however, nothing herein shall be construed to deprive the State of Tennessee and its governmental subdivisions of their respective police powers, or to impair any power or any official or agency of said state and its governmental subdivisions which may be otherwise provided by law. [Priv. Acts 1997 Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 19]

Section 20. **Agreements with the Authority**.
The authority is hereby authorized, whenever the same shall be found desirable by its board, to enter into contracts, agreements, or other arrangements with the city and any participating governmental entity or any other city, county, metropolitan government, utility, district, or authority of the State regarding a system, any facility, or any service of the authority. Any such contract or agreement may extend for any period not exceeding forty (40) years from the date thereof. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 20]

Section 21. **Liberal Construction**.
This act is remedial in nature and shall be liberally construed to effect its purpose of providing for a systematic and efficient means of distributing and encouraging the best utilization and conservation of water resources and wastewater service and the powers herein granted may be exercised without regard to requirements, restrictions or procedural provisions contained in any other law or charter except as herein expressly provided. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 21]

Section 22. **Severability**.
If any provision of this Act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 22]

Section 23. **Repeal of chapter 84, 1997 Private Acts**.
Chapter 84 of the Private Acts of 1997 of the State of Tennessee is hereby repealed. [Priv. Acts 1998, Ch. 178, § 23]

Section 24. **Local Approval**.
This Act shall have no effect unless approved by a two-thirds (2/3) favorable vote of the Governing Body of the City of Dickson, Tennessee, which action may be by resolution. Its approval or disapproval shall be proclaimed by the Presiding Officer of the Governing Body and certified by such officer to the Secretary of State. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 24]

Section 25. **Effective Date**.
For the purpose of approving or rejecting the provisions of this Act, as provided in Section 24, but for all it shall be effective upon becoming a law, but for all other purposes, it shall be effective only upon being approved as provided in Section 24, the public welfare requiring it. [Priv. Acts 1997, Ch. 84, as replaced by Priv. Acts 1998, Ch. 178, § 25]

PASSED: MAY 1, 1998

s/ Jimmy Naifeh JIMMY NAIFEH
SPEAKER HOUSE OF REPRESENTATIVES

s/ John S. Wilder JOHN S. WILDER SPEAKER OF THE SENATE

APPROVED this 18th day of May, 1998

s/ Don Sundquist DON SUNDQUIST
GOVERNOR

PRIVATE ACTS 2001
CHAPTER NO. 59
HOUSE BILL NO. 2011
By Representatives Shepard, Ridgeway
Substituted for SENATE BILL NO. 1965
By Senator Jackson

AN ACT relative to the levy of a privilege tax on the occupancy of any rooms, lodgings or accommodations furnished to transients by any hotel, inn, tourist camp, tourist court, tourist cabin, campground, motel, bed and breakfast, or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration in the City of Dickson.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. As used in this act unless the context otherwise requires:

1) "Consideration" means 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 room, lodging, or accommodation provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
2) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp or campground, tourist court, tourist cabin, motel, bed and breakfast, or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration.
3) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings, or accommodations in any hotel for a period of less than thirty (30) continuous days.
4) "Operator" means the person operating the hotel whether as owner, lessee or otherwise and includes any governmental unit.
5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit or any other group or combination acting as a unit.
6) "Tax collection official" means the Tax Collector for the City of Dickson.
7) "Transient" means 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 thirty (30) continuous days.

SECTION 2. The legislative body of the City of Dickson is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount not to exceed five percent (5%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

SECTION 3. The proceeds received by the City from the tax shall be retained by the city and deposited into the general fund of the City.

SECTION 4. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient, a copy thereof to be filed and retained by the operator as provided in Section 9 of this act. Such tax shall be collected by such operator from the transient and remitted to the City of Dickson. When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged, and the operator shall receive credit for the amount of such tax if previously paid or reported to the City.

SECTION 5. The tax levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the town to the tax collection official, such tax to be remitted to such officer-not-later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the town entitled to such tax shall be that of the operator.

SECTION 6. The tax collection official shall be responsible for the collection of such tax. A monthly tax return shall be filed under oath with the tax collection official by the operator with such number of copies thereof as the tax collection official may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the tax collection official and approved by the legislative body of the City of Dickson prior to use. The tax collection official shall audit each operator in the City at least once a year and shall report on the audits made on a quarterly basis to the legislative body of the City of Dickson. The legislative body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

SECTION 7. 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 not be added to the rent, or that if added, any part will be refunded.

SECTION 8. Taxes collected by an operator which are not remitted to the tax collection official on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for any additional penalty of one percent (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. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a

transient to pay the tax imposed is a violation of this act and shall be punishable by a civil penalty not in excess of fifty dollars ($50.00).

SECTION 9. It is 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 (3) years all records necessary to determine the amount of tax due and payable to the City. The tax collection official has the right to inspect such records at all reasonable times.

SECTION 10. The tax collection official in administering and enforcing the provisions of this act has as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Section 67-1-911. It is the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1- 707, shall be applicable to adjustments and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors of City taxes collected by the tax collection official under authority of this act shall be refunded by the tax collection official. Notice of any tax paid under protest shall be given to the tax collection official, and suit for recovery shall be brought against such tax collection official.

SECTION 11. The tax collection official shall faithfully account for and make proper reports of all funds paid to and received by such tax collection official for the privilege tax levied in accordance with this act.

SECTION 12. The privilege tax levied by this act shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes.

SECTION 13. The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

SECTION 14. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 15. This act shall have no effect unless it.is approved by a two- thirds (2/3) vote of the legislative body of the City of Dickson by December 31, 2001. Its approval or non-approval shall be proclaimed by the presiding officer of the legislative body of the City of Dickson and shall be certified by such presiding officer to the Secretary of State.

SECTION 16. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act

shall take effect on the first day of the month following ninety (90) days from approval as provided in Section 15.

PASSED: May 24, 2001

s/ Jimmy Naifeh JIMMY NAIFEH
SPEAKER HOUSE OF REPRESENTATIVES

s/ John S. Wilder JOHN S. WILDER SPEAKER OF THE SENATE

APPROVED this day of , 2000

DON SUNDQUIST
GOVERNOR

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, the Governor had House Bill No. 2011 in his possession longer than ten (10) days, so therefore the bill becomes law without the Governor's signature.

CHARTER AND RELATED ACTS FOR THE CITY OF DICKSON, TENNESSEE:

YEAR	CHAPTER	SUBJECT
1980	50	Replaced Priv. Acts 1955, Chp 215 (see Related Acts Following the Charter
1998	176	Replaced § 5 of Priv. Acts 1989, Ch. 50 "Natural Gas System" (See Related Acts Following the Charter
1998	178	Repealed Priv. Acts 1997, Ch. 84 and created and established the "Water and Wastewater Authority of Greater Dickson." (See Related Acts following the charter.)
2000	160	Basic charter act.2001
2001	59	Added Privilege tax on occupancy of rooms, etc. (See Related Acts following the charter.)
2002	148	Amended Priv. Acts 1989, Ch. 50. (See Related Acts following the charter.)
2017	16	Repealed Priv. Acts 1924, Ch. 274.
2019	36	Added § 3.05, City court.

ORDINANCE NO. 1476

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

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

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

WHEREAS, the Mayor and City Council of the City of Dickson, Tennessee, have 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 "Dickson Municipal Code,"

Now, therefore, **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DICKSON, TENNESSEE**, that

SECTION 1. **Ordinances codified**. The ordinances of the City of Dickson of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" I to 20, both inclusive, are ordained and adopted as the "Dickson Municipal Code," hereinafter referred to as the "Municipal Code."

SECTION 2. **Ordinances repealed**. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in section 3 below.

SECTION 3. **Ordinances saved from repeal**. The repeal provided for in SECTION 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing or authorizing the establishment of a social security system or providing or changing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment

rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

SECTION 4. **Continuation of existing provisions**. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

SECTION 5. **Penalty clause**. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars ($50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar te1m appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

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

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

SECTION 7. **Reproduction and amendment of code**. The municipal code shall be reproduced in loose-leaf form. The mayor and city council, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal· code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions.

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.

Don L. Weiss, Jr., O.D.

Don L. Weiss, Jr., O.D., Mayor

ATTEST:

Kimberly Givens

Kimberly Givens, Recorder

Passed First Reading: March 2, 2020

Passed Second Reading: June 1, 2020

TITLE 1

GENERAL ADMINISTRATION[1]

CHAPTER
1. CITY COUNCIL.
2. MAYOR.
3. RECORDER.
4. TREASURER.
5. CODE OF ETHICS.

CHAPTER 1
CITY COUNCIL[2]

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

1-101. Time and place of regular meetings. The city council shall hold regular monthly meetings at 7:00 P.M. on the first Monday of each month unless otherwise set by council at the City Hall in Dickson. (Ord. #1377, March 2016)

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: title 18.
Zoning: title 14.
2Charter references
City attorney -- appointment of: § 3.07. Corporate powers: § 1.05.
Election: § 2.01.
Generally: art. 2.
Oath: §§ 2.0l (f) and 3.11. Ordinance procedure: § 2.07. Quorum: § 2.02(c).
Personnel rules: § 3.10. Restrictions on: § 2.06. Vacancy: § 2.05.
Vice mayor: § 2.04. Wards: § 1.04.

1-102. Order of business:

1) At each regularly scheduled meeting of the City Council, the following order of business shall be observed unless dispensed by a majority vote of the members present:

I. Call to order by the Mayor or Presiding Officer
II. Roll Call by the Recorder or his/her designee
III. Public Hearings (if scheduled)
IV. Beer Board session (if scheduled)
V. Approval of minutes of the previous meeting(s)
VI. Public comment on agenda items
VII. Old business
VIII. New business
IX. Other business
X. Communications from the Mayor
XI. Open public comment period
XII. Adjournment (Ord. #1582 May 2026)

2) Guidelines for Public Comment Request. The City Council is authorized to adopt and establish by Resolution guidelines and procedures for requests for inclusion on the agenda of any governing body meeting and for comments during the public comment period of any governing body meeting in compliance with all statutes and codes. Such guidelines and procedures will include all committees, boards and commissions authorized by the Mayor, City Council or Municipal Code.

3) Agendas required. Agendas with a reasonable description of all matters to be considered at all public meetings of local government legislative bodies must be available to the public, free of charge, at least forty-eight (48) hours prior to the start of each meeting. Agendas shall be made available by posting in a location accessible to the public, on the city's website and/or social media or by electronic mail/message/distribution upon request.

4) Matters not on the agenda. The local government legislative body may deliberate and act upon matters not listed on the agenda as long as the local government legislative body follows the properly adopted rules and procedures and complies with all applicable statutes and codes. (Ord. #1535, June 2023)

1-103. General rules of order. The rules of order and parliamentary procedure contained in the most recent edition of Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the city council at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1995 Code, modified)

CHAPTER 2
MAYOR[1]

SECTION

1-201. Generally supervises city's affairs.
1-202. Executes city's contracts.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all affairs of the City of Dickson and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1995 Code)

1-202. Executes city's contracts. The Mayor and City Administrator shall be authorized to sign and execute contracts on behalf of the City within the guidelines and restrictions adopted by the Dickson City Council in the Purchasing Limitations of the City of Dickson Municipal Purchasing Policy. (Ord. #1577 Feb. 2026)

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[1]Charter references Administrative duties: § 3.02.
Election, term, salary, etc.: § 2.01. Oath: §§ 2.0l (f) and 3.11.
Presiding officer of council: § 2.03. Vacancy: § 2.05.

CHAPTER 3
RECORDER[1]

SECTION

1-301. To be bonded.
1-302. To perform general administrative duties, etc.
1-303. Offices of recorder and tax collector combined.

1-301. To be bonded. The recorder shall be bonded in the sum of ten thousand dollars ($10,000.00), with surety acceptable to the city council, before assuming the duties of office. (1995 Code)

1-302. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the city council and for the City of Dickson which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate records and papers in such fireproof vault or safe as the city shall provide. (1995 Code)

1-303. Offices of recorder and tax collector[2] combined. As authorized in § 3.04(e) of the city's charter, the offices of recorder and tax collector may be combined. (1995 Code, modified)

1Charter references Bond: § 3.12.
Duties: § 3.04.
Election: §§ 2.0l(c), 3.02.
2Charter reference Duties: § 3.09.

CHAPTER 4
TREASURER[1]

SECTION

1-401. To be bonded.
1-402. To keep corporate bonds.

1-401. To be bonded. The treasurer shall be bonded in the sum of ten thousand dollars ($10,000.00), with surety acceptable to the city council, before assuming the duties of office. (1995 Code)

1-402. To keep corporate bonds. The treasurer shall have custody of and be responsible for maintaining all corporate bonds in such fireproof vault or safe as the city shall provide. (1995 Code)

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[1]Charter references Duties: § 3.08.
Election: § 3.02.

CHAPTER 5
CODE OF ETHICS[1]

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 non-voting 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 or authority.
1-509. Outside employment.
1-510. Ethics complaints.
1-511. Violations and penalty.

1-501. Applicability. This chapter is the code of ethics for personnel of the City of Dickson. 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 city. The words "municipal" and "city" or "City of Dickson" include these separate entities. (Ord. #1239, 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;

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

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

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

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.
Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

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

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

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

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

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

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

3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #1239, 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 himself1 from voting on the measure. (Ord. #1239, June 2007)

1-504. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #1239, 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 than the city:

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. (Ord. #1239, 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. (Ord. #1239, 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 board of commissioners to be in the best interests of the city. (Ord. #1239, June 2007)

1-508. Use of position or authority.

1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city.

2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (Ord. #1239, June 2007)

1-509. Outside employment. A full-time employee or officer of the City of Dickson shall not accept any employment outside of his position with the city without authorization as established in the outside employment policy. (Ord. #1416, Jan. 2018)

1-510. Ethics complaints.

1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.
2)

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

b)

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

d) When a complaint of a violation of any provision of this chapter is lodged against a member of the city council, the council 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 city council determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the city council.
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. (Ord. #1239, June 2007)

1-511. Violations and penalty. 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 city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #1239, June 2007)

TITLE 2
BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. DICKSON PARKS AND RECREATION ADVISORY BOARD.
2. UTILITIES BOARD.
3. TREE MANAGEMENT AND BEAUTIFICATION BOARD.
4. COMPENSATION FOR BOARDS AND COMMISSIONS.

CHAPTER 1
DICKSON PARKS AND RECREATION ADVISORY BOARD

SECTION

2-101. Creation and membership.
2-102. Powers and duties.

2-101. Creation and membership. The Parks and Recreation Advisory Board shall consist of seven (7) members appointed by the mayor. Such board shall consist of two (2) council members, and five (5) citizens of the City of Dickson. The terms of the council members shall be concurrent with their terms in office. The terms of the citizens shall be four (4) year terms with all terms expiring at the end of September. In addition, the board shall have one (1) non-voting advisory board member from each recreation association with a valid contract with the City of Dickson for recreational services or facilities. Every member except the council members will receive compensation for meetings attended as described by the city council. (Ord. #1470, Jan. 2020)

2-102. Powers and duties. The parks and recreation advisory board shall have the following powers and duties:

1) To provide, establish, conduct and maintain a supervised recreation system and facilities.

2) To accept, on behalf of the City of Dickson, any grant or devise or real estate or any gift or bequest of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or recreation purposes, but if the acceptance thereof for such purpose will subject the municipality to additional expense for improvement, maintenance or renewal, the acceptance of any grant or devise of real estate shall be subject to the approval of the governing body of such municipality. Money received for such purpose, unless otherwise provided by the terms of the gift or bequest, shall be deposited with the treasurer of the municipality to the account of the recreation board or other body having charge of such work, and the same may be withdrawn and paid out in the same manner as money appropriated for recreational purposes. (1995 Code, modified)

CHAPTER 2
UTILITIES BOARD

SECTION

2-201. Creation, membership, etc.

2-201. Creation, membership, etc. A board of public utilities to be known as the "Board of Public Utilities"[1] is hereby created and shall have five members who shall be appointed and organized in accordance with Tennessee Code Annotated, title 7, chapter 52, § 107. The Board of Public Utilities shall have jurisdiction over the city's electrical system but shall in all respects be subject to and governed and controlled by the provisions of Tennessee Code Annotated, title 7, chapter 52, §§ 101, et seq. (1995 Code, modified)

[1]Formerly Dickson Utilities Board.

CHAPTER 3
TREE MANAGEMENT AND BEAUTIFICATION BOARD

SECTION

2-301. Purpose.
2-302. Creation of a tree management and beautification board.
2-303. Term of office.
2-304. Operation.
2-305. Duties and responsibilities.
2-306. Compensation.

2-301. Purpose. The purpose of this board is to provide a mechanism for the management of trees, woody and ornamental vegetation in the City of Dickson. (Ord. # 939, July 1996)

2-302. Creation of a tree management and beautification board. There is hereby created a Tree Management Board for the City of Dickson, which shall consist of seven (7) members who are citizens and residents of the City of Dickson. Members shall be appointed by the mayor and approved by the city council. (Ord. # 939, July 1996)

2-303. Term of office. Members shall serve three (3) year terms, except the first board which will have two (2) members appointed for one (1) year and three (3) members appointed for two (2) years, and two (2) members appointed for three (3) years. Members may serve successive terms. Vacancies are filled by appointment by the mayor until the end of the term. (Ord. # 939, July 1996)

2-304. Operation. The board shall choose its own officers, recommend rules and regulations to the city council and keep a record of its proceedings. Copies of the minutes shall be available to the governing body after each board meeting. Meetings shall be held quarterly, or more often if called by the chairman of the board. A majority of the members shall constitute a quorum for transaction of business. (Ord. # 939, July 1996)

2-305. Duties and responsibilities. The duties of the tree management board shall include, but not be limited to the following:

1) Prepare a tree and beautification plan for the community.
2) Coordinate plant-related activities.
3) Conduct Arbor Day ceremonies
4) Provide tree, shrub, and flower information to the community.
5) Maintain a recommended tree, shrub, and flower list for the community.
6) Recognize groups and individuals completing planting projects.
7) Coordinate publicity concerning tree, shrub and flower planting programs.
8) Coordinate donations of tree, shrub and flowers or money to purchase plants.
9) Perform other planting related duties and opportunities that arise from time to time. (Ord. # 939, July 1996)

2-306. Compensation. Members of the board shall serve with fifty dollars ($50.00) compensation per quarterly meeting. (Ord. # 939, July 1996; amended by Ord. #1277, Nov. 2009)

CHAPTER 4
COMPENSATION FOR BOARDS AND COMMISSIONS

SECTION

2-401. Compensation.

2-401. Compensation.

1) Members of the following boards or commissions shall receive compensation for their services as follows:

Board of Zoning Appeals	$50.00 Monthly
Local Access Cable Committee	$50.00 Monthly
Parks and Recreation Advisory Board	$50.00 Monthly
Planning Commission	$50.00 Monthly
Tree Management and Beautification Committee	$50.00 Quarterly
Naming Committee	$50.00 Monthly

2) No member of the city council shall receive any compensation for service on these boards.

3) The non-councilmember appointees must be present in order to receive compensation. (Ord. #1277, Nov. 2009, amended Ord. #1537, Aug. 2023)

TITLE 3
MUNICIPAL COURT

CHAPTER
1. CITY JUDGE.
2. COURT ADMINISTRATION.

CHAPTER 1
CITY JUDGE[1]

SECTION
3-101. City judge.
3-102. Municipal jurisdiction.
3-103. Qualifications.
3-104. Appointment and term.
3-105. Vacancies.
3-106. Salary.
3-107. Appointing a judge pro tempore.

3-101. City judge. The officer designated by the mayor and city council to handle judicial matters within the City of Dickson shall preside over the municipal court, and shall be known as the city judge, as authorized in Tennessee Code Annotated, § 16-18-301, et seq. (Ord.#1410 June 2017) (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019)

3-102. Municipal jurisdiction. The city judge shall have the authority to try persons charged with the violation of municipal ordinances and any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars ($50.00). (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019)

3-103. Qualifications. The city judge shall be a resident of the County of Dickson for at least one (1) year and a resident of the State of Tennessee for at least five (5) years immediately preceding his or her appointment, at least thirty (30) years old, and have sufficient knowledge to enforce the ordinances of the City of Dickson and the applicable statutes of the State of Tennessee. (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019)

1Charter references
Appointment and term: § 2.02. Duties: § 3.04.

3-104. Appointment and term. The city judge shall be appointed by the mayor and approved by the Council of the City of Dickson. The term of the city judge shall begin and end concurrently with the appointment of other department heads of the City of Dickson following each municipal election. The mayor and city council are authorized to make an interim appointment in the same manner to serve until such time as the next term is scheduled to begin. (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019)

3-105. Vacancies. In the event of a vacancy as a result of death, resignation, retirement, removal for cause or any other reason, the mayor shall appoint and the city council approve a city judge to serve the unexpired portion of the term. In the event of a sudden vacancy, the mayor is authorized to appoint a temporary city judge to serve until such time as a nomination can be presented to and approved by the city council. (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019)

3-106. Salary. The salary of the city judge shall be established as part of the City of Dickson's fiscal year budget and cannot be altered except at the beginning of a term of office. (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019)

3-107. Appointing a Judge Pro Tempore. In the event that the duly appointed City Judge is unable to preside over a hearing due to a direct or indirect conflict, the objection of the defendant with legal foundation or in the event of recusal for any reason, the Municipal Court Clerk may arrange for a Judge Pro Tempore to preside only over the case(s) for which the City Judge is recused. As authorized by TCA § 16-18-312, municipal court judges and general sessions court judges are empowered to sit by interchange for other municipal court judges. The clerk may request any current or former municipal court judge or general sessions court judge within the judicial district encompassing the City of Dickson to serve as Judge Pro Tempore. The appointed Judge Pro Tempore will be compensated in the amount of one hundred dollars ($100.00) for presiding over a conflict docket regardless of the number of cases heard. In the event the Municipal Court Clerk is unable to secure a Judge Pro Tempore, he/she shall request one be appointed by the Tennessee Administrative Office of the Courts. (Ord. #1443, March 2019)

CHAPTER 2
COURT ADMINISTRATION

SECTION

3-201. Municipal court established.
3-202. Maintenance of docket.
3-203. Imposition of fines and costs.
3-204. Disposition of fines and costs.
3-205. Disturbance of proceedings.
3-206. Trial and disposition of cases.
3-207. Issuance of subpoenas.
3-208. Appeals.

3-201. Municipal court established.

1) A Municipal Court for the City of Dickson is established, as authorized in Tennessee Code Annotated, § 16-17-301, et seq. (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019)

2) The duly appointed city judge will determine a schedule for conducting said court. (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019)

3-202. Maintenance of docket.

1) The city judge, with the assistance of the municipal court clerk and staff, shall keep a complete docket of all matters coming before him in his judicial capacity.

2) The docket shall include for each defendant such information as his name, warrant and/or summons numbers, alleged violations, dispositions, lines, and costs imposed, whether such fines and costs are collected and all other information that may be relevant. (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019)

3-203. Imposition of Fines, Penalties and Costs.

1) All fines and costs shall be imposed by the city judge and recorded by the municipal court clerk on the municipal court docket.

2) Court Costs:

a) In all cases heard and determined by him or her, the city judge may impose court costs in the amount of one hundred fifty-five dollars ($162.50). Two dollars ($2.00) of the court costs shall be forwarded by the court clerk to the state treasurer in accordance with Tennessee Code Annotated § 16-18-304(a) to be used by the Administrative Office of the Courts for training and continuing education courses for municipal court judges and municipal court clerks. (Ord. #1571 Aug. 2025)

b) When any person has been charged with violation of a law regarding vehicle equipment (including but not limited to inoperable headlights, tail lights, brake lights or turn signals), driver licensing, or vehicle licensing and registration, the charge may be dismissed if the

person charged with the violation submits evidence of compliance with such law on or before the court date; provided, however, that the city judge may establish a separate court cost not to exceed twenty-five dollars ($32.00) to be collected from the person charged with the violation. This separate court costs will be assessed in lieu of the court costs detailed in Section 3-203(2)(a) above. Two dollars ($2.00) of the court costs shall be forwarded by the court clerk to the state treasurer in accordance with Tennessee Code Annotated § 16-18-304(a) to be used by the Administrative Office of the Courts for training and continuing education courses for municipal court judges and municipal court clerks. (Ord #1571 Aug. 2025)

3) Litigation Taxes and Electronic Citation Fee: In all cases where the defendant is charged with violation of a city ordinance or authorized state statute and is found guilty, whether by trial or plea of guilty, such defendant shall pay:

a) The city and state litigation taxes as defined in Title 5, Chapter 5 of the Dickson Municipal Code;
b) Any other taxes and/or fees imposed pursuant to state statutes and/or city ordinances. (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019 and by Ord. #1523, Aug. 2022 and Ord#1571 Aug 2025)

3-204. Disposition of fines and costs.

1) All funds being paid into the municipal court in the form of fines, costs and other authorized fees shall be recorded by the municipal court clerk and deposited in the City of Dickson's accounts in accordance with state statutes and the policies of the City of Dickson.

2) At the end of each month, the municipal court clerk shall cause to be created a report accounting for the collection or non-collection of all fines and costs imposed by the court during the current month and to date for the current fiscal year to be submitted to the city administrator. (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019)

3-205. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any proceeding before the municipal court by making loud or unusual noises, by using indecorous, profane or blasphemous language or by any distracting conduct whatsoever. A violation of this section shall be punishable by a fine up to fifty dollars ($50.00) plus applicable costs. (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019)

3-206. Trial and disposition of cases. Every person charged with violating a city ordinance shall be entitled to a trial and disposition of the case in a reasonable time period according to the municipal court schedule established by the city judge. (Ord. #1411, Sept. 2017, as amended by (Ord. #1455, Aug. 2019)

3-207. Issuance of subpoenas. The city judge shall have the authority to issue subpoenas to all persons whose testimony as witnesses he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person properly served with such a subpoena to fail or neglect to comply therewith. (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019)

3-208. Appeals. Any defendant who is dissatisfied with any judgment of the municipal court against him may, within ten (10) days after such judgment is rendered, appeal said judgment to the Circuit Court of Dickson County upon posting an appeal bond in the amount of two hundred fifty dollars ($250.00). (Ord. #1411, Sept. 2017, as amended by Ord. #1455, Aug. 2019)

TITLE 4
MUNICIPAL PERSONNEL

CHAPTER

1. VACATION AND SICK LEAVE.
2. PERSONNEL SYSTEM.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. INFECTIOUS DISEASE CONTROL POLICY.

CHAPTER 1
VACATION AND SICK LEAVE

SECTION

4-101. Applicability of chapter.
4-102. Vacation leave.
4-103. Sick leave.
4-104. Bereavement leave.
4-105. Leave records and charges for leave.
4-106. Holidays.
4-107. Overtime.

4-101. Applicability of chapter. This chapter shall apply to all full-time city officers, fire and police department employees working on shifts, and all other employees except those operating under the jurisdiction of a separate board or commission.

The intent of this chapter is to recognize and fairly administer the vacation, sick leave, bereavement leave and holiday schedules of employees who normally are scheduled to work eight (8) hour shifts, ten (10) hour shifts, twelve (12) hour shifts and twenty-four (24) hour shifts. (Ord. #1469, Dec. 2019, § 4-201)

4-102. Vacation leave.

1) Regular, full-time employees will accrue vacation in accordance with the following schedule:

8-Hour Shift Employees

1-4 years	10 shifts (80 hours)
5-9 years	15 shifts (120 hours)
10-14 years	20 shifts (160 hours)
15-19 years	25 shifts (200 hours)
20 years or more	30 shifts (240 hours)

10-Hour Shift Employees

1-4 years	8 shifts (80 hours)
5-9 years	12 shifts (120 hours)
10-14 years	16 shifts (160 hours)

15-19 years	20 shifts (200 hours)
20 years or more	24 shifts (240 hours)

12-Hour Shift Employees

1-4 years	7 shifts (84 hours)
5-9 years	10 shifts (120 hours)
10-14 years	13 shifts (156 hours)
15-19 years	17 shifts (204 hours)
20 years or more	20 shifts (240 hours)

24-Hour Shift Employees

1-4 years	5 shifts (120 hours)
5-9 years	7 shifts (168 hours)
10-14 years	9 shifts (216 hours)
15-19 years	11 shifts (264 hours)
20 years or more	13 shifts (312 hours)

2) All employees may carry vacation hours over from year to year with the following caps:

8-Hour Shift Employees	30 shifts (240 hours)
10-Hour Shift Employees	24 shifts (240 hours)
12-Hour Shift Employees	20 shifts (240 hours)
24-Hour Shift Employees	14 shifts (336 hours)

3) Vacation leave is granted at the convenience of the City of Dickson. Leave requests will be honored to the extent possible. However, department heads may deny vacation if it will create a hardship on the department. (Ord. #1469, Dec. 2019, § 4-202)

4-103. Sick leave.

1) All full-time regular employees will be credited with twelve (12) shifts of sick leave each year to be accrued monthly equivalent to the employee's normal scheduled work shift.

2) Sick leave may be accrued up to a maximum of one hundred twenty (120) shifts for eight (8) hour shift employees, one hundred twenty (120) shifts for ten (10) hour shift employees, one hundred twenty (120) shifts for twelve (12) hour shift employees and fifty-eight (58) shifts for twenty-four (24) hour shift employees.

3) An employee may be allowed to use accumulated sick leave for early retirement; however, accumulated sick leave has no value should the employee cease to be employed.

4) Employees are required to notify their department heads as early as possible on the first day of the sick leave absence. Department heads, at their discretion, may require that the employee furnish a physician's certification stating the nature of the illness or injury prior to returning to work.
5) If an employee has adequate accumulated sick leave, he may use up to twelve (12) shifts for eight (8) hour shift employees; twelve (12) shifts for ten (10) hour shift employees;

twelve (12) shifts for twelve (12) hour shift employees; and, six (6) shifts for twenty-four (24) hour shift employees to provide caregiver services for a sick family member, which includes the employee's spouse/domestic partner, children/step-children/foster children, grandchildren/step-grandchildren/foster grandchildren, parent/step-parent/foster parent or sibling/step-sibling/foster sibling. (Ord. #1469, Dec. 2019, § 4-203)

4-104. Bereavement leave.

1) Bereavement leave will be granted for three (3) scheduled work shifts for employees who normally work eight (8) hour, ten (10) hour and twelve (12) hour shifts and one (1) scheduled work shift for employees who normally work twenty-four (24) hour shifts in the event of the death of an employee's spouse/domestic partner, child/step-child/foster child or his/her spouse/domestic partner, parent/step-parent/foster parent, grandparent/step-grandparent, grandchild/step-grandchild/foster grandchild, sibling/step-sibling or parent-in-law without reducing the employee's accrued leave.
2) With department head approval, up to an additional three (3) scheduled work shifts for employees who normally work eight (8) hour, ten (10) hour and twelve (12) hour shifts and one (1) scheduled work shift for employees who normally work twenty-four (24) hour shifts may be granted to provide additional bereavement leave.
3) With department head approval, an employee may take up to four (4) hours off without loss of pay for any funeral for a person outside the above-defined qualifying immediate family members that he/she feels obligated to attend. (Ord. #1469, Dec. 2019§ 4-204)

4-105. Leave records and charges for leave. The mayor shall cause to be kept, for each officer and employee, a current record showing credits earned and leave taken under this chapter. (1995 Code, § 4-205)

4-106. Holidays.

1) All full-time employees are allowed a day off with pay on the following eleven (11) days:

New Year's Day	January 1st
Martin Luther King Day	3rd Monday in January
Presidents Day	3rd Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24th
Christmas Day	December 25th

2) If a holiday falls on Sunday, it will be observed on the following Monday. If the holiday falls on Saturday, it will be observed on the preceding Friday.

3) When one of the aforementioned holidays falls within the employee's normal work schedule, all non-exempt personnel who are off duty shall be compensated at their normal

rate of pay for the number of hours regularly scheduled to be worked. Off-duty holiday hours shall not be counted toward determining overtime pay as defined in this chapter.

4) All non-exempt personnel who are not scheduled to work during one of the aforementioned holidays shall be compensated at their normal rate of pay for the number of hours normally scheduled to be worked or may, with their department head's approval, choose another day within the same pay period that they are scheduled to work to be off duty with normal compensation. Off-duty holiday hours shall not be counted toward determining overtime pay as defined in this chapter.

5) All non-exempt personnel who are on duty during one of the aforementioned holidays shall be compensated at their normal rate of pay for the number of hours worked, plus an additional amount commensurate with their normal rate of pay for each hour worked during the holiday period. Hours worked on a holiday shall be counted toward determining overtime pay as defined in this chapter. Holiday compensation shall not be calculated at the overtime rate of pay. (Ord. #1422, March 2018, as amended by Ord. #1470, Dec. 2019, § 4-206)

4-107. Overtime.

1) Overtime pay shall be paid at the rate of not less than one and one-half (1-1/2) times the non-exempt employee's rate of pay. In the event that an employee elects to receive compensatory time, then the rate shall be at the same rate as overtime, one (1) hour worked shall equal one and one half (1-1/2) hours of paid time off unless taken in the same forty (40) hour work week, or twenty-eight (28) day work cycle.

2) Non-exempt employees who work an eight (8) hour shift or ten (10) hour shift shall be eligible for (employee's choice of) overtime or compensation time for every hour worked over forty (40) hours in a work week.

3) The City of Dickson's forty (40) hour work week shall begin at 12:00 A.M. on Thursday and end at 1:59 P.M. the following Wednesday.

4) Non-exempt employees who work a twelve (12) hour shift shall be eligible for (employee's choice of) overtime or compensation time for every hour worked over one hundred seventy-one (171) hours in a twenty-eight (28) day pay cycle.

5) Non-exempt employees who work a twenty-four (24) hour shift shall be eligible for (employee's choice of) overtime or compensation time for every hour worked over two hundred twelve (212) hours worked during a twenty-eight (28) day work period.

6) The City of Dickson's twenty-eight (28) day pay cycle shall be administered as prescribed in 29 CFR § 553.201, statutory provisions: section 7(K).

7) Vacation time, sick leave, holiday leave, compensatory leave and any other paid time off shall not be considered hours worked for the purpose of overtime however, employees called in on emergency calls after regular hours of on scheduled days off shall be

compensated for those hours worked at their overtime rate. (Ord. #1395, Sept. 2016, § 4-207)

CHAPTER 2
PERSONNEL SYSTEM

SECTION

4-201. Title.
4-202. Purpose.
4-203. General policy declared.
4-204. Definitions.
4-205. Classification.
4-206. Application of remainder of chapter.
4-207. Mayor's duties.
4-208. Duties of personnel officer.
4-209. Personnel board.
4-210. Adoption and amendment of personnel rules.
4-211. Contents of personnel rules.
4-212. Classification plan.
4-213. Compensation plan.
4-214. Appointments.
4-215. Public safety eligibility lists.
4-216. Certification.
4-217. Veteran's preference.
4-218. Probationary period.
4-219. Status of present employees.
4-220. Promotions.
4-221. Disciplinary actions.
4-222. Reductions in work force.
4-223. Appeals.
4-224. Political activity.
4-225. Interruption in service.
4-226. Records.
4-227. Right to contract for special services.
4-228. Discrimination.
4-229. Review of actions of personnel officer.
4-230. Jury duty/court duty.
4-231. Leaves of absence.
4-232. Nepotism.
4-233. Workers' compensation.
4-234. Construction and application to other laws.

4-201. Title. This chapter shall be known as the "Personnel Merit System Ordinance" or "Personnel Ordinance." (1995 Code, § 4-301)

4-202. Purpose. A personnel merit system for the City of Dickson is hereby established for the purpose of providing a personnel policy under which entry into and continuance in the

service of the city shall be on the basis of merit, efficiency, and fitness and free of personal and political
considerations. (1995 Code, § 4-302)

4-203. General policy declared. It is hereby the declared personnel policy of the city that:

1) Employment in the city government shall be based on merit, efficiency, and fitness and free of personal and political considerations.

2) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the municipal government.

3) Positions having similar duties and responsibilities shall be classified and compensated for on a uniform basis.

4) Appointments, promotions, and other personnel actions requiring the application of the merit principle shall be based on systematic tests and evaluation.

5) Every effort shall be made to stimulate high morale by fair administration of this chapter and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the city.

6) Tenure of employees covered by this chapter shall be subject to good behavior, satisfactory performance of work, necessity for the performance of work, and availability of funds.

7) When an employee terminates his employment with the city and if rehired he loses all previous benefits he had and is treated as a new hire. (1995 Code, § 4-303)

4-204. Definitions. As used in this chapter, the following quoted words and terms shall have the meanings enumerated hereinafter.

1) "Appointing authority" shall mean that individual or entity that possesses hire-fire authority over an employee.

2) "Chief executive" shall mean the Mayor of the City of Dickson.

3) "Governing body" shall mean the city council vested with power to enact ordinances and resolutions for the City of Dickson.

4) "Municipality" or "city" shall mean the City of Dickson, Tennessee. (1995 Code, § 4-304)

4-205. Classification. All offices and positions of the city are divided into the classified service and the unclassified status. The classified service shall include all regular full-time and regular part-time positions in the city service which are not specifically placed in the unclassified

service by this chapter. All offices and positions of the city specifically placed in the unclassified service shall be as follows:

1) All officials elected by popular vote and persons appointed to fill vacancies in any such elective offices.

2) The mayor and direct assistant(s) thereto.

3) Members of appointive boards, commissions, or committees.
4) Employees of a utility under an appointive board or commission, unless the utility board or commission requests that they be covered.

5) Persons employed to render the city expert, professional, technical, or other services of an occasional character.

6) Volunteer personnel, such as volunteer firemen, and all other personnel appointed to serve without compensation.

7) City attorney and assistant city attorneys.

8) Housing authority personnel.

9) Persons employed by the city for not more than six (6) months during a fiscal year for special purposes and seasonal work.

10) Part-time employees paid by the hour or day.

11) Employees who are hired to meet the immediate requirements of an emergency condition, such as fire, flood, earthquake, riots, etc., which threatens life or property.

12) Persons serving the city as independent contractors.

13) Persons retained as consultants.

14) Persons jointly employed by the city and some other governmental agency.

15) City judge. (1995 Code, § 4-305)

4-206. Application of remainder of chapter. The following sections of this chapter shall apply only to the classified service unless otherwise specifically provided. (1995 Code, § 4-306)

4-207. Mayor's duties. The mayor shall have the basic responsibility for the personnel program as set forth in this chapter. He specifically shall:

1) Be responsible for effective personnel administration;

2) Appoint a personnel officer, to be approved by the city council, who shall be responsible for the administration and technical direction of the city's personnel program; or he may, upon approval of the city council, assign and combine the powers and responsibilities of the personnel officer with that of another office or act in the capacity of personnel officer in the absence of such an appointment, assignment, and combination of powers and responsibilities;

3) Appoint, remove, suspend, reprimand, and otherwise discipline, upon the approval of the city council and subject to the policies as set forth in this chapter, provisions of the charter, and those in state law, department heads and other major officers of the city whose appointments and terminations are not otherwise provided for in the charter and who would not be employees of the boards or commissions. When the necessities of the situation dictate, the mayor may demote, dismiss, reduce in pay, reprimand, or suspend without pay any employee in the classified service in accordance with§ 4-220 and subject to the review appeal process.

4) Authorize the head of the department or office (hereinafter "appointing authority") responsible to him to appoint, remove, suspend, reprimand, and otherwise discipline subordinates in such departments and offices upon confirmation of the mayor along with department heads;

5) Fix and establish the number of employees in the various city departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in this chapter and subject to the approval of the city council and budget limitations; and

6) Perform such other duties and exercise such other power in personnel administration as may be prescribed by law and this chapter. (1995 Code, § 4-307)

4-208. Duties of personnel officer. The duties and responsibilities of the personnel officer or other officer designated under the preceding section to handle such responsibilities shall be to:

1) Administer under the direction of the mayor the personnel program as set forth in this chapter and the personnel rules and regulations;

2) Perform all lawful and necessary duties essential to the effective administration of the personnel system and serve as a secretary to the personnel board (but shall have no vote);

3) Recommend to the mayor rules and revisions and amendments thereto for the consideration of the city council;

4) Recommend to the mayor a position classification plan for approval by the city council, and install and maintain such a plan;

5) Prepare and recommend to the mayor a pay plan for all city employees for the city council approval;

6) Establish and maintain a roster of all persons in the municipal service setting forth each officer and employee, class title of his position, salary, and changes in class title, status, and such other data as may be deemed desirable or useful;

7) Develop and administer such recruiting and examining programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the city;

8) Be responsible for certification of all payrolls;

9) Develop and coordinate training, evaluation, and educational programs for city employees;

10) Investigate periodically the operation and effect of the personnel provisions of this chapter and the rules, and at least annually report his findings and recommendations to the mayor;

11) Maintain adequate personnel records to include for each employee the class, title, pay, and other relevant data;

12) Advise the mayor on manpower utilization;

13) Foster and develop programs for the improvement of personnel effectiveness, including training, safety, health, counseling, and welfare;

14) Encourage and exercise leadership in the development of an effective personnel system for the city; and

15) Perform such other duties as may be assigned by the mayor not inconsistent with this chapter. (1995 Code, § 4-308)

2-209. Personnel board. The Finance and Management Committee will serve as the Personnel Board and shall have the following duties and powers:

1) Hear appeals of any employee relative to disciplinary action and other matters in which the employee feels grieved as provided herein, after such action or matter has been reviewed by the appointing authority, city administrator, and mayor. The board may revoke, modify, or sustain the action being appealed. The personnel board shall have the right of subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses, and the power to require the production of evidence by subpoena. During such review, both the appealing employee and the appointing authority or other persons whose action is being reviewed shall have the right to be heard publicly, employ counsel of their choice to represent them at their own expenses, and to present evidentiary facts. At the hearing of such appeals or grievances technical rules of evidence shall not apply. All appeals shall be concluded as expeditiously as possible and in accordance with the

requirements and procedures as set forth in the personnel rules adopted pursuant to the chapter.

2) Represent the public interest in the improvement of personnel administration in the city service.

3) Advise the city council and mayor on questions concerning the implementation of general personnel policies and administration. (1995 Code, § 4-309)

4-210. Adoption and amendment of personnel rules. The mayor, in consultation with the personnel officer, shall be responsible for preparation of such personnel rules and amendments thereto as may be necessary to carry out the provisions of this chapter. The city council shall adopt such rules by ordinance. (1995 Code, § 4-310)

4-211. Contents of personnel rules. The personnel rules shall establish regulations, specific procedures, and policies governing the personnel system, including, but no limited to, the following:

1) Administration of a position classification plan covering all positions in the classified service, including employment standards and qualifications for each class;

2) Administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class;

3) The announcement of vacancies and the acceptance of applications for employment;
4) Preparation, announcement, and conducting of examinations;

5) Establishment and use of employment lists containing names of persons eligible for appointment;

6) Certification and appointment of persons from employment lists to fill vacancies, and the making of provisional, temporary, casual, and emergency appointments;

7) Evaluation of the work of employees including those serving a probationary period;
8) Transfer, promotion, and reinstatement of employees in the competitive service;

9) Disciplinary action, demotion, suspension, and separation from the service of employees by resignation, layoff, separation, dismissal, and for incapacity to perform required duties;

10) Standardization of hours of work, attendance and leave regulations, and working conditions;

11) Development of employee morale, welfare, and training programs;

12) A uniform system of procedure for the handling of all grievances and appeals;

13) Vacations, holidays, paid and unpaid leaves, and other fringe benefits;

14) Promotional policies and procedures;

15) Establishment, maintenance, and use of adequate and necessary personnel records and forms; and

16) Such other matters as may be necessary and proper to carry out the intent and purpose of this chapter. (1995 Code, § 4-311)

4-212. Classification plan. The personnel officer shall make an analysis of the duties, authority, and responsibility of all positions in the classified service and shall recommend to the mayor for adoption by the city council a position classification plan. Each position in the classified service shall be assigned to a job classification on the basis of its kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive class title, the same qualifications, requirements, the same tests of competence, and the same pay scale. A job class may contain one (1) position or more than one (1) position.

The city council shall by resolution, approve a classification plan in accordance with the provisions as set out in § 4-209. The personnel officer shall thereafter allocate each position to its appropriate class.

The class to which each position is initially allocated following adoption of the provisions of this chapter shall be the class in which the employee shall have status conferred on him by§ 4-218. The initial class plan shall be revised from time to time as changing conditions require, upon recommendation of the personnel officer to the mayor, and with the approval of the city council by resolution, in accordance with the provision as set out in§ 4-209. Such revisions may consist of the adoption of new classes or the abolishment, consolidation, division, or amendment of existing classes. Nothing herein shall be construed as affecting the power of the city council to abolish positions in the classified service. (1995 Code, § 4-312)

4-213. Compensation plan. The personnel officer, under the direction of the mayor shall develop a uniform and equitable pay plan consisting of minimum, intermediate, and maximum rates of pay for each class of positions. Salary ranges for each class shall be coordinated with the position classification plan and shall be based on the ranges of pay for other classes, requisite qualifications, general rates of pay for comparable work in other public and private employment in the area, cost of living data, maintenance or other benefits received by employees, the financial policy of the city, and other economic considerations. The pay plan and the rules for its administration shall then be submitted to the city council for adoption.
The city council shall:

a) Adopt the plan of compensation;

b) Adopt the same without modifying the plan except by uniform modification of all classes; or

c) Reject the plan.

Adoption shall be by resolution. When a plan of compensation is rejected by the city council, it shall be returned to the mayor. The personnel officer shall thereupon formulate another plan of compensation in accordance with the first paragraph of this section. Upon approval of the plan by the city council, it shall be the plan of compensation under which all members of the classified service must be paid.

The pay plan may be amended from time to time as circumstances require in accordance with the provisions as set out in the first and second paragraphs of this section.

On the effective date of a new or revised pay plan, the pay of employees receiving less than the minimum rate for their class shall be increased to the minimum rate of the salary range. Employees receiving more than the maximum rate of their class shall continue to receive that higher rate. Employees whose salary rates fall at any step in the range for the position shall continue at that rate. Rates at other than an established step of the salary range shall be increased to the next higher step. (1995 Code, § 4-313)

4-214. Appointments. Appointments to positions in the classified service shall be made in accordance with this chapter and the personnel rules. Appointments and promotions shall be based on merit, efficiency, and fitness to be ascertained so far as practicable by competitive evaluation. Examination when used and conducted to aid in the selection techniques shall test fairly the qualifications of candidates in relation to class specifications. Such tests may include written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these or other tests as approved by the mayor. Physical and medical tests may be given as a part of any examination. The mayor may include, in addition to competitive tests, a qualifying test or tests; and set minimum standards therefore. The personnel rules and regulations shall include, but not be limited to, the following appointment procedures:

1) An orderly and systematic method of recruitment to insure that all those employed will be hired on the basis of merit, efficiency, and fitness without in any way being favored or discriminated against because of race, color, ancestry, sex, national origin, religious belief, or any personal or political opinions or affiliations, and to provide for the establishment of qualified lists for employment purposes;

2) In the absence of an appropriate certified employment list of qualified candidates, a provisional appointment may be made by the appointing authority, provided that employment lists shall be established for any such position within six (6) months. A provisional employee may serve only until the personnel official shall certify to the appointing authority a qualified candidate or candidates, and may be removed at any time without charges, right of appeal and hearing. No person shall be employed by the city under provisional appointment for a total of more than six (6) months, except during the period of suspension of an employee or pending final action on proceedings to review suspension, demotion, or dismissal of an employee (such vacancy created may be filled by the

appointing authority only by provisional appointment subject to the provisions of this chapter and the personnel rules); and

3) In the event of emergency, the appointing authority may appoint such persons as are required to meet the situation, but such appointment shall not exceed thirty (30) days in any twelve (12) month fiscal year. (1995 Code, § 4-314)

4-215. Public safety eligibility lists.

a) An orderly and systematic method of recruitment to ensure that all those employed will be hired on the basis of merit, efficiency, and fitness without in any way being favored or discriminated against because of race, color, ancestry, sex, national origin, religious belief, or any personal or political opinions or affiliations, and to provide for the establishment of qualified lists for employment purposes;

b) In the absence of an appropriate certified employment list of qualified candidates, a provisional appointment may be made by the appointing authority, provided that employment lists shall be established for any such position within six (6) months. A provisional employee may serve only until the personnel official shall certify to the appointing authority a qualified candidate or candidates, and may be removed at any time without charges, right of appeal and hearing. No person shall be employed by the city under provisional appointment for a total of more than six (6) months, except during the period of suspension of an employee or pending final action on proceedings to review suspension, demotion, or dismissal of an employee (such vacancy created may be filled by the appointing authority only by provisional appointment subject to the provisions of this chapter and the personnel rules); and

c) In the event of emergency, the appointing authority may appoint such persons as are required to meet the situation, but such appointment shall not exceed thirty (30) days in any twelve (12) month fiscal year.

Eligibility lists, in the order of their priority, shall be re-employment lists, promotional eligibility lists, and original appointment eligibility lists:

1) Re-employment lists. Re-employment lists shall be created as follows: names of persons being placed upon re-employment lists shall be in order of total cumulative time served in probationary and regular status, and shall remain on such lists for a
period of one (1) year unless a person no longer seeks employment with the city, or the personnel official determines that the person has ceased to have the qualifications for the class of positions.

The names of probationary and regular employees laid off in good standing for lack of funds or work shall, at the request of the employee, be placed upon re-employment lists for classes which, in the opinion of the personnel official, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which lay-off was made.

The names of probationary and regular employees who have resigned in good standing may, upon the approval of the mayor be placed upon re-employment lists, in accordance with the provisions of this section, for classes which, in the opinion of the personnel official, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which resignation was made.

2) Promotional and original appointment lists. Promotional eligibility lists and original appointment eligibility lists shall be created in accordance with the provisions of § 4-313 and this section, and as follows: names of applicants shall be placed upon the appropriate eligibility lists in the relative order of their final rating (with the exception of the re-employment lists as provided in subsection (2) above). Eligible applicants obtaining the same score shall be considered to have the same rank on the eligibility list, all other things being equal.

3) Administering lists. Policy and procedures for administering eligibility lists shall be provided in the personnel rules and shall cover the duration, cancellation, replacement, and consolidation of such lists and the removal or suspension of the names of eligibles therefrom. (Ord. #1075, Nov. 2000,§ 4-315)

4-216. Certification

When an appointment is to be made to fill a vacant position in the classified service, the personnel officer, upon requisition, shall first certify to the appointing authority a list of the top three (3) qualified candidates on the appropriate re-employment list in the order that their names appear on such list (rule of three (3)). When more than one (1) vacancy is to be filled, the number of names submitted shall equal the number of vacancies plus two (2). The appointing authority shall then fill the position or positions from those available persons on the re-employment list in the order that their names appear on such list. If no appropriate re-employment list exists, the personnel official shall then certify to the appointing authority a list of the top three (3) qualified candidates ranked highest on the appropriate promotion list. The appointing authority shall then fill the position or positions from those candidates available in the highest qualified rating. In the event there is no appropriate promotion list of qualified candidates available, the personnel officer shall certify a list of the top three (3) qualified candidates ranked highest on the appropriate employment list. The appointing authority shall then fill the position or positions from those candidates available in the highest qualified rating. In the absence of an appropriate certified employment list of qualified candidates, a provisional appointment may be made by the appointing authority as provided elsewhere in this chapter, or the vacancy or vacancies may be filled in any other manner as provided in this chapter and the rules. No appointment, except a temporary or provisional appointment, shall be made without such certification or prior authorization. (1995 Code, § 4-316)

4-217. Veteran's preference. The personnel rules and regulations shall provide for the allowance of veteran's preference points in accordance with the city charter and state and federal law requirements. (1995 Code, § 4-317)

4-218. Probationary period. The personnel rules and regulations shall provide that all regular appointments, including promotional appointments, shall be for a probationary period of six

(6) months. During the probationary period, an employee may be rejected at any time without charges, right of appeal, and hearing. An employee rejected during the probationary period from a position to which he has been promoted shall be re-instated to a position in the class from which he was promoted unless he is discharged as provided in this chapter and the personnel rules. (1995 Code,
§ 4-318)

4-219. Status of present employees. Any person holding a position included in the classified service who, on the date that the provisions of this chapter become operational, shall have served continuously in such position or in some other position in the classified service for a period equal to the probationary period, shall assume regular status in the classified service in the position held on such effective date without qualifying tests, and shall thereafter be subject in all respects to the provisions of this chapter and the personnel rules and regulations. Other persons holding positions in the classified service shall be regarded as probationers who are serving out the remainder of their probationary periods before obtaining regular status, and may be certified in the same manner when they satisfactorily complete the regular work test period. The probationary period shall be computed from the date of appointment or employment. (1995 Code, § 4-319)

4-220. Promotions. Vacancies in positions above the entrance shall be filled by promotion whenever in the judgment of the mayor it is in the best interest of the city to do so. Promotions shall be on a competitive basis and shall give appropriate consideration to the applicants' qualifications and seniority. (1995 Code, § 4-320)

4-221. Disciplinary actions.

1) The appointing authority may immediately demote, dismiss, reduce the pay, suspend, reprimand, or otherwise discipline any employee for failure in performance of duties or failure in personal conduct. The appointing authority shall provide the employee with written notice of any disciplinary action as soon as is practicable, but in no event later than five (5) working days unless extenuating circumstances exist. Such notice shall include the effective date, reasons for the action, and appeal rights available to the employee.

2) Failure in performance of duties. An employee whose work is unsatisfactory over a period of time shall be notified by the supervisor or the appointing authority in what way the employee's work is deficient and what must be done if the work is to be satisfactory. An employee who is suspended, demoted, dismissed, reprimanded, receives a reduction in pay, or other disciplinary action for unsatisfactory performance of duties shall receive at least two (2) warnings one (1) verbal and one (1) written, from the supervisor, appointing authority, city administrator and mayor before such disciplinary action is taken. Each warning shall serve notice upon the employee that corrective action must be taken immediately in order to avoid further disciplinary action. The supervisor and the appointing authority must record the dates of their discussions with the employee, the performance of deficiencies discussed and the corrective actions recommended and must file the information in the employee's personnel folder. The recommended corrective action may include up to a supervisor's referral to the employee assistance program for assessment and recommendations for problem resolution.

3) Failure in personal conduct. An employee may be demoted, dismissed, incur a pay reduction, suspended, reprimanded, or otherwise disciplined for causes related to personal conduct detrimental to city service. The causes relating to failure in personal conduct are representative of those considered to be adequate grounds for immediate suspension, demotion or dismissal, pay reduction, reprimand, or other disciplinary action.

4) Immediate disciplinary suspension. An employee may be suspended without notice by the appointing authority for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and shall receive no compensation for the period of suspension. The appointing authority shall notify the city administrator immediately. A written summary giving the circumstances and facts leading to the suspension shall be prepared; one (1) copy shall be delivered to the employee by certified mail, and one (1) copy shall be filed in the employee's personnel folder.

5) Non-disciplinary suspension. During the investigation, hearing or trial of an employee on any criminal charge or during the course of any civil action involving an employee, the appointing authority may suspend the employee without pay for the duration of the proceedings as a non-disciplinary action. However, the investigation, hearing, trial or civil action must involve matters that may form the basis for disciplinary suspension to be allowed. Full recovery of pay and benefits for the period of non-disciplinary suspension will be authorized by the city administrator, if the suspension is terminated with full reinstatement of the employee.

6) Dismissal. All dismissals shall be preceded by an automatic three day suspension without pay pending completion of an investigation by the appointing authority. If the appointing authority determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the three (3) day suspension. If a dismissal is made at the end of this period, a written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be delivered to the employee by certified mail and one (1) copy shall be filed in the employee's personnel folder.

7) Nothing in this section is intended or shall be construed to create an employment contract. All employees of the City of Dickson are employees at will subject to the appeal procedure specified in § 4-222. For good cause in the interest of the public, the procedures specified in this section may be suspended to allow for immediate disciplinary action so long as the appeal procedure specified in § 4-222 remains available. (1995 Code, § 4-321, modified)

4-222. Reductions in work force. Nothing herein shall be construed as affecting the power of the city council to abolish positions in the classified service. Employees transferred, demoted, or laid off because of the abolishment of positions shall have the right of appeal and hearing in such cases. Seniority shall be observed in affecting such reduction in personnel and the order of lay-off shall be in the reverse order of total cumulative time served in the classified service upon the effective date of the lay-off. Lay-off shall be made within classes of positions, and all

provisional employees in the affected class or classes shall be laid off prior to the lay-off of any probationary or regular employee. For the purpose of determining order of lay-off, total cumulative time shall include time served on military leave of absence. (1995 Code, § 4-322)

4-223. Appeals. This chapter and the rules and regulations adopted thereunder hereby grant to any employee of the City of Dickson the right to appeal any personnel related action taken on behalf of a supervisor or member of management including any action or interpretation of the rules and regulations applicable to rights and responsibilities of the employee and/or the city as outlined in the employee handbook and the municipal code governing personnel related issues and compliance.

Step 1: Any personnel related issue, concern or decision that an employee believes is unfair or unjust must first be brought to the attention of the immediate supervisor or department head within twenty (20) consecutive workdays of the event or action. The department head or supervisor will have ten (10) working days from the receipt of the complaint and the basis on which it is being lodged in which to respond. In the event the problem lies with the immediate supervisor or department head, the employee may begin at Step 2.

Step 2: If the personnel related issue, concern or decision has not been answered to the satisfaction of the employee, the employee must present the issue to the city administrator in writing within ten (10) working days of being informed of the unsatisfactory decision or act rendered by the immediate supervisor or department head. The city administrator will have up to ten (10) days from receipt of the written appeal to investigate the issue, conduct any interviews or hearings deemed appropriate, and render a decision of the findings in writing to the aggrieved employee. If the employee finds the decision of the city administrator unsatisfactory, the employee may begin the appeal process at Step 3.

Step 3: If the personnel related issue, concern or decision has not been answered to the satisfaction of the employee by following the procedures outlined in Step 1 and Step 2 of the appeal process, the employee may appeal the decision or act to the mayor by presenting a request for a review of the facts in writing within ten (10) working days of receipt of the city administrator's decision. The mayor will have ten (10) working days from the receipt of the written request to conduct any interviews deemed appropriate with the aggrieved employee or witnesses, review supporting documentation of the appeal, and review the rules and regulations governing personnel related actions as they apply to the city and its employees before rendering a decision. The decision rendered by the mayor will be reduced to writing and considered final and binding. (Ord. #1090, June 2001, § 4-323)

4-224. Political activity.

1) Definitions. As used in this part, unless the context otherwise requires:

a) "Election" includes all elections, local, municipal, primary, general, state, federal and special and any election in the state or any county, municipality or other political subdivision thereof, but does not include referenda or issues submitted to a vote of the people, political convention or caucus,

b) Public funds" and "public lands, offices, buildings, vehicles and facilities" include those owned and supported principally by public money.

2) Interference with election or nomination.

a. It is unlawful for any public officer or employee to use such person's official position, authority or influence to interfere with an election or nomination for office or directly or indirectly attempt to intimidate, coerce or command any other officer or employee to vote for or against any measure, party or person, or knowingly receive or pay assessments of any kind or character for political purposes or for election expenses from any other officer or employee.

b. It is the intent of this section to prohibit any political intimidation or coercion of any public officer or employee.

3) Soliciting contributions for political purposes.

a) It is unlawful for any employee knowingly to solicit directly or indirectly any contribution of money, thing of value, facilities or services of any person who has received contracts, compensation, employment, loans, grants or benefits, or any person whose organization, agency or firm has received such financed by public funds, state, federal or local, for political purposes or campaign expense.

b) As used in this subsection, unless the context otherwise requires, contribution means any advance, conveyance, deposit, distribution, transfer of funds, loan, loan guaranty, payment, gift, pledge or subscription, of money or thing of value, including, but not limited to, use of a facility or provision of personal services, for use on behalf of any candidate for political office, or for any political purpose or campaign expense.

c) It is unlawful knowingly to solicit, accept, or collect, directly or indirectly, any contribution from a public officer or employee if the solicitor or the solicitor's principal is, directly or indirectly, in a supervisory capacity over such employee or is otherwise able to control the retention, promotion, demotion, or terms or conditions of employment of such officer or employee.

d) The provisions of this subsection shall not be construed to prevent voluntary contributions from political action committees and associations of employees.

4) Promises of benefits for political activity. It is unlawful for any employee, directly or indirectly, to promise employment, position, work, compensation, contracts, loans, grants, appropriations or other benefits provided principally from public funds as a consideration, favor or reward for any political activity, support or opposition to any candidate, party or measure in any election.

5) Deprivation, attempts to deprive, or threats to deprive persons of benefits. It is unlawful for any employee, directly or indirectly, to deprive, attempt to deprive, or threaten to

deprive any person of employment, position, work, compensation, contracts, loans, grants, appropriations or benefits provided principally from public funds for any political activity, support or opposition to any candidate, party or measure in any election.

6) Use of city-owned property for campaign advertising or activities.

a) It is unlawful for any employee to display campaign literature, banners, placards, streamers, stickers, signs or other items of campaign or political advertising on behalf of any party, committee or agency or candidate for political office, on the premises of any building or land owned by the city, or to use any of the facilities of the city, including equipment and vehicles, for such purposes.

b) It is unlawful to use public buildings or facilities for meetings or preparation of campaign activity in support of any particular candidate, party or measure unless reasonably equal opportunity is provided for presentation of all sides or views, or reasonably equal access to the buildings or facilities is provided all sides.

7) Political activity interfering with city business.

a) It is unlawful for any person employed by the city to engage actively in a political campaign on behalf of any party, committee, organization, agency or political candidate, or to attend political meetings or rallies or to otherwise use such person's official position or employment to interfere with or affect the result of any regular or special primary election or to perform political duties or functions of any kind not directly a part of such person's employment, during those hours of the day when such person is required by law or administrative regulation to be conducting the business of the city.
b) Nothing in this section shall be construed to deprive any employee from voting for the party or candidate of such person's choice or to deprive such person of the right to express such person's personal opinion concerning any political subject, party or candidate.
c) Elected officials, employees on leave or during those hours not required by law or administrative regulation to be conducting the business of the city, persons duly qualified as candidates for public office are expressly excluded from the provisions of this section.
d) No rule or regulation which has been promulgated or shall be promulgated shall be more restrictive of the political activity of employees on leave or during those hours not required by law or administrative regulation to be conducting the business of the city than those restrictions already set forth in this section.
e) Law enforcement. No law enforcement officer shall engage in political activity, support or opposition to any candidate, party or measure in any election when on duty or acting in such officer's official capacity. When off duty and acting as a private citizen, no officer shall be prohibited from engaging in political activity or denied the right to refrain from engaging in such activity.
f) Candidates for public office. Every employee of the city shall enjoy the same rights of other citizens of the city to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities, provided the city is not required to pay

the employee's salary for work not performed for the city, however, an employee of the city shall not be qualified to run for a City of Dickson elected office.

g) Absences. Any time off from work used by the employee for participation in political activities, shall be limited to earned days off, vacation days, or by any other arrangements worked out between the employee and the city. (1995 Code, § 4-324)

4-225. Interruption in service. No city officer or employee, classified or unclassified, shall participate in any activity that interrupts service to the City of Dickson, including but not limited to strikes and collective bargaining. (1995 Code, § 4-329)

4-226. Records. The personnel officer shall maintain, as a minimum, adequate records of the proceedings of the personnel board, of official ordinances and resolutions affecting personnel administration, of personnel rules and regulations, of the examination record of every applicant, and of the employment record of every employee. (1995 Code, § 4-330)

4-227. Right to contract for special services. The city council may contract with any competent agency for the performance by such agency of such technical services in connection with the establishment of the personnel system or with its operations as may be deemed necessary. Such contract may include the delegation to such an agency of the duties herein imposed upon the personnel official but shall not include the delegation of the powers and duties herein vested in the city council. Examples of such responsibilities and duties that may be contracted by the city council are as follows:

1) The preparation of personnel rules and regulations and subsequent revisions and amendments thereof;

2) The preparation of a position classification plan, and subsequent revisions and amendments thereof;

3) The preparation of a compensation plan, and subsequent revisions and amendments thereof;

4) The preparation, conduct, and grading of competitive examinations; and

5) Special and technical services of an advisory or informational character on matters relating to personnel administration. (1995 Code, § 4-331)

4-228. Discrimination. No person in the classified service or seeking admission thereto shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, or religious belief. (1995 Code, § 4-332)

4-229. Review of actions of personnel officer. It shall be the duty of the mayor to review and/or modify any action taken by the personnel officer while carrying out the intent of this chapter and/or while acting in the capacity of authorized representative. (1995 Code, § 4-333)

4-230. Jury duty/court duty. The employer will continue to pay normal compensation or wages while the employee performs these civic duties. (1995 Code, § 4-334)

4-231. Leaves of absence. Leaves of absence without pay for personal or medical reasons may be granted by the department superintendent/chief for up to thirty (30) days. An additional sixty (60) days may be granted by the mayor only. An extension of time for health reasons only may be requested and approved by the appropriate council committee and mayor. (1995 Code, § 4-335)

4-232. Nepotism. Relatives, to include sons, daughters, sisters, brothers, aunts, uncles, grandsons, granddaughters, step-children and in-laws, may work for the city as long as this relationship is brought to the attention of the appropriate council committee and mayor and approved. (1995 Code, § 4-336)

4-233. Workers' compensation. Employees with accumulated sick leave may elect to receive the workers' compensation check only or supplement workers' compensation with an equivalent amount of sick leave in order to maintain regular earnings.

If an employee elects to supplement workers' compensation, the number of sick leave hours deducted will be calculated by multiplying the hourly rate times the number of hours in the pay period less the actual amount of the workers' compensation check divided by the hourly rate. If the employee has no accumulated leave, they are not entitled to any supplement. (1995 Code,§ 4-337)

4-234. Construction and application to other laws. Nothing in this section is intended or shall be construed to be inconsistent with applicable federal and state laws and constitutions. (1995 Code, § 4-338)

CHAPTER 3
OCCUPATIONAL SAFETY AND HEALTH PROGRAM[1]

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 plan.

4-301. Title. This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Dickson. (Ord. #1417, Jan. 2018)

4-302. Purpose. The City of Dickson, 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:

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

1) Top management commitment and employee involvement;

2) Continually analyze the worksite to identify all hazards and potential hazards;

3) Develop and maintain methods for preventing or controlling the existing or potential hazards; and

4) Train managers, supervisors, and employees to understand and deal with worksite hazards.

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

6) 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.

7) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

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

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

10) Provide for education and teaming of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (Ord. #1417, Jan. 2018)

1The Occupational Safety and Health Program Appendices I through V are included in this municipal code as Appendix A.

4-303. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Dickson shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent (Ord. #1417, Jan. 2018)

4-304. Standards authorized. The Occupational Safety and Health standards adopted by the City of Dickson 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 (Tennessee Code Annotated, title 50, chapter 3). (Ord. #1417, Jan. 2018)

4-305. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, the City of Dickson 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, the City of Dickson will notify or serve notice to its employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (Ord. #1417, Jan. 2018)

4-306. Administration. For the purposes of this chapter, Cameron Smith 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. (Ord. #1417, Jan. 2018, as amended by Ord. #1453, July 2019, as amended by Ord #1576, Dec 2025))

4-307. Funding the program plan. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the City of Dickson. (Ord. #1417, Jan. 2018)

CHAPTER 4
INFECTIOUS DISEASE CONTROL POLICY

SECTION

4-401. Purpose.
4-402. Coverage.
4-403. Administration.
4-404. Definitions.
4-405. Policy statement.
4-406. General guidelines.
4-407. Hepatitis B vaccinations.
4-408. Reporting potential exposure.
4-409. Hepatitis B virus post-exposure management.
4-410. Human immunodeficiency virus post-exposure management.
4-411. Disability benefits.
4-412. Training regular employees.
4-413. Training high risk employees.
4-414. Training new employees.
4-415. Records and reports.
4-416. Legal rights of victims of communicable diseases.
4-417. Amendments.

4-401. Purpose. It is the responsibility of the City of Dickson to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the City of Dickson, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (1995 Code, § 4-501)

4-402. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

1) Paramedics and emergency medical technicians;
2) Occupational nurses;
3) Housekeeping and laundry workers;
4) Police and security personnel;
5) Firefighters;

6) Sanitation and landfill workers; and
7) Any other employee deemed to be at high risk per this policy and an exposure determination. (1995 Code, § 4-502)

4-403. Administration. This infection control policy shall be administered by the mayor or his designated representative who shall have the following duties and responsibilities:

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

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

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

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

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

6) Prepare and recommend to the city council any amendments or changes to the infection control policy;

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

8) Perform such other duties and exercise such other authority as may be prescribed by the city council. (1995 Code, § 4-503)

4-404. Definitions.
1) "Body fluids." Fluids that have been recognized by the Centers for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

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

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

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

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

6) "Universal precautions." Refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with body fluids to be protected as though such body fluid were HBV or HIV infected. (1995 Code, § 4-504)

4-405. Policy statement. All blood and body fluids are potentially infectious for several blood-borne pathogens and some body fluids can transmit infections. For this reason, the Centers for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions." Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other body fluids which contain visible blood. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (1995 Code, § 4-505)

4-406. General guidelines. General guidelines which shall be used by everyone include:

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

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

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

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

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

a. While handling an individual where exposure is possible;

b. While cleaning or handling contaminated items or equipment; or

c. While cleaning up an area that has been contaminated with one of the above.

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

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

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

9) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other body fluids.

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

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

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

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

All required tags shall meet the following criteria:

a. Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD," or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.
b. The signal word shall be readable at a minimum distance of five feet (5') or such greater distance as warranted by the hazard.
c. All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

14) Linen soiled with body fluids shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage. The employee responsible for transported soiled linen should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with body fluids.

15) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (1995 Code, § 4-506)

4-407. Hepatitis B vaccinations. The City of Dickson shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the infectious disease control coordinator. (1995 Code,§ 4-507)

4-408. Reporting potential exposure. City employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc.):

1) Notify the infectious disease control coordinator of the contact incident and details thereof.

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

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

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to Human Immunodeficiency Virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (1995 Code, § 4-508)

4-409. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

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

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (1995 Code, § 4-509)

4-410. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within twelve (12) weeks after the exposure. Such an illness, particularly one (1) characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection. Following the initial test at the time of exposure, seronegative workers should be retested six (6) weeks, twelve (12) weeks, and six (6) months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first six to twelve (6 - 12) weeks after exposure), exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing six to twelve (6-12) weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (1995 Code, § 5-510)

4-411. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee

Workers' Compensations Bureau in accordance with the provisions of Tennessee Code Annotated, § 50-6-303. (1995 Code, § 5-511)

4-412. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (1995 Code, § 4-512)

4-413. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (1995 Code, § 4-513)

4-414. Training new employees. During the new employee's orientation to his job, all new employee will be trained on the effects of infectious disease prior to putting them to work. (1995 Code, § 4-514)

4-415. Records and reports.

1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

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

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

4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (1995 Code, § 4-515)

4-416. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency

service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

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

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

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

4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.
5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

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

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

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

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

10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject

to serious disciplinary action and/or civil and/or criminal prosecution. (1995 Code, § 4-516)

4-417. Amendments. Amendments or revisions of these rules may be recommended for adoption by any elected official or by department heads. Such amendments or revisions of these rules shall be by ordinance and shall become effective after public hearing and approval by the governing body. (1995 Code, § 4-517)

TITLE 5
MUNICIPAL FINANCE AND TAXATION

CHAPTER

1. MISCELLANEOUS.
2. PROPERTY TAXES.
3. PRIVILEGE TAXES GENERALLY.
4. WHOLESALE BEER TAX.
5. LITIGATION TAX.
6. PURCHASING PROCEDURES.
7. HOTEL/MOTELTAX.

CHAPTER 1
MISCELLANEOUS

SECTION

5-101. Official depositories for city funds.

Section 5-101. Official depositories for city funds. The City of Dickson, Tennessee, adopts and follows the requirements of Tennessee Code Annotated § 6-56-110 and any and all amendments thereto for the selection and establishment of official depositories for municipal funds. At least once every four years, the Treasurer of the City of Dickson, Tennessee, shall solicit proposals from at least two (2) banks serving the Dickson area to include interest rates, potential service charges or other fees, factors affecting safety and liquidity of municipal funds and any other relevant factors. The Treasurer or a contracting authority shall evaluate the proposals and prepare a written evaluation to be presented to the City Administrator for the selection of official depositories for municipal funds within the guidelines set forth in TCA § 6-56-110 and any statutes subsequently adopted. (Ord. #1528, Sept. 2022)

CHAPTER 2
PROPERTY TAXES

SECTION

5-201. When due and payable.
5-202. Delinquency -- penalty and interest.

5-201. When due and payable.1 Taxes levied by the city against property shall become due and payable and delinquent on the dates prescribed in the charter.2 (1995 Code)

5-202. Delinquency penalty and interest.3 All property taxes becoming delinquent shall be subject to twelve percent (12%) interest per annum and a penalty of six percent (6%) per annum. (1995 Code)

[1]State 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.

[2]Charter reference: art. 3, § 3.09.

[3]Charter 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 one-half of one percent (1/2 of 1%) and interest of one percent (1%) shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.

CHAPTER 3
PRIVILEGE TAXES GENERALLY[1]

SECTION

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

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

For the proper enforcement of this act, the tax collector shall have all of the powers and authority vested in the county court clerk in connection with the collection of taxes under the provisions of this section, including the examination of the books and records of the taxpayer, to the same extent as authorized by the county court clerk, and that the tax collector shall issue distress warrants for the collection of said tax, interest, and penalty as provided by the business tax act.

The minimum tax shall be fifteen dollars ($15.00) per annum as provided by state law.
The tax collector is hereby authorized to collect a fee of five dollars ($5.00), as provided by Tennessee Code Annotated, § 67-4-717. (1995 Code, modified)

5-302. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1995 Code)

1Municipal code reference
Authorization to collect privilege taxes from those who engage in the business of selling at retail alcoholic beverages for consumption on the premises: § 8-118.

CHAPTER 4
WHOLESALE BEER TAX

SECTION
5-401. To be collected.

5-401. To be collected. The tax collector is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.1 (Ord. #914, Nov. 1995, modified)

1State law reference
Tennessee Code Annotated, title 57, chapter 6 provides for a tax of seventeen percent (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
LITIGATION TAX

SECTION

5-501. Tax levied.
5-502. Portion to be credited to municipal court.

5-501. Tax levied. The city litigation taxes in effect in the Municipal Court for the City of Dickson are the maximum amount allowable by state law. The city litigation tax applies to all cases in the Municipal Court for the City of Dickson. (Ord. #1199, June 2006)

5-502. Portion to be credited to municipal court. The litigation taxes levied shall be paid to the city treasurer monthly and shall be applied as revenue to the City of Dickson Municipal Court. (Ord. #1199, June 2006)

CHAPTER 6
PURCHASING PROCEDURES

SECTION

5-601. Purchases amounting to or more than twenty-five thousand dollars ($25,000.00).

5-601. Purchases amounting to or more than twenty-five thousand dollars $25,000.00. Purchases, leases and lease-purchases amounting to twenty-five thousand dollars ($25,000.00) or more shall be made or entered into only after public advertisement and competitive bid except as permitted by Tennessee Code Annotated, § 6-56-306. All other expenditures shall be in accordance with the City of Dickson Purchasing Limitations outlined in Attachment "A" of this section. (Ord. #1550, June 2024)

PURCHASING LIMITATIONS

The governing authority to make purchases, leases and lease-purchases singly or in the aggregate during any fiscal year shall be as follows:

RANGE	WRITTEN QUOTES*	FORMAL BIDDING#	GOVERNING AUTHORITY
$0.01 - $2,500.00			Department Heads
$2,500.01 - $10,000.00			City Administrator
$10,000.01 - $25,000.00	X		Mayor
$25,000.00 and Over		X	City Council

* At least 3 written quotes are required.

Competitive bids should be solicited through public advertising as required by the Municipal Purchasing Law of 1983. (Res. #2024-8, May 2024)

CHAPTER 7
HOTEL/MOTEL TAX

SECTION

5-701. Short title.
5-702. Definitions.
5-703. Levy of tax authorized.
5-704. Disposition of proceeds.
5-705. Collection and refund.
5-706. Remittance of tax.
5-707. Monthly tax return – annual audit.
5-708. No advertising of rebates.
5-709. Delinquent taxes – interest and penalty.
5-710. Records – inspection.
5-711. Administration and enforcement.
5-712. Deposits of funds.
5-713. Severability clause

5-701. Short title. This chapter shall be known and cited as the Dickson Hotel/Motel Tax chapter. (Ord. #1092, July 2001; amended Ord. #1104, Sept. 2001)

5-702. Definitions. As used in this chapter, unless the context otherwise requires:

1) "Consideration" means 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; provided, however, 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.

2) "Hotel" means 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, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration.

3) "Occupancy" means the use or possession, or the right to use or possession, of any room, lodgings, or accommodations in any hotel.

4) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise.

5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

6) "Transient" means 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 thirty (30) continuous days. (Ord. #1092, July 2001; amended Ord. #1104, Sept. 2001)

5-703. Levy of tax authorized. The Mayor and Council of the City of Dickson do hereby levy upon the occupancy in any hotel of each transient a privilege tax of five percent (5%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this chapter. (Ord. # 1092, July 2001; amended Ord. #1104, Sept. 2001; amended Ord. #1172, July 2005; amended Ord. #1176, Aug. 2005; Ord.#1344, July 2014)

5-704. Disposition of tax. The proceeds received by the City of Dickson shall be designated as general funds and shall be used for such general fund purposes as are authorized in the City of Dickson annual budget. (Ord. #1092, July 2001; amended Ord. #1104, Sept. 2001)

5-705. Collection and refund.

1) Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the city.

2) When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the City of Dickson. (Ord. #1092, July 2001; amended Ord. #1104, Sept. 2001)

5-706. Remittance of tax. The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the city to the tax collector, such tax to be remitted to such officer not later than the twentieth day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the city entitled to such tax shall be that of the operator. (Ord. #1092, July 2001; amended Ord. #1104, Sept. 2001)

5-707. Monthly tax return annual audit. The tax collector shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the tax collector by the operator with such number of copies thereof as the tax collector may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the tax collector and approved by the city council prior to use. The tax collector shall audit each operator in the city at least once per year and shall report on the audits made on a quarterly basis to the city council. The city administrator is hereby authorized to establish reasonable rules and regulations for the implementation of the provisions of this chapter. (Ord. #1092, July 2001; amended Ord. #1104, Sept. 2001, modified)

5-708. No advertising of rebates. 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 not be added to the rent, or that if added, any part will be refunded. (Ord. #1092, July 2001; amended Ord. #1104, Sept. 2001)

5-709. Delinquent taxes-interest and penalty. Taxes collected by an operator which are not remitted to the tax collector on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of twelve percent (12%) per annum and is liable for an additional penalty of one percent (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. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars ($50.00). (Ord. #1092, July 2001; amended Ord. #1104, Sept. 2001, modified)

5-710. Records-inspection. It is the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve for a period of three(3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of the payment to the city, which records the tax collector shall have the right to inspect at all reasonable times. (Ord. #1092, July 2001; amended Ord. #1104, Sept. 2001, modified)

5-711. Administration and enforcement. The tax collector in administering and enforcing the provisions of this chapter shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Tennessee Code Annotated, title 67, or otherwise provided by law for the county clerks.

1) Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, title 67, chapter 23, it being the intent of this chapter that the provision of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this chapter. The tax collector shall also possess those powers and duties as provided in Tennessee Code Annotated, § 67-1-707, for county clerks with respect to the adjustment and refunds of such tax.

2) With respect to the adjustment and settlement with taxpayers, all errors of taxes collected by him under authority of this chapter shall be refunded by the city. The tax collector shall have the authority to direct the refunding of same. Notice of any tax paid under protest shall be given to the tax collector and any suit brought for recovery of tax paid under protest shall name the tax collector. (Ord. #1092, July 2001; amended Ord. #1104, Sept. 2001, modified)

5-712. Deposits of funds. The tax collector is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in an account designated in accordance with § 5-704. (Ord. #1092, July 2001; amended Ord. #1104, Sept. 2001, modified)

5-713. Severability clause. The provisions of this chapter are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of the chapter shall continue to be in full force and effect, if being the legislative intent now hereby declared, that this chapter would have been adopted even if such unconstitutional or void matter had not been included herein. (Ord. #1092, July 2001; amended Ord. #1104, Sept. 2001)

TITLE 6
LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.

CHAPTER 1
POLICE AND ARREST

SECTION
6-101. Police officers subject to chief's orders.
6-102. Police officers to preserve law and order, etc.
6-103. Police officers to wear uniforms and be armed.
6-104. When police officers to make arrests.
6-105. Disposition of persons arrested.
6-106. Police department records.

6-101. Police officers subject to chief's orders. All police officers shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1995 Code, modified)

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court. (1995 Code, modified)

6-103. Police officers to wear uniforms and be armed. All police officers shall wear such uniform and badge as the city council shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1995 Code, modified)

6-104. When police officers to make arrests.[1] Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

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

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

3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1995 Code, modified)

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[1]Charter reference

Chief of police: § 3.06.
Emergency assistance for police department: title 20, chapter 4.
The ordinance adopting an employee drug testing plan for the City of Dickson Fire and Police Departments, and amendments thereto, are of record in the office of the recorder.

6-105. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the court of appropriate jurisdiction for trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1995 Code, modified)

6-106. 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 police officers.

3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1995 Code)

Municipal code reference
Traffic citations, etc.: title 15, chapter 7.

TITLE 7
FIRE PROTECTION AND FIREWORKS

CHAPTER

1. INTERNATIONAL FIRE CODE.
2. FIRE DEPARTMENT.
3. FIRE SERVICE OUTSIDE CITY LIMITS.
4. FIREWORKS.

CHAPTER 1
INTERNATIONAL FIRE CODE

7-101. International Fire Code adopted.
7-102. Modifications.
7-103. Permit fees.
7-104. Available in Recorder's office.
7-105. Violations.

7-101. International Fire Code adopted. Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations and to protect buildings or structures or any appurtenance connected or attached building, the International Fire Code, 2024 edition, as prepared and adopted by International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Fire Code. (Ord. #1457, Dec. 2019; amended by Ord. #1465, Jan. 2020) (Ord. #1574 Nov 2025)

7-102. Modifications. Whenever the fire code refers to the "Fire Code Official," it shall be deemed to be a reference to the city council of the City of Dickson. When the "Fire Marshal", "Fire Code Official" or "Director of Public Safety" is named it shall, for the purposes of the fire code, mean such person as the city council shall have appointed or designated to administer and enforce the provisions of the fire code. (Ord. #1457, Dec. 2019; amended by Ord. #1465, Jan. 2020) (Ord. #1574 Nov 2025)

7-103. Permit fees. The recommended schedule of permit fees set forth in Appendix "B" of the 1997 edition of the S.B.C.C.I is hereby adopted as the city's permit fee schedule. The most current building valuation data published by the International Code Council, Inc. shall be used. (Ord. #1457, Dec. 2019; amended by Ord. #1465, Jan. 2020) (Ord. #1574 Nov 2025)

7-104. Available in Recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Fire Code has been placed on

file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #1457, Dec. 2019; amended by Ord. #1465, Jan. 2020) (Ord. #1574 Nov 2025)

7-105. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the International Fire Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars ($50.00). (Ord. #1457, Dec. 2019; amended by Ord. #1465, Jan. 2020) (Ord. #1574 Nov 2025)

1Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

CHAPTER 2
FIRE DEPARTMENT[1]

SECTION

7-201. Establishment, equipment, and membership.
7-202. Objectives.
7-203. Organization, rules, and regulations.
7-204. Records and reports.
7-205. Tenure and compensation of members.
7-206. Chief responsible for training.
7-207. 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 City Council of the City of Dickson. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the City of Dickson. The fire department shall be composed of a chief appointed by the city council and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (Ord. #1010, April 1998)

7-202. Objectives. The fire department shall have as its objectives:

1) To enforce the fire prevention regulations.

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. (Ord. #1010, April 1998)

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. (Ord. #1010, April 1998)

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. (Ord. #1010, April 1998)

[1]Municipal code reference
Emergency assistance for fire department: title 20, chapter 4. Special privileges with respect to traffic: title 15, chapter 2.

The ordinance adopting an employee drug testing plan for the City of Dickson Fire and Police Departments, and amendments thereto, is of record in the office of the recorder.

7-205. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the city council. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the city council. All personnel of the fire department shall receive such compensation for their services as the city council may from time to time prescribe. (Ord. #1010, April 1998)

7-206. Chief responsible for training. The chief of the fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (Ord. #1010, April 1998)

7-207. 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 commissioner in the execution of the provisions thereof. (Ord. #1010, April 1998)

CHAPTER 3
FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

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

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

1) No equipment of the fire department shall be used for fighting any fire outside the corporate limits of the City of Dickson unless such fire is on city owned property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger such property, or for the protection of state, county or federal property so located or to protect against hazardous materials and conditions on the interstate right-of-way and/or in case of the necessity of civil defense.

2) No equipment of the fire department shall be used for fighting any fire outside the city limits otherwise than subsection (1) above unless under such terms, conditions, contracts and circumstances as may be prescribed by proper resolution of the city council subject to the provisions and conditions that the city council may authorize the use, under contract with particular individuals, provided the city council sets out in detail a rural fire service policy.[1] (Ord. #1010, April 1998)

[1]The city's policy concerning rural fire service calls, and any amendments thereto, are of record in the recorder's office.

CHAPTER 4
FIREWORKS

SECTION

7-401. Definitions.
7-402. Permissible fireworks.
7-403. Fireworks permits required.
7-404. Permit revocations.
7-405. Permits for the sale of fireworks.
7-406. Permits for the public displays.
7-407. Conditions for the sale of fireworks.
7-408. Requirements for the public display of fireworks.
7-409. Storing and structures.
7-410. Unlawful use of fireworks.
7-411. Limited time for the use of fireworks.
7-412. Violations and penalty.

7-401. Definitions. As used in this chapter, unless the content otherwise requires:

1) "Consumer fireworks." All articles of fireworks as are now or hereafter classified as "1.4G Consumer Fireworks" in the Division 1.4, title 49, Code of Federal Regulations section 173.52 or consumer fireworks as described by National Fire Protection Association.

2) "Mobile vendor." A vender operating from motor vehicles, trailers, bicycles, or motorbikes.

3) "Permit." The written authority of the City of Dickson issued under the authority of this section.

4) "Person." Any individual, firm, partnership, or corporation.

5) "Public display." The use of special fireworks for public display by holders of a permit according to the regulations of this section.

6) "Retailer." Any person engaged in the business of making retail sales of fireworks to the general public.

7) "Sale." An exchange of articles of fireworks for money and also includes barter, exchange, gift or offer thereof and each such transaction made by a person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one (1) or more individuals.

8) "Special fireworks." All articles of fireworks that are classified as 1.3 explosives by the Code of Federal Regulations (formerly known as Class B explosives) in the regulations of

the United States Department of Transportation. These include display shells designed to be fired from mortars.

9) "State fire marshal permit." 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 in the singular include the plural and the plural as singular. (Ord. #1010, April 1998; amended Ord. #1198, Aug. 2006)

7-402. Permissible fireworks. It is unlawful for any individual, firm partnership, or corporation to possess, sell, ship to, or use within the City of Dickson, except as provided in this chapter, any pyrotechnics commonly known as fireworks other than the following permissible items:

1) Consumer fireworks as defined by this chapter during the time periods permitted under this chapter.

2) Special fireworks used at a public display event by permit holders under the rules and regulations of this chapter. (Ord. #1010, April 1998; amended Ord. #1198, Aug. 2006)

7-403. Fireworks permits required.

1) It is unlawful for any person to sell, offer for sale, ship, or cause to be shipped into the City of Dickson any item of fireworks without first having secured a permit issued by the City of Dickson Office of Planning and Zoning as provided in this chapter.

2) It is unlawful for any person to use special fireworks for public display without first having secured a permit issued by the City of Dickson.

3) Any denial of a permit under this section shall be in writing and shall specify the cause of such denial. (Ord. #1010, April 1998; amended Ord. #1198, Aug. 2006)

7-404. Permit revocation. The Dickson Planning and Zoning Office and/or Dickson Fire Marshal or their agents may be authorized to revoke any permit upon failure of the permittee to correct any of the following conditions within thirty six (36) hours after being given written notice:

1) The permittee or his or her agent violates any rule, regulation, or lawful order of the City of Dickson Codes Director or the Dickson Fire Marshal or their agents issued to enforce.

2) The permittee's application contains any false statements.

3) The permittee fails to timely file any report or pay any tax, fee, fine or charge.

4) The permittee or his or her agent violates any provision of this chapter.

5) If any activity of a permittee constitutes an imminent hazard to life or property, the planning and zoning director or the Dickson Fire Marshal may revoke the permit immediately. (Ord. #1010, April 1998; amended Ord. #1198, Aug. 2006)

7-405. Permits for the sale of fireworks. The following shall apply to such permits:

1) An applicant shall pay a non-refundable fee of one thousand dollars ($3,500.00) for each location for which a permit is requested. A permit is to be valid for one (1) sales period. (Ord. #1579 March 2026)

2) A permit (to sell fireworks to the general public) is valid only from June 20 through July 5 or from December 21 to January 5. These dates are to be separate sales periods requiring separate permits.

3) Permits are not transferable.

4) A permit to sell fireworks in the City of Dickson must be obtained at least one (1) week prior to the date on which the applicant desires to begin making sales. Each application shall include the following:

a) The name, address, and telephone number of the applicant. The applicant must be the natural person who will operate or be responsible for sales.

b) Proof that the applicant has obtained a state sales tax number.

c) A site plan, drawn to a scale of not less than one inch equals one hundred feet (1"
d) = 100'), showing the lot, size and location of the structure from the right of way,
e) location of adjacent structures including temporary structures and fuel pumps, location and number of parking spaces.

f) The location and dates for which the applicant wishes to sell fireworks.

g) Evidence that general liability insurance has been obtained for such location by the applicant naming the City of Dickson as additional insured for at least one million dollars ($1,000,000.00) for each occurrence whether in respect to bodily injury liability or property damage or bodily injury liability or property damage combined.

5) The City of Dickson reserves the authority to revoke or deny an application for a permit for any vendor who fails to maintain the sales location in a safe and clean manner during or within twenty-four (24) hours of the conclusion of the authorized sales period or who violates any ordinance, statute or restriction regarding sales, the disposal of rubbish or maintenance of the property as a result of the activities of the sale of fireworks.(Ord. #1010, April 1998; amended Ord. #1198, Aug. 2006) (Ord. #1579 March 2026)

7-406. Permits for the public displays.

1) An applicant for a permit shall pay to the City of Dickson a fee of five hundred dollars ($500.00). Such permits are non-transferable.

2) A permit to discharge fireworks for public display may be obtained for any time of the year provided a permit is obtained from the City of Dickson.

3) Permits are not transferable.

4) A permit to have a public display of fireworks in the City of Dickson must be obtained at least fifteen (15) days prior to the date of the public display. Each application shall include the following:

a) The name, address, and telephone number of the applicant.

b) Evidence of competency of the operator to conduct a public display of fireworks of the type and scale requested.

c) Details relevant to determining the type and scale of the public display including the pyrotechnic compositions to be used and the mechanisms to be used for detonating the fireworks.

d) The dates for which the applicant wishes to hold a public display.

e) Evidence that general liability insurance has been obtained by the applicant naming the City of Dickson as additional insured for at least one million dollars ($1,000,000.00) for each occurrence whether in respect to bodily injury liability or property damage or bodily injury liability or property damage combined.

6) A deposit of two hundred dollars ($200.00) for clean-up is required per location. This deposit will be refunded by the City of Dickson after the end of the display period unless the site is in violation of any City of Dickson codes or ordinances related to rubbish or other similar regulations as a result of the activities associated with public display at the site. (Ord. #1010, April 1998; amended Ord. #1198, Aug. 2006)

7-407. Conditions for the sale of fireworks. Any permittee for the sale of fireworks must comply with the following conditions.

1) Permittee must have a business license for the City of Dickson.

2) Permittee must have a sales and use tax number.

3) Limitations on structure. Structures meeting the standards of the currently adopted building code and fire code of the City of Dickson may be used for the retail sale of fireworks. Tents meeting these codes are permitted.

4) Location of fireworks sales. Structures used for firework sales shall be located a minimum of one hundred feet (100') from any structure including fuel pumps. Fireworks sales are permitted only in the B-3 and B-4 zoning districts. All tents to be used for sale of fireworks must meet the minimum building setback for the zoning district in which they are erected.

5) On-site parking required. All sites for fireworks sales shall provide adequate on-site parking places as follows: ten (10) spaces for the first one thousand (1,000) square feet of sales area and one (1) additional space for each two hundred (200) square feet of sales area or fraction thereof. Such parking areas must be paved or gravel and have adequate maneuvering room on the site to allow vehicles to turn around so as not to have to back onto a public roadway.

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

7) Smoking prohibited where fireworks sold. No person shall smoke within a structure where fireworks are sold. No person selling fireworks shall 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 a minimum of four inches (4") high.

8) Permissible items or fireworks may be sold within the City of Dickson only from June 20th through July 5th and from December 21st through January 5th of each year. (Ord. #1010, April 1998; amended Ord. #1198, Aug. 2006)

7-408. Requirements for the public display of fireworks. Any permit holders for the public display of fireworks shall adhere to the following:

1) Any public display of fireworks shall be conducted entirely outdoors.

2) No bombs, salute, Roman candle, skyrocket, common fireworks or other special fireworks may be used in a public display unless approved by the City of Dickson Fire Marshal.

3) Any special fireworks that remain unfired after the display shall be immediately disposed of or removed in manner safe for the particular type of material. The debris from the discharge of special fireworks shall be properly disposed of before the operator leaves the premises. The operator shall make a complete and thorough search for any unfired special fireworks that have failed to fire or function and safely dispose of such at the conclusion of each public display.

4) Pyrotechnic compositions.

a) To be used. Only approved types and amounts of pyrotechnic devices as listed on the permit application may be used. Pyrotechnic devices are to be ignited or exploded by an operator holding a valid certificate of competency.

b) Approved pyrotechnic compositions, devices, containers, and detonating mechanisms approved by the state fire marshal shall be used. No pyrotechnic device or composition may be used that was not specifically designed and manufactured for such use. All pyrotechnic devices and containers shall be fixed in their detonating position in a manner approved by the Dickson Fire Marshal. Any device from which a residue may be projected shall either be protected by a secured attached metallic screen, or if directed by the Dickson Fire Marshal, by relocation to a point where such residue will not endanger the audience.

c) Prohibited pyrotechnic compositions. These materials shall not be used for public display events:

i. Fulminate of mercury;

ii. Carbon tetrachloride for making black smoke;

iii. Benzoyl peroxide;

iv. Black powder.

d) Suspended devices. The chemical compositions of any suspended special effects shall be such as to self-extinguish at least ten feet (10') above any object below. No such devices shall be located above the audience.

5) Detonating mechanisms.

a) Power sources. Power sources shall be restricted to batteries or individual isolated mechanisms specifically approved by a recognized testing laboratory. If any power source other than batteries approved by the Dickson Fire Marshal are utilized, a licensed electrician shall install such source.

b) Low voltage power sources. Low voltage powers sources only will be permitted from the detonating mechanism to the special effects, unless it consists of a system listed by a nationally recognized testing laboratory. System includes devices and wiring.

c) Shunts. Short circuiting shall be maintained on all electrically fired pyrotechnic items during preparatory operations including loading, setting, and adjustment.

d) Firing safeguards. All firing switches, including battery and power circuit types, shall be designed to ensure against accidental firing by providing:

i. An automatic short-circuiting shunt across the firing leads until the switch is intentionally thrown into the firing position, and

ii. An automatic positive disconnection when the switch is released by the operator.

iii. Firing boxes shall be designed to prevent firing unless the switch is manually operated.

e) Electric firing circuit. Connecting any electric firing circuit to any power supply, excepting only a test galvanometer equipped with a silver chloride battery, is prohibited until all special effects in the sequence are connected to firing leads and cleared for firing.

6) Certification of the competency of the operator.

a) Certificate of competency required. Every display of special effects shall be handled by a competent operator certified as such by the Dickson Fire Department. Such operator shall have his certificate of competency in his possession when engaged in conducting a special effects display, and shall exhibit the same on request of any authorized person or official.

b) Special effects certificate. This certificate is restricted to use, preparation and the use of all types of special effects pyrotechnics, for the sole purpose of producing a visible or audible effect when such used as part of a motion picture, television, theatrical, educational, recreational or entertainment production as may be permitted by the Dickson Fire Marshal.

c) Special effects certificate limited. This certificate is limited to the use of one (1) or more special effects, which are to be repetitiously used as may be permitted by the Dickson Fire Marshal under limited special effects permits.

d) Issuance of certificate of competency. Certificates of competency are to be issued only after the competency of the operator has been demonstrated to the satisfaction of the Dickson Fire Marshal.

e) Fire protection and extinguishing equipment. Fire protection and extinguishing equipment shall be provided as required by the Dickson Fire Marshal.

f) Dickson Fire Department to be present. The applicant to whom the permit has been issued shall arrange for the detailing of one member of the Dickson Fire Department or more as may be deemed necessary by the Dickson Fire Marshal. These expenses shall be paid by the applicant.

g) Qualifications of operator; assistant. A competent operator shall be a person at least twenty-one (21) years of age who satisfies the Dickson Fire Marshal that he is competent by experience and training to supervise the special effects display and who has been issued a certificate of competency by the city fire marshal. The certificate of competency may be revoked by the Dickson Fire Marshal for any violation of these regulations or where the holder's conduct or condition is such as to imperil the public safety. Each person assisting the operator shall be at least eighteen (18) years of age.

h) Operator on duty during discharge. There shall be at all times at least one (1) operator on duty during the discharging of special effects. An assistant may be required by the Dickson Fire Marshal. No special effects pyrotechnic item shall be discharged unless in full view

of the operator or his assistant at the time of discharge. (Ord. #1010, April 1998; amended Ord. #1198, Aug. 2006)

7-409. Storing and structures. Fireworks may only be sold from a freestanding structure. Mobile vendors are not permitted. Fireworks may be stored only at locations where they are sold, except for those for individual use or for temporary storage associated with public display of fireworks. An inspected and tagged portable fire extinguisher rated a minimum of 10# ABC must be present at all locations where fireworks are sold. Vehicles transporting special fireworks for use in a public display may not be parked within a building at any time. The location for the storage of special fireworks for use in a public display shall be temporary and the duration and location of such storage shall be approved by the City of Dickson Fire Marshal. (Ord. #1010, April 1998; amended Ord. #1198, Aug. 2006)

7-410. Unlawful use of fireworks. It is unlawful to explode or ignite fireworks within six hundred feet (600') of any church, assisted living facility, nursing home, hospital, funeral home, or public school. Likewise, it is unlawful to explode or ignite fireworks within two hundred feet (200') of any structure where fireworks are sold. It is unlawful to explode, ignite, or throw fireworks from a motor vehicle. It is unlawful to explode or ignite fireworks during a burning ban declared by the State of Tennessee or the City of Dickson. It is unlawful to explode, ignite, or throw or launch fireworks onto public or private property without the permission of the owner or occupant. (Ord. #1010, April 1998; amended Ord. #1198, Aug. 2006)

7-411. Limited time for the use of fireworks. It is unlawful to discharge or use fireworks except during the days in when such fireworks sales are permitted within the City of Dickson. The time of day to discharge fireworks is restricted to 10:00 A.M. to 10:30 P.M., exception:
a) December 31st from 10:00 A.M. until 1:00 A.M. on January 1st (Ord. #1010, April 1998; amended Ord. #1198, Aug. 2006)

7-412. Violations and penalty. All persons or persons violating this chapter shall be punishable by a fine in the maximum allowed by state law with each day being a separate offense. (Ord. #1010, April 1998; amended Ord. #1198, Aug. 2006)

TITLE 8
ALCOHOLIC BEVERAGES[1]

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1
INTOXICATING LIQUORS

SECTION
8-101. Definitions.
8-102. Scope of chapter.
8-103. State law controlling.
8-104. Restrictions.
8-105. Privilege license required.
8-106. Regulation of retail liquor stores and retail food stores licensed to sell wine.
8-107. Sales locations to conform to zoning laws.
8-108. Control of locations.
8-109. Inspection fees.
8-110. Contents of application for certificate of compliance.
8-111. Issuance of certificate of compliance.
8-112. No restrictions on number of stores.
8-113. Processing applications.
8-114. Advertising.
8-115. Certificate revoked by non-use.
8-116. Consumption of liquor in certain places unlawful.
8-117. Privilege tax on selling at retail alcoholic beverages for consumption on the premises.
8-118. Violations and penalty.

8-101. Definitions. Whenever used in this chapter unless the context requires otherwise:

1) Alcoholic beverage" or "beverages" or "intoxicating liquors" means and includes alcohol, spirits, liquor, wine, high alcohol content beer and every liquid containing alcohol, spirits, liquor and wine capable of being consumed by a human being, other than patented medicine, beer or wine as defined in Tennessee Code Annotated 57-3-101 et seq. (Ord. #1438, Nov. 2018)

2) "City" means the City of Dickson, Tennessee.

3) "City council" refers to the City Council of the City of Dickson.

1State law reference
Tennessee Code Annotated, title 57.
Municipal code reference
Authorization for police officers to investigate violation of Tennessee Code Annotated, § 57-4-204: § 6-10

4) "Domicile" means and includes present and continuous actual physical residence with an established permanent residence.

5) "Person" means any natural person as well as any corporation, partnership, firm, or association.

6) "Retail sale" or" sale at retail" means a sale to a consumer or to any person for any purpose other than for resale.

7) "Retailer" or "dealer" means any person who sells at retail any beverage covered by this chapter

.

Words importing the masculine gender shall include the feminine and the neuter, and a singular shall include the plural. (1995 Code)

8-102. Scope of chapter. It shall be unlawful to store, transport, sell, give away, distribute, possess, or receive alcoholic beverages in the city unless provisions of this chapter and the laws of the State of Tennessee and the state rules and regulations of the alcoholic beverage commission have been complied with.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any intoxicating liquor as defined in Tennessee Code Annotated 57-3-101 et seq. and no portion of this code related thereto is modified by this chapter. (Ord. #1438, Nov. 2018)

8-103. State law controlling. No person, firm, corporation, association, or partnership shall engage in the retail liquor business unless all the necessary state licenses and permits have been obtained. (1995 Code)

8-104. Restrictions.

1) No person or member of a firm, corporation, or partnership shall operate a retail store for the sale of alcoholic beverages herein defined if he 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 such person to have any interest in such retail business directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.

2) Age limit. No retailer or any employee thereof engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer or employee to permit any such person under said age on his place of business to engage in the sale of alcoholic beverages. Further, it shall be unlawful for any minor to misrepresent his age in purchasing or attempting to purchase alcoholic beverages.

3) Employees. No retailer shall employ in the sale, storage, or distribution of alcoholic beverages any person who, within eight (8) years prior to the date of his employment, shall have been convicted of a felony or of violating any law regulating intoxicating liquors, and in the case an employee should be so convicted, he shall immediately be discharged.

4) Transfer on sale of license. The holder of a license may not sell, assign, or transfer such license to any other person, and said license shall be good and valid only for the calendar year in which the same was issued.

5) Restrictions cumulative. The provisions of this section shall be in addition to any other restrictions or conditions which may be contained elsewhere in the provisions of this chapter. (Ord. #1438, Nov. 2018; amended Ord. #1560, Dec. 2024)

8-105. Privilege license required. The privilege license shall be levied on the business in accordance with the provisions of the "Business Tax Act" as enacted by the 87th General Assembly of Tennessee, by Chapter 387 of the Public Acts of 1971, as amended. (1995 Code)

8-106. Regulation of retail liquor stores and retail food stores licensed to sell wine.

1) No retailer shall, directly or indirectly, operate more than two (2) licensed retail business in this state. "Indirectly" means any kind of interest in such a retail business by way of stock ownership, loan, partner's interest or otherwise. A landlord shall be deemed to have an indirect interest in such a retail business when the lease agreement is based upon a percentage of profits or any other factor based upon sales of alcoholic beverages by the tenant as distinguished from being simply an interest in land for a period of time at a definite rate.

2) No retailer shall offer or make any discount in the sale or delivery of liquors in case quantities.

3) No reduction in the standard price per case shall be made for sales in excess of one (1) case.

4) No retailer shall sell any alcoholic beverages to any person who is legally intoxicated, nor shall any retailer selling alcoholic beverages sell to any person accompanied by a person who is legally intoxicated.

5) No retailer shall sell any alcoholic beverages to a minor.

6) No retail establishment as defined in Tennessee Code Annotated 57-3-101 et seq. shall sell, give away, or otherwise dispense alcoholic beverages or wine except between the hours of eight o'clock a.m. (8:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Monday through Saturday and between ten o'clock a.m. (10:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Sunday. (Ord. #1438, Nov. 2018)

7) No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

8) No retailer as herein defined shall own, store or possess upon the licensed premises any merchandise unless the retailer shall also possess such documentation to demonstrate that the taxes imposed in this chapter have been paid.

9) No retail establishment as defined in Tennessee Code Annotated 57-3-101 et seq. shall sell, give away or otherwise dispense alcoholic beverages or wine on Christmas day, Thanksgiving day or Easter. (Ord. #1438, Nov. 2018)

8-107. Sales locations to conform to zoning laws. It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the City of Dickson unless the location of the liquor store shall be on property that is appropriately zoned for commercial use and in a structure that complies with all building codes adopted by the City of Dickson. Provided, further, that no certificate of compliance shall be issued by the mayor and/or city council in any case until the location of said proposed liquor store has been approved by the city council. (1995 Code; amended Ord. #1560, Dec. 2024)

8-108. Control of locations. No retail liquor store shall be located except on the ground floor, and the store shall have one (1) main entrance opening on a public street and no other entrance for use by the public except as hereinafter provided. When a retail store is located on the corner of two (2) streets, such retail store may maintain a door opening on each of the public streets. All liquor stores shall be of a permanent type construction and no store shall be located in a mobile home or other movable type building. All buildings shall be in compliance with the state regulations for the operation of retail liquor stores. (1995 Code)

8-109. Inspection fees.

1) There is hereby levied an inspection fee of eight percent (8%) on the gross purchase price of alcoholic beverages purchased by retail dealers including the retail sale of wine in grocery stores in the City of Dickson for the purpose of resale.

2) Collection. The inspection fee shall be collected by the wholesaler and transmitted to the city tax collector not later than the 20th day of each month for the preceding month. (1995 Code, modified)

8-110. Contents of application for certificate of compliance. Each applicant for a certificate of compliance shall file an application for same on a form provided by the City of Dickson. Such application shall be accomplished by instructions thereon. A copy of each application

form, questionnaire, partnership agreement, or any other form or material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this application shall be attached to the city application form and shall become a permanent part thereof as if fully and completely copied verbatim therein. The application form shall be signed and verified as required by state law. (Ord. #1438, Nov. 2018)

8-111. Issuance of certificate of compliance. A certificate of compliance shall be signed by the mayor or a majority of the city council while in session and conditioned upon the applicant(s) fulfilling the following requirements:

1) The applicant or applicants who are to be in actual charge of the business, including any person who holds at least five (5) percent interest in a corporation or partnership, shall not have:

a) Felony or misdemeanor convictions within eight (8) years of date of the application related to selling, dispensing, possessing, transporting, storing, manufacturing, or otherwise handling alcoholic beverages or beer; or

b) Felony or misdemeanor convictions within eight (8) years of date of the application related to the revenue laws governing alcoholic beverages or beer or any other tax-related offense; or

c) Felony or misdemeanor convictions within eight (8) years of date of the application related to selling, dispensing, or manufacturing Schedule I or II controlled substances or controlled substance analogues; or

d) Felony convictions within eight (8) years of date of the application involving theft, dishonesty, deceit, or intoxication; or

e) Class A, B, or C felony convictions not defined under Tennessee Code Annotated Title 39, Chapter 17, Part 4; or

f) Felony convictions for which the offender must register under the Tennessee Animal Abuser Registration Act of TCA Title 40, Chapter 39, Part 1; or

g) Felony convictions for which the offender must register under the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004 of TCA Title 40, Chapter 39, Part 2 or 3.

2) The location of the business for which the Certificate of Compliance is being sought complies with all applicable zoning ordinances and the building complies with all building codes.

3) An owner of a retail liquor store or retail food store licensed to sell wine cannot be a public employee, either state, city, local or county, or hold any elected office within the

municipality holding jurisdiction over the location of the business, unless the owner is an uncompensated appointee to a municipal board or commission where he has no duty to vote for, overlook or superintend the sale of alcoholic beverages.

4) No applicant can have any interest, either direct or indirect, in more than one (1) other retail liquor store, wholesale license, or liquor by the drink license.

5) For any applicant or applicants acquiring the right to purchase from an existing licensee and transferring the license to another location, that the new location is not within one thousand five hundred feet (1,500') of another location engaged in the retail sale of alcoholic spirituous beverages and is located within the same jurisdiction wherein the transferor premises was located.

Following the filing of any application, the City of Dickson, at the applicant's expense, may direct such investigation of the contents of the application as it deems proper. (Ord. #1438, Nov. 2018; amended Ord. #1560, Dec. 2024)

8-112. No restrictions on number of stores. There shall be no restriction on the number of stores for the sale of alcoholic beverages as herein defined. (1995 Code)

8-113. Processing applications.

1) Applications for renewal of license by the licensee will be processed in the same manner and under the same conditions as a new application.

2) Application for employee's permit to serve as an employee in the place of business of a retail liquor store under the provisions of Tennessee Code Annotated, § 57-3-204, shall submit the name of such employee to the chief of police. (1995 Code)

8-114. Advertising. All advertising shall comply with the City of Dickson Municipal Sign Ordinance. (Ord. #1144, May 2004)

8-115. Certificate revoked by non-use. Any applicant who has obtained a certificate of compliance from the mayor and a majority of the city council, as provided herein above, must within six (6) months open a store for the retail sale of alcoholic beverages to the public or said certificate of compliance will be automatically revoked by the passage of said time. A certification thereof will be forwarded immediately to the Alcoholic Beverage Commission of the State of Tennessee, and the license issued to said applicant shall be considered to have been canceled and revoked. (Ord. #1438, Nov. 2018)

8-116. Consumption of liquor in certain places unlawful. It shall be unlawful for any person or persons to drink whiskey, liquor, wine, and every liquid containing alcoholic spirits as defined pursuant to Tennessee Code Annotated, § 57-5-101, while riding in or driving a motor vehicle, in

a park, road, a public place, a public place being defined as any park, street, roadway, or right-of-way for same, or any private property which is used for public parking.
Where any person or persons are observed with open bottles or containers of any kind containing whiskey or any of the above defined substances, there shall be a prima facie case that the occupants of said vehicle, or the other places defined herein, have been drinking from such containers. (1995 Code, § 8-117)

8-117. Privilege tax on selling at retail alcoholic beverages for consumption on the premises. The City of Dickson, Tennessee, is authorized to collect privilege taxes from those who engage in the business of selling at retail alcoholic beverages for consumption on the premises pursuant to Tennessee Code Annotated,§ 57-4-301. (1995 Code, § 8-118)

8-118. Violations and penalty. Any violation of the provisions of this chapter shall constitute a misdemeanor and upon conviction be punishable by fine in accordance with the general penalty clause for this code. In such instances, it shall be mandatory for the judge immediately to certify said conviction, whether appealed or not, directly to the Tennessee Alcoholic Beverage Commission, together with petition that all licenses be revoked, pursuant to the provisions of the Tennessee Code Annotated, §§ 57-3-101 through 57-3-412, and the rules and regulations of said commission. (Ord. #914, Nov. 1995, § 8-116)

CHAPTER 2
BEER[1]

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. Limitation on permits.
8-211. Issuance of permits to persons convicted of certain crimes prohibited.
8-212. Prohibited conduct or activities be beer permit holders.
8-213. Revocation or suspension of beer permits; civil penalty in lieu of suspension.
8-214. Responsible beer vendors.
8-215. Loss of clerk's certification for sale to minor.
8-216. Violations and penalty.

8-201. Beer board established. A beer board to be composed of the mayor and all the members of the city council is established. The mayor shall be the presiding officer of the beer board. (Ord. #1244, Dec. 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 city hall at times as it shall prescribe. The mayor may call a special meeting of the beer board provided that the mayor gives reasonable notice to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #1244, Dec. 2007)

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 public record and shall contain at least the following:

1) The date of each meeting;

2) Names of the board members present and absent;

3) Names of the members introducing and seconding motions and resolutions before the board;

4) A copy of each written motion or resolution presented;

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).

5) The vote of each member;

6) The provisions of each beer permit issued by the board; and

7) Information regarding any other action of the board. (Ord. #1244, Dec. 2007)

8-204. Requirements for beer board quorum and action. A majority of the members of the beer board constitutes a quorum for transacting business. Any action of the board requires a majority of the members voting if there is a quorum. (Ord. #1244, Dec. 2007)

8-205. Powers and duties of the beer board. The beer board shall regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter and other applicable law. (Ord. #1244, Dec. 2007)

8-206. "Beer" defined. The term "beer" as used in this chapter shall be the same definition appearing in Tennessee Code Annotated, § 57-5-101, et seq. (Ord. #1404, April 2017)

8-207. Permit required for engaging in beer business.

1) The applicant for a beer permit shall submit an application on such form as the city may require and shall submit within the application a non-refundable fee in the amount of two hundred fifty dollars ($250.00). The applicant shall disclose the following in its application for a beer permit:

a) Name of the applicant;

b) Name of the applicant's business;

c) Location of the business by street address or other geographical description sufficient to permit an accurate determination of conformity with the requirements of state law and this chapter;

d) Persons or business entities having at least a five percent (5%) ownership interest in the applicant business, and, if a business entity owns at least a five percent (5%) ownership interest in the applicant business, the owners of at least a five percent (5%) ownership interest in such business entity shall also be disclosed;

e) Identity and address of a representative to receive annual tax notices and any other communications from the beer board;

f) The class of permit being requested and an acknowledgment that if the applicant desires to change the method of sale or operation in the future a new application shall be submitted to the beer board requesting a new permit;

g) Such other relevant information as may be required from time to time by the beer board. An applicant or permit holder shall be required to amend or supplement the application promptly if a change in circumstances affects the responses provided in the application;

h) The applicant's certification that he has read and is familiar with all provisions of this chapter; and

i) Verification by the Office of Planning and Zoning that the applicant's location and structure comply with all zoning regulations, building codes, ordinances and statutes appropriate for the type of business to be conducted.

2) Any applicant making a false statement in the application shall forfeit such applicant's permit and shall not be eligible to receive any type of beer permit for a period of three
3) (3) years.

4) Each applicant shall be entitled to a hearing upon its application before the beer board. In no event shall a permit be issued without a full and proper hearing before the beer board and a majority vote in favor of such issuance.

5) Where a beer permit has been refused by the beer board, the applicant shall not be allowed to apply again for a permit on the same premises until after the expiration of one (1) year from the date of the refusal. Nothing in this subsection shall be construed as prohibiting or in any manner limiting the right of review by the circuit or chancery court of the county in the manner authorized by law.

6) Following the filing of any application, the beer board, at the applicant's expense, may direct such investigation of the contents of the application as it deems proper. (Ord. #1404, April 2017; amended Ord. #1560, Dec. 2024)

7) The applicant or an authorized representative of the applicant shall be present and available to answer questions when the application is considered by the Beer Board. Failure of the applicant or authorized representative of the applicant to attend shall result in the application being deferred to the next regularly scheduled meeting of the Beer Board. (Ord. #1567, June 2025)

8-208. Privilege tax. There is imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars ($100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the City of Dickson, Tennessee. At the time a new permit is issued to any business subject to this tax, the

permit holder shall pay the privilege tax on a prorated basis for each month or portion of a month remaining until the next tax payment date. (Ord. #1244, Dec. 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 are required for selling at retail, storing, distributing, and manufacturing. It is unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by the permit. It is likewise unlawful for any beer permit holder not to comply with any expressed restrictions or conditions in the permit. Beer permits are issued with the following restrictions.

1) Class I: On Premises. This permit shall allow the sale and consumption of beer on the applicant's premises only. Premise is to include all decks, patios, porches or other structures that are connected or contiguous to the building. The applicant is to be engaged regularly in serving meals on every day it is open for business. Applicant must include a copy of a proposed menu with the application.

2) Class II: Off Premises. This permit shall allow the sale of beer for consumption off the applicant's premises only, which includes adjoining sidewalks, streets and parking lots within two hundred feet (200') of the structure. Sales are limited to unopened manufacturer's containers only. Sales in refillable containers or "growlers" as defined in this chapter are not allowed.

3) Class III: On/Off Premises. This permit shall allow the sale of beer for consumption on or off the applicant's premises. Permit is subject to the same restrictions as a Class I permit. Permit shall allow the sale of beer in unopened manufacturer's containers and refillable containers or "growlers" as defined in this chapter for off-premises consumption.

4) Class IV: Private Club Permit. This permit shall allow the sales of beer for on-premises consumption only in a chartered, members-only organization.

5) Class V: Growler Permit. This permit shall allow the retail sale of beer contained in “growlers.” A “growler” is defined as a glass container not to exceed sixty-four (64) ounces that is filled by an employee of the licensed establishment with beer from a keg. The container must be specifically manufactured, sold and utilized solely for the purpose of a “growler” and must be re-sealable for off-premises consumption only. “Growlers” may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Only professionally sanitized and sealed “growlers” may be filled and available for retail sale. Each “growler” must be securely sealed and removed from the premises in its original sealed condition. Consumption of beer on the premises of any

6) Class V permit is strictly prohibited, except samples of tap beers offered for sale may be made available. Individual samples shall not exceed one (1) ounce per sample, nor shall any one (1) individual be offered or allowed to consume more than five (5) one ounce samples or five (5) total ounces per business day. Class V permits shall be solely issued for those businesses whose primary source of revenue shall be from the sale and refilling of beer “growlers.” (Ord. #1404, April 2017; amended Ord. #1560, Dec. 2024)

8-210. Limitation on permits. Provided that a permit holder complies with all requirements of this chapter, any existing permit for the sale of beer within the corporate limits of the city as of December 2007 shall continue to be renewed. A new permit may be issued to a qualified purchaser of an existing establishment for which an existing permit has been issued for the sale of beer provided the purchaser complies with the provisions of this chapter. Any new permit issued for the sale of beer at the establishment must be restricted to the previous type permit issued for this establishment and must be restricted to the existing structure used by the former permit holder. (Ord. #1244, Dec. 2007)

8-211. Issuance of permits to persons convicted of certain crimes prohibited. No permit shall be issued to any person who has been convicted of the following:

1) Within the past eight (8) years of any felony involving misuse or abuse of alcohol or the illegal use of drugs, or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell any controlled substance that is listed in Tennessee Code Annotated, title 39, chapter 17, part 2, schedules I through V, et seq.;

2) Within the past two (2) years of any misdemeanor involving the misuse or abuse of alcohol or the illegal use of drugs, including, but not limited to, driving under the influence or while impaired, public intoxication, as defined in Tennessee Code Annotated, § 39-17-310, et seq. disorderly conduct when it involves the use of alcohol or the illegal use of drugs, and/or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell any controlled substance that is listed in Tennessee Code Annotated, title 39, chapter 17, part 2, scheduled I through V, et seq.; or

3) Within the past five (5) years of any two (2) or more misdemeanors involving misuse or abuse of alcohol or the illegal use of drugs, including, but not limited to, driving under the influence or while impaired, public intoxication, as defined in Tennessee Code Annotated, § 39-17-310, et seq., disorderly conduct when it involves the use of alcohol or the illegal use of drugs, and/or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell any controlled substance that is listed in Tennessee Code Annotated, title 39, chapter 17, part 2, schedules I through V, et seq. (Ord. #1404, April 2017; amended Ord. #1560, Dec. 2024)

8-212. Prohibited conduct or activities by beer permit holders. The holder of a beer permit shall not:

1) Employ any person convicted of any offense regarding the possession, sale, manufacture, or transportation of intoxicating liquor, or any felony within eight (8) years prior to the date of employment.

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

3) Make or allow any sale of beer between the hours of 3:00 A.M. and 8:00 A.M. during any night of the week; and 3:00 A.M. and 10:00 A.M. on Sunday.

4) Make or allow any sale of beer to a minor under twenty-one (21) years of age.

5) Allow any minor under twenty-one (21) years of age to loiter in or about his place of business.

6) Make or allow any sale of beer to any intoxicated person.

7) Allow drunk disreputable persons to loiter about the premises.

8) Serve, sell, or allow the consumption on the premises of any alcoholic beverage with an alcoholic content as defined pursuant to Tennessee Code Annotated, § 57-5-101, unless the beer permit holder is also the holder of a State of Tennessee Liquor License.

9) Fail to provide and maintain separate sanitary toilet facilities for men and women, if beer is consumed on the premises.

10) Allow, use, employ or permit any sexual or pornographic conduct prohibited by Tennessee Code Annotated, § 57-4-204(b), (c), (d), (e).

11) Fail to post signs as required by Tennessee Code Annotated, § 57-5-301. Any violation of this section is grounds to revoke or suspend a beer permit, except as provided in § 8-214. (Ord. #1244, Dec. 2007; amended Ord. #1560, Dec. 2024)

8-213. Revocation or suspension of beer permits; civil penalty in lieu of suspension.

1) The beer board may suspend a permit issued under this chapter when the holder of a permit fails to pay when due any tax or taxes owing to the City of Dickson, including the annual privilege tax, the business tax, real property taxes, or personal property taxes, or any other tax assessed against the premises for which the permit was issued, until the taxes, including any penalty and interest, are paid in full. The holder of the beer permit shall also possess a valid business license for the business at which beer is sold. The failure of the holder of the beer permit to obtain or to maintain a valid business license is grounds for suspension of a beer permit issued to the holder, until the holder of a beer permit obtains a business license.

2) The beer board may revoke or suspend any beer permit issued under the provisions of this chapter when the holder is guilty of making a false statement or misrepresentation in the application or of violating any of the provisions of this chapter and is not a responsible vendor as defined in Tennessee Code Annotated, § 57-5-601, et seq. No beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice

to the holder of the permit. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

3) At the time it imposes a revocation or suspension, the beer board may offer a permit holder who is not a responsible vendor the alternative of paying a civil penalty to be paid in lieu of the suspension or revocation. It shall be the permit holder's choice to serve the suspension or pay the civil penalty.

4) For violations of making or allowing to be made any sale to a minor, the beer board shall impose a penalty of:

a) First offense: a fourteen (14) day suspension of the beer permit or a civil penalty of one thousand dollars ($1,000.00);

b) Second offense: a thirty (30) day suspension of the beer permit or a civil penalty of two thousand dollars ($2,000.00);

c) Third offense: a forty-five (45) day suspension of the beer permit;

d) Fourth offense: suspension of the beer permit for a period of one (1) year from the date of the imposition of the penalty; and

e) Fifth or subsequent offense: permanent revocation of the beer permit and any relative, partner or associate of the permit holder shall not apply for a permit for the same location for a period of three (3) years.

For violations of any other provision of this chapter, the beer board shall impose a penalty of:

a) First offense: a fourteen (14) day suspension of the beer permit or a civil penalty of five hundred dollars ($500.00);

b) Second offense: a thirty (30) day suspension of the beer permit or a civil penalty of one thousand dollars ($1,000.00)

c) Third offense: a forty-five (45) day suspension of the beer permit;

d) Fourth offense: suspension of the beer permit for a period of one year from the date of the imposition of the penalty; and

e) Fifth or subsequent offense: permanent revocation of the beer permit and any relative, partner or associate of the permit holder shall not apply for a permit for the same location for a period of three (3) years.

5) For the purpose of this section, second or subsequent offenses shall be considered as having occurred when the violation is within two (2) years of the prior offense under the same permit at the same location.

6) Multiple violations of any provision of this chapter occurring on the same date shall be considered separate and subsequent offenses.

7) When a suspension of the beer permit and a civil penalty are imposed, the permit holder shall pay the civil penalty in full within seven (7) calendar days from the date of imposition. If the civil penalty is not paid by the end of city business hours on the seventh (7th) day (or the following business day if the seventh (7th) day is a weekend or holiday), the suspension shall begin at 12:01 am on the date immediately after the deadline and shall be in effect until 12:01 am on the specified number of days of the suspension.

8) When only a suspension of the beer permit is imposed, the suspension shall begin at 12:01 am on the eighth (8th) day following imposition and shall be in effect until 12:01 am on the specified number of days of the suspension.

9) The suspension and civil penalty shall be held in abeyance if the permit holder files a notice of appeal in a court of competent jurisdiction within seven (7) days of the imposition of the penalty until such time as the appeal is completed. (Ord. #1560, Dec. 2024)

8-214. Responsible Beer Vendors.

1) Definition. "Responsible beer 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.
Beer permit holders who complete a Responsible Beer Vendor program recognized by the Tennessee Alcoholic Beverage shall be responsible for providing to the City of Dickson Recorder's Office documentation of such certification provided by the TABC and shall advise the Recorder's Office of any change in status as a Responsible Beer Vendor. Only those permit holders in good standing with the TABC shall be recognized as Responsible Beer Vendors by the City of Dickson Beer Board.

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

twelve (12) month period. The revocation shall be for three (3) years. (Ord. #1244, Dec. 2007)

3) Civil Penalty for Responsible Beer Vendor. The beer board may impose on a responsible beer vendor found in violation a civil penalty not to exceed one thousand dollars ($1,000.00) for each offense of making or permitting to be made any sale to a minor or for any other offense.

4) The holder has seven (7) days from the day of imposition to pay the civil penalty. Payment of the civil by a permit holder is an admission by the holder of the violation charged and is paid to the exclusion of any other penalty that the city may impose. Failure to pay the civil penalty or file an appeal in a court of competent jurisdiction within the specified time shall constitute a violation of this chapter and the permit holder shall be subject to imposition of an additional civil penalty following the procedures prescribed within this chapter.

5) The civil penalty shall be held in abeyance if the permit holder files a notice of appeal in a court of competent jurisdiction within seven (7) days of the imposition of the penalty until such time as the appeal is completed. (Ord. #1560, Dec. 2024)

8-215. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid, and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (Ord. #1244, Dec. 2007)

8-216. Violations and penalty. Except as provided elsewhere in this chapter, any violation of this chapter constitutes a civil offense and, upon conviction, is punishable by a penalty under the general penalty provision of this code. Each day a violation continues constitutes a separate offense. (Ord. #1244, Dec. 2007)

TITLE 9
BUSINESS, PEDDLERS, SOLICITORS, ETC.[1]

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. POOL ROOMS.
5. CABLE TELEVISION.
6. BROADBAND COMMUNICATIONS SYSTEMS.
7. MOBILE FOOD VENDORS

CHAPTER 1
MISCELLANEOUS

SECTION

9-101. "Going out of business" sales.
9-102. Location of produce houses restricted.

9-101. "Going out of business" sales. It shall be unlawful for any person falsely to represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1995 Code)

9-102. Location of produce houses restricted. It shall be unlawful to confine, for more than twenty-four (24) hours, any species of live poultry for sale where such place of confinement is within one hundred fifty feet (150') of any residence, church, or school within the city. (1995 Code)

1Municipal code references
Building, plumbing, wiring and residential regulations: title 12. Junkyards: title 13.
Liquor and beer regulations: title 8. Noise reductions: title 11. Zoning: title 14.

CHAPTER 2
PEDDLERS, ETC.[1]

SECTION
9-201. Definitions.
9-202. Permit required.
9-203. Exemptions.
9-204. Application for permit.
9-205. Issuance or refusal of permit.
9.206. Appeal.
9-207. Bond.
9-208. Loud noises and speaking devices.
9-209. Use of streets.
9-210. Peddler/transient vendor/open-air flea market requirements.
9-211. Exhibition of permit.
9-212. Enforcement.
9-213. Revocation or suspension of permit.
9-214. Reapplication.
9-215. Expiration and renewal of permit.

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

1) "Goods, wares, or merchandise" shall mean all variety of merchandise items, whether handmade or manufactured, or services, whether personal or professional categorized as, but not necessarily limited to, souvenirs, gifts, prizes, art, school supplies, cloth, clothing or wearing apparel, toys, balloons, novelties, small appliances, works of art or crafts, directional information and/or charts, street photographers, tools or mechanical devices of any nature.

2) "Open-air flea market" shall mean any location in which stalls or sales areas are established wherein individuals gather occasionally or periodically to offer goods, services, products, crafts, produce or surplus items for display and sale, trade, or barter.

3) "Peddler" shall mean any person 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, and make sales and delivery of merchandise or service concurrently and on the spot to a residential or commercial customer.

4) "Produce vendor" shall mean any person who operates a temporary open air stand or place for the selling of agriculture produce or any farm products. Such stand or place is portable and capable of being dismantled or removed from the sales site.

5) "Solicitor" shall mean any person 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 whatsoever for future delivery.

6) "Transient vendor" shall mean 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.1 (Ord. # 1305, March 2012; amended Ord. #1313, March 2013)

1Municipal code reference Privilege taxes: title 5.

9-202. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, or transient vendor to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (Ord. # 1305, March 2012; amended Ord. #1313, March 2013)

9-203. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (Ord. #1117, June 2002; amended Ord. #1305, March 2012; amended Ord. #1313,
March 2013)

9-204. Application for permit. Applicants for a permit under this chapter must file with the tax office an application containing the following information:

1) Name and physical description of applicant.

2) Complete permanent home address of applicant and the local address from which proposed sales will be made along with written permission from the property owner.

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

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

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

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

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

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

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

10) At the time of filing the application, a fee of two hundred fifty dollars ($250.00) shall be paid to the city to cover the cost of investigating the facts stated therein.

11) Each applicant shall submit to the tax office a copy of their State of Tennessee "certificate of registration" per state law, except for isolated or incidental sales(Ord. # 1305, March 2012; amended Ord. #1313, March 2013)

1Municipal code reference Business tax: title 5.

9-205. Issuance or refusal of permit.

1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the tax collector within seventy-two (72) hours.

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

3) If, on the other hand, the chiefs report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the tax collector shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-207. The tax collector shall keep a permanent record of all permits issued. (Ord. # 1305, March 2012; amended Ord. #1313, March 2013, modified)

9-206. Appeal. Any person aggrieved by the action of the chief of police and/or the tax collector in the denial of a permit shall have the right to appeal to the city council. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (Ord. # 1305, March 2012; amended Ord. #1313, March 2013, modified)

9-207. Bond. Every permittee shall file with the city treasurer a surety bond running to the city in the amount of ten thousand dollars ($10,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the City of Dickson

and the statutes of the state regulating peddlers, canvassers, solicitors, transient vendors, itinerant vendors, as the case may be, and shall guarantee to any citizen of the City of Dickson that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (Ord. # 1305, March 2012; amended Ord. #1313, March 2013)

9-208. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (Ord. # 1305, March 2012; amended Ord. #1313, March 2013)

9-209. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (Ord. # 1305, March 2012; amended Ord. #1313, March 2013)

9-210. Peddler/transient vendor/open-air flea market requirements. All peddlers and transient vendors shall be allowed only within a permanently enclosed structure. No tables, crates, cartons, racks, or other devices shall be used outdoors to increase the selling or display capacity of the peddler or transient vendor outside the permanent enclosed structure. Produce vendors must sell and must locate within the current local farmer's market. Produce vendors shall make application and obey all guidelines set forth from the local agriculture board.
Open-air flea markets are required to comply with the following development requirements:

1) The minimum lot size of a flea market shall be one (1) acre. All proposals for the location of a flea market shall require a one (1) time site plan approval from the City of Dickson Municipal Planning Commission, in accordance with all pertinent provisions of the Zoning Ordinance of Dickson, Tennessee.

2) The operator of any flea market that offers space for rent, outside of the confines of a permanent building, must apply and be granted an annual Flea Market Operators License by the City of Dickson maintaining a current business license. The cost of this business license shall be twenty-five dollars ($25.00) per year.

3) A building is considered permanent when it is built with approved building material and is constructed so that moving the building would deface the majority of the structure.

Carports, transportable storage buildings, shipping containers and similar structures are not considered permanent buildings.

4) Off-road parking shall be furnished for customers and vendors, and consist of at least gravel surface.

5) Each booth shall be numbered as to assure that vendors within the flea market are registered. Operators shall maintain a list of all vendors' names, addresses, and contact information.

6) An accessible, adequate, safe, and potable water supply shall be provided.

7) There shall be permanent restroom facilities or portable toilets with separate facilities for men and women.

8) If a permanent, self-contained restroom facility is available, then it must be connected to public sewer where available, and ability to provide hot and cold water.

9) All electrical wiring systems shall be inspected and approved by the appropriate governing jurisdiction.

10) All flea markets shall be maintained free of accumulations of debris, refuse and garbage. The area shall be kept clean from items or areas that would provide rodent infestation or breeding places for flies, mosquitoes and other pest or foul odors.

11) No overnight camping shall be allowed in any flea market site. Except during those days immediately prior to, during, and immediately following regularly scheduled flea market calendar days.

12) Any and all state or federal regulations that pertain to the collection, payment, and reporting of sales taxes shall apply.

13) Each flea market that offers outdoor space to others shall have a planned schedule showing which dates they will offer space for vendor set up. This schedule shall not exceed fifteen (15) calendar days per month. This calendar shall be available to the governing city officer upon request.

14) Any and all outdoor/temporary type-vendors shall be restricted to the normal scheduled flea market calendar. Outdoor/temporary type-vendors are defined as any vendor who utilizes a tent, vehicle, trailer or such open-air display where the items being offered are plainly visible to the general public.

15) Any flea market that is totally within the confines or a permanent structure, that meets the applicable requirements of this chapter and standard business and zoning codes of the City

of Dickson, shall not be limited to restrictions regarding the number of days per month nor be required to maintain a planned schedule.

16) Violation of these requirements shall be punishable by a fine of one hundred dollars ($100.00) per each violation. Violation of this chapter more than twice within a twelve (12) month period shall result in the revocation of the flea market operator's license for a period of one (1) year. (Ord. # 1305, March 2012; amended Ord. #1313, March 2013)

9-211. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (Ord. # 1305, March 2012; amended Ord. #1313, March 2013)

9-212. Enforcement. It shall be the duty of all police officers and personnel from the tax office and codes enforcement office to see that the provisions of this chapter are enforced. Citations can be issued for any violation of this chapter by any authorized person from the tax office, code enforcement office, or by the police department. (Ord. # 1305, March 2012; amended Ord. #1313, March 2013)

9-213. Revocation or suspension of permit.

1) Permits issued under the provisions of this chapter may be revoked by the city council after notice and hearing, for any of the following causes:

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

b) Any violation of this chapter.

c) Conviction of any crime or misdemeanor.

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

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

3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (Ord. # 1305, March 2012; amended Ord. #1313, March 2013)

9-214. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (Ord. # 1305, March 2012; amended Ord. #1313, March 2013)

9-215. Expiration and renewal of permit. Permits issued to permittees who are not subject to a privilege tax shall be issued for fourteen (14) days only. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (Ord. # 1305, March 2012; amended Ord. #1313, March 2013)

CHAPTER 3
CHARITABLE SOLICITORS

SECTION

9-301. Permit required.
9-302. Prerequisites for a permit.
9-303. Denial of a permit.
9-304. Exhibition of permit.
9-305. Prohibition of roadblocks for charitable solicitations.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the tax collector authorizing such solicitation. (1995 Code, modified)

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

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

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

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

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

5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1995 Code, modified)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the city council if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1995 Code)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any police officer or person solicited. (1995 Code)

9-305. Prohibition of roadblocks for charitable solicitations. No person or charitable organization shall use the streets, roads, highways or any public way or place to solicit charitable contributions. (Ord. #1177, Sept. 2005)

CHAPTER 4
POOL ROOMS[1]

SECTION

9-401. Prohibited in residential areas.

9-401. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1995 Code, § 9-501)

1Municipal code reference Privilege taxes: title 5.

CHAPTER 5
CABLE TELEVISION

SECTION

9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television service shall be furnished to the City of Dickson and its inhabitants under franchise as the city council shall grant. The rights, powers, duties and obligations of the City of Dickson 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 (1995 Code, § 9-601)

Details relating to the current cable television franchise agreement and amending ordinances are available in the office of the city recorder.

CHAPTER 6
BROADBAND COMMUNICATIONS SYSTEMS

SECTION

9-601. Purpose.
9-602. Definitions.
9-603. License requirement; authority granted by a license.
9-604. Terms and conditions for each license.
9-605. Selection of grantee.
9-606. License agreements.
9-607. License fee.
9-608. Nature of the system: technical standards.
9-609. Nature of the system: services
9-610. Construction of the system.
9-611. Operation and maintenance of the system.
9-612. Rates and charges.
9-613. Records and reports.
9-614. Indemnification and insurance.
9-615. Reviews, modifications, and renewal of the license.
9-616. Termination of the license by reason of default.
9-617. Insolvency proceedings.
9-618. Procedures following revocation or expiration of license.
9-619. Hiring and employment practices.
9-620. Prohibition of preferential practices: other business activities.
9-621. Subscriber privacy.
9-622. Sanctions.
9-623. Rights reserved to the city.
9-624. Continuing regulation and administration by the city.
9-625. Disputes.
9-626. Unlawful acts.
9-627. Miscellaneous.

9-601. Purpose. The purpose of this chapter is to provide for the granting of non-exclusive licenses to construct, operate and maintain broadband communication networks in the public ways of the City of Dickson; to provide for the specifications, procedures and standards for the same; to provide for the regulation of such networks; and to provide for the payment to the city for the privilege of exercising the rights granted by such licenses. (1995 Code, § 9-701)

9-602. Definitions. The following terms, phrases and words and their derivatives shall have the meaning specified herein.

1) "Annual gross revenues" shall mean all revenues received by the grantee, its affiliates, and/or subsidiaries from and in connection with the operation of the Broadband Telecommunications Network in the City of Dickson and which may lawfully be included in the base on which the city may calculate the license fee herein, provided that sales taxes

or other taxes or fees which are separately billed to subscribers for remittance to a governmental agency or other third party are excluded from the term "annual gross revenues."

2) "Basic service" shall mean the service package offered by the grantee to subscribers which includes (but which is not necessarily limited to) the signals referred to in § 9-609(1) and at least one (1) channel for municipal access, for educational access, and public access. If more than one (1) service package meets the foregoing conditions, then the service package which is offered at the lowest rate shall constitute the basic service.

3) "Board" or "city council" shall mean the City Council of the City of Dickson.

4) "Broadband telecommunications network (BTN)" shall mean all of the component physical operational and programming elements of any network of cables, optical, electrical or electronic equipment, including cable television, used for the purpose of transmission of electrical impulses of television, radio and other intelligences, either analog or digital for sale or use by the inhabitants of the city.

5) "City" shall mean the City of Dickson, a municipal corporation of the State of Tennessee.

6) "Commence operation" shall mean that time and date when operation of the BTN is considered to have commenced, which shall be when sufficient distribution facilities have been installed so as to permit the offering of Full Network Service to at least twenty percent (20%) of the dwelling units located within the city.

7) "Expanded service" shall mean a service package offered by the grantee to subscribers other than the basic service, pay service, and two-way service.

8) "FCC" shall mean the Federal Communications Commission and any legally appointed or elected successor.

9) "Full network service" shall mean basic service and expanded service and all pay services. The term does not include two (2) way service.

10) "Grantee" shall mean any person receiving a license pursuant to this chapter and under the granting license ordinance, and its lawful successor, transferee or assignee.

11) "License" shall mean the non-exclusive rights granted pursuant to this chapter to construct and operate a broadband telecommunications network along the public ways within all or a specified area in the city. Any such authorization, in whatever form granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the city as required by other ordinances and laws of this city.

12) "May" is permissive.

13) "Pay service" shall mean any service package which consists of not more than two (2) channels and for which a monthly or other service charge is made.

14) "Person" shall mean an individual, partnership, association, organization, corporation or any lawful successor, transferee or assignee of said individual, partnership, association, organization or corporation.

15) "Public school" shall mean any school at any educational level operated within the city by any public, private, or parochial school system, but limited to elementary, junior high school, and high school.

16) "Reasonable notice" shall be written notice addressed to the grantee at its office, which notice shall be certified and postmarked not less than four (4) days prior to the day in which the party giving such notice shall commence any action which requires the giving of notice. In computing said four days, Saturdays, Sundays and holidays recognized by the city shall be excluded.

17) "Sale" shall include any sale, exchange, barter or offer for sale.

18) "Service package" shall mean one (1) or more communications channels which are offered as a unit by the grantee to subscribers and for which a separately identifiable charge is made.

19) "Shall" and "must," each is mandatory and not merely directory.

20) "Street" shall include each of the following which have been dedicated to the public or is hereafter dedicated to the public and maintained under public authority or by others and located within the city limits: streets, roadways, highways, avenues, lanes, alleys, sidewalks, easements, rights-of-way, and similar public ways and extensions and additions thereto, together with each other public property and areas that the city shall permit to be included within the definition of street from time to time.

21) "Subscriber" shall mean any person receiving a legal service package.

22) "Substantially completed" shall occur when sufficient distribution facilities have been installed by the grantee so as to permit the offering of full network service to a least ninety percent (90%) of the potential subscribers in the city.

23) Two (2) way service" shall mean any service which involves the transmission of a signal from a subscriber to a facility maintained by the grantee as part of the BTN. This term includes (but is not limited to) fire, security and medical alert systems. (1995 Code, § 9-702)

9-603. License requirement; authority granted by a license.

1) License required. No person shall construct, install, maintain or operate on or within any street, any equipment or facilities for the distribution of television signals or radio signals or other intelligences, either analog or digital, over a BTN to any subscriber unless a license authorizing the use of the streets has first been obtained pursuant to the provisions of this chapter; and thereafter only while said person is legally operating under the terms and provisions of said license.

2) Authority granted. Any license granted hereunder shall give to the grantee, subject to the provisions of this chapter, the right and privilege at its own expense, to construct, erect, operate, modify and maintain in, upon, along, above, over and under the streets, such towers, antennas, cables, electronic equipment, and other network appurtenances necessary for the operation of a BTN in the city. (1995 Code, § 9-703)

9-604. Terms and conditions for each license.

1) License non-exclusive. Any license granted hereunder shall not be exclusive. The city reserves the right to grant other licenses to other persons at any time or times.

2) Term of license. Each license granted under this chapter shall take effect and be in force as provided herein for a term of fifteen (15) years from the date of acceptance by licensee, subject, however, to the right of the city to terminate said license as provided herein.

3) Non-interference with use of streets. The right and privilege granted by a license shall be exercised so as not to interfere with the use of the streets by the city and such others as may be designated by the city to use such streets, and the city may demand the removal of any cables or equipment as have been constructed by the grantee when the city believes that such is interfering with the use of the streets.

4) Transfer of license.

a) No license granted hereunder may be sold, transferred, leased, assigned or disposed of, whether by way of sale, merger, consolidation, or otherwise, without in each case the prior written consent of the city, and then only under such conditions as the city may establish. Such consent shall not be unreasonably withheld.

b) Notwithstanding the provisions of (a) above, a license may be mortgaged, pledged or assigned as security for the financing of the related BTN. Such mortgage, pledge or assignment may be made without the consent of the city, but any such mortgage, pledge or assignment shall be subject to the terms and conditions of the license and the related license agreement and to the rights of the city under this chapter.

c) Reference is made to 9(a) below for the effect of changes in ownership or control of the grantee and to 9(b) below for rules covering control of a BTN by a financial institution.

d) Reference is made to § 9-617 for transfers in connection with insolvency proceedings.

5) License territory. Each license granted hereunder shall relate to the territorial limits of the city, or such lesser area as may be designated by the board, and to any area henceforth added thereto during the term of the license.

6) Privileges must be specified. No privilege or exemption shall be granted or conferred by any license granted except those specifically prescribed herein.

7) Obligations of grantee to obtain other permits. Any license granted hereunder shall not relieve the grantee of any obligations involved in obtaining pole or conduit space from any department of the city, utility company, or from others maintaining utilities in streets.

8) License binding. Any license granted hereunder shall be binding upon the grantee, and all successors, lessees, or assignees as may be approved by the city.

9) Transactions affecting ownership or control.

a) Express approval of the board, which shall not be unreasonably withheld, shall be required where ownership or control of more than ten percent (10%) of the right of control of or interest in the license is acquired by a person or group of persons acting in concert, none of whom already own or control ten percent (10%) or more of such right of control or interest, singularly or collectively. Transfer from a subsidiary to a parent corporation or vice versa shall not be considered change of control.

b) Any financial institution having a pledge of, or other form of security interest in a license, or in the assets of a grantee, for the advancement of money for the construction and/or operation of the BTN, shall have the right to notify the city that it or its designee satisfactory to the city will take control and operate the BTN. However, such financial institution shall also submit a plan for such operation that will insure continued service and compliance with all license obligations during the term the financial institution exercises control over the BTN. The financial institution shall not exercise control over the BTN for a period exceeding one (1) year unless extended by the board in its discretion and during said period of time it shall have the right to petition the city to transfer said license to another grantee. If the city finds that any transfer after considering the legal, financial, character, technical and other public interest qualities of the applicant is satisfactory, the city will transfer and assign the rights and obligations of such license as in the public interest. The consent of the city to such transfer shall not be unreasonably withheld. (1995 Code, § 9-704)

9-605. Selection of grantees.

1) Applications for a license. Applications for an original license grant hereunder shall be filed with the city mayor and shall be accompanied by the payment of a non-refundable filing fee of two thousand dollars ($2,000.00). Such applications shall contain written information which is responsive to requirements established from time to time by the board.

2) Acceptance of certain applications. Applications for a license which were submitted to and accepted by the city prior to October 15, 1982 shall be deemed to be in compliance with (1) above.

3) Criteria for evaluation of applications. Applications for a BTN license will be evaluated under the following criteria:

a) Experience. Preference may be given to applicants that can give evidence of providing dependable and complete service to other communities and who have established a record of excellent construction practices, ability to meet deadlines, and good planning and marketing practices.

b) Financial stability. Preference may be given to applicants that present evidence of financial resources which will assure that the applicant will have the ability to complete the entire BTN in the license area within the time period set forth in § 9-610(1).

c) System design. Preference may be given to a system which contains the flexibility to adjust to new technological development and which indicates that high quality equipment will be used and high quality maintenance practices will to be followed.

d) Services. Preference may be given to the applicant that proposes to provide superior programming. In determining what constitutes superior programming, particular consideration will be given to local origination and the resources which an applicant proposes to devote to local origination in order to make it interesting, innovative, and financially feasible.

e) Local studio facilities. Preference may be given to applicants that propose to maintain studio facilities within the city.

f) Rate schedules. Preference may be given to applicants with the most reasonable installation and subscriber rate schedules. However, such schedules must be justified in financial pro forma statements by the use of realistic levels of penetration.

g) Local ownership and control. The degree of local ownership and control of an applicant will be taken into account.

The foregoing criteria are not listed in any order of priority.

4) Evaluation process. The board shall hold at least one public hearing in connection with each application duly filed pursuant to (1) above at which the applicant and all other interested parties shall be given the opportunity to be heard. The board, or such committee or committees of the board, or such special committees as the board may designate, shall conduct such further hearings or investigation as the board deems necessary. At the conclusion of such hearings and investigation, the board may determine that no license should be granted or, alternatively, the board may select that applicant which the board considers has presented a proposal which

satisfies the interests of the city in the light of the criteria set forth in (3) above. The decision of the board concerning grantee selection shall be final.

5) Procedures for granting a license. If the board determines that a license should be granted hereunder, the board will then proceed as follows:

a) The board shall, by resolution, make a tentative selection of the applicant. Such action shall not constitute the award of a license and shall not confer any rights upon the applicant except to proceed in accordance with this subsection.

b) The proper officers of the city and the applicant shall discuss the terms of the license agreement described in§ 9-606 of this chapter.

c) If the city and the applicant reach agreement as to the terms and conditions of the license agreement, the agreement shall be presented to the board for approval and authorization for execution by the city mayor.

d) The board shall then, by ordinance, grant a license to the applicant.

6) Effective date of a license. The effective date of a license shall be in regard to the ordinance referred to in (5)(d) above. (1995 Code, § 9-705)

9-606. License agreements.

1) Agreement required. No license shall be granted hereunder unless the applicant and the city have executed a license agreement which shall set forth the terms and provisions of the license.

2) Contents of agreement.

a) Each license agreement shall contain the following express representations by the grantee:

i. The grantee has carefully read the terms and conditions of this chapter and the license agreement and accepts all of such terms and conditions and agrees to abide by the same.

ii. The grantee acknowledges that it has carefully read the terms and conditions of this chapter and expressly waives any claims that any provisions thereof are unreasonable or arbitrary or void.

iii. The grantee acknowledges that it has not been induced to accept the license by any promise, verbal or written, by or on behalf of the city or by any third person, regarding any term or condition of this chapter or the license agreement not expressed therein.

iv. The grantee represents that no promise or inducement, oral or written, has been made to any city employee or official regarding receipt of the license.

b) In addition to those matters required to be included in the license agreement by virtue of this chapter, the license agreement shall contain such further conditions or provisions as may be included in the grantee's proposal and/or negotiated between the city and the grantee, except that no such conditions or provisions shall be such as to conflict with any provisions of this chapter or other law. In case of such conflict, or in case of any ambiguity between any terms or provisions of the license agreement and this chapter, the words of this chapter shall control. (1995 Code, § 9-706)

9-607. License fee.

1) Annual license payment. Each grantee of a license hereunder shall pay to the city an annual fee in an amount equal to not more than the maximum percentage of the annual gross revenues allowed by the FCC. Such payment shall be in addition to any other payment, charge, permit fee or bond owed to the city by the grantee and shall not be construed as payment in lieu of personal or real property taxes levied by state, county or local authorities.

2) Method of computation. The fee payable under (1) above shall be computed on the basis of the grantee's fiscal year.

3) Partial payments.

a) Within thirty (30) days after the end of the first six (6) months of each fiscal year of the grantee, the grantee shall make a partial payment of the annual fee due for that year. Such partial payment shall be equal to one-half (1/2) of the negotiated percentage of the grantee's gross revenues for such six (6) month period. “Gross revenues” for this purpose shall be determined in the same manner as annual gross revenues.

b) The city and the grantee may agree to a greater number of partial payments in each fiscal year by a provision therefore in the license agreement.

4) Time of annual payment. The payment of the amount required under (1) above shall be due not later than ninety days (90) after the end of the fiscal year for which such payment is computed. Such payment shall equal the amount determined under (1) above, minus all partial payments theretofore made under (3) above.

5) Place of payment. All payments made under this section shall be made at the office of the city treasurer during normal business hours.

6) Certificates. Each payment made pursuant to this section shall be accompanied by a certificate of an executive officer of the grantee to the effect that the amount of the payment has been correctly determined in accordance with the provisions of this chapter.

7) Audit rights. The city may cause an audit to be made of the grantee's books and records for the purpose of verifying the correct amount of any payment required under this

section. If such an audit discloses a deficiency in the amount paid often percent (10%) or more of the amount which should have been paid, the grantee shall pay forthwith to the city upon demand the cost of such audit, subject, however, to the provisions of § 9-625 of this chapter concerning disputes.

8) Acceptance by city. No acceptance of any payment by the city shall be construed as a release or as an accord and satisfaction of any claim the city may have for further or additional sums payable as a license fee under this chapter or for the performance of any other obligation of the grantee.

9) Failure to make required payment. In the event that any license payment or recomputed amount is not made on or before the dates specified herein, grantee shall pay an interest charge, computed from such due date, at the annual rate of twelve percent (12%) per annum. (1995 Code, § 9-707)

9-608. Nature of the system: technical standards.

1) General requirements. Each BTN for which a license is granted hereunder shall be designed, installed and operated so as to meet the following general requirements:

a) The system shall be operationally capable of relaying to subscriber terminals those television and radio broadcast signals for the carriage of which the grantee is now or hereafter authorized by the FCC.

b) The system shall consist of a cable network having a minimum initial forward bandwidth in compliance with the technical standards and rules of the FCC; provided that if a reverse or feedback circuit is routed through a subscriber's premises, it shall be connected so as to permit subscriber notification and deactivation.

c) The system shall be capable of continuous twenty-four (24) hour daily operation.

d) The system shall be operated in such a manner as to avoid causing interference with reception of off-the-air signals by non-subscribers to the network, and if any problems arise in non-subscriber interference, it will be the grantee's duty to resolve the problem at no charge to the non-subscriber.

e) The system shall be designed, installed and operated so as to comply with all applicable technical standards and regulations promulgated by the FCC.

f) The system shall be designed, installed and operated so as to assure the delivery to all subscribers of standard color and monochrome signals on the FCC-designated Class I television channels without noticeable picture degradation or visible evidence of color distortion or other forms of interference directly attributable to the performance of the BTN.

2) Performance monitoring.

a) The performance of each BTN for which a license is granted hereunder with respect to the standards set forth in (1) above shall be monitored in accordance with this subsection.

b) Test procedures used in verification of the performance criteria set forth herein, if not as set forth in paragraph 76.609, subpart K, of the FCC Rules and Regulations, shall be in accordance with good engineering practice and shall be fully described in an attachment to the annual certificate filed with the city.

c) To the extent that the report of measurements as required above may be combined with any reports of measurements required by the FCC or other regulatory agencies, the city shall accept such combined reports, provided that all standards and measurements herein or hereafter established by the city are satisfied.

d) Not later than ninety (90) days after any new or substantially rebuilt portion of the system is made available for service to subscribers, technical performance tests shall be conducted by the grantee to demonstrate full compliance with the technical standards of the FCC. Such tests shall be performed by, or under the supervision of, a qualified registered professional engineer or an engineer with proper training and experience. A copy of the report shall be submitted to the city describing test results, instrumentation, calibration, and test procedures, and the qualifications of the engineer responsible for the tests.

e) At any time after commencement of service to subscribers, the city may require additional tests, full or partial repeat tests, different test procedures, or tests involving a specific subscriber's terminal. Requests for such additional tests will be made on the basis of complaints received or other evidence indicating an unresolved controversy or significant non-compliance, and such tests will be limited to the particular matter in controversy. The city will endeavor to so arrange its requests for such special tests so as to minimize hardship or inconvenience to
grantee or the subscriber.

3) Interconnections.

a) Whenever it is financially and technically feasible, the grantee shall so construct and operate the network so that the network can be interconnected into all other networks within the city.

b) Wherever it is financially and technically feasible, the Grantee shall so construct and operate the network so that the network can be interconnected into all other networks adjacent to the city. (1995 Code, § 9-708)

9-609. Nature of the system: services.

1) Carriage of area television stations. Whether or not required by rules and regulations of the FCC, each BTN for which a license is granted hereunder shall carry the signals of all television broadcast stations whose specified zone includes the City of Dickson.

2) Other channel requirements. Whether or not required by the rules and regulations of the FCC, each BTN for which a license is granted hereunder shall:

   a) Have a minimum capacity of thirty (30) channels;

   b) Have the capacity for two (2) way active communications;

   c) Provide at least one (1) non-commercial access channel for use by educational agencies and governmental agencies within the city, and public access programming, and which may be used by the public on a leased basis.

3) Service packages. Subject to the provisions of (4) below, a grantee may offer service packages to subscribers or potential subscribers in such number, description and content as the grantee shall determine, provided that all service packages shall be offered on a non-discriminatory basis as provided in § 9-610(1).

4) Basic service. Each grantee shall offer the basic service as defined in this chapter. The basic service need not be offered by that name, insofar as Subscribers are concerned, but for the purposes of this chapter the service shall be known as the basic service. The grantee shall not be required to provide the basic service to a subscriber as a condition to the provision of other service packages. The provisions of this subsection shall not be construed as any effort by the city to regulate the program content of the basic service; the only purpose of this subsection is to insure that the basic service will be offered to subscribers as one (1) of the grantee's service packages.

5) Public installations and service thereto.

a) The grantee shall connect the BTN to each public school, public library, and such municipal buildings as the city may designate, without charge for installation and maintenance of such connections. Such installations shall be made within sixty (60) days of completion of the cable trunk line that would serve those buildings.

b) Any service granted pursuant to subsection (a) above, may be extended by the persons receiving such service to as many areas within the building where the service is granted or its adjacent buildings which are a part of the total complex receiving such service. The person receiving such service shall pay all expenses for any such extension and shall complete such extension so as not to interfere with the operation of the BTN. All extensions must be made either by the grantee or in accordance with the same material and installation specifications required by the grantee.

c) The grantee shall provide, without charge, the full network service to each installation made pursuant to § 9-608(3)(a), except that a grantee shall be excused from the foregoing requirement if and to the extent that compliance would conflict with contractual provisions between the grantee and the grantee's program suppliers.

6) Emergency alert override. Each grantee shall incorporate into its facilities the capability for a remotely activated emergency override alert system whereby a designee of the city, in times of emergency, may introduce an audio and/or visual message on all BTN channels simultaneously. The city shall hold grantee harmless and indemnify grantee for liability resulting from the emergency use of the BTN by the city. (1995 Code, § 9-709)

9-610. Construction of the system.

1) Construction schedule.

a) Permits. Within thirty (30) days after the effective date of its license, the grantee shall file with the appropriate governmental authorities and with the necessary utility companies, all initial papers, applications, contracts and other documents necessary to permit the commencement of construction and operation of the BTN, and shall thereafter make diligent efforts to obtain the proper execution and delivery of such documents. The grantee shall report to the city every thirty (30) days on its progress in obtaining necessary permits, contracts and other necessary documents as contemplated above.

b) Target dates. Within thirty (30) days after the effective date of its license, the grantee shall furnish the city a construction schedule and map setting forth target dates by areas for commencement of service to subscribers. The schedule and map shall be updated whenever substantial changes become necessary.

c) Commencement of operation. Within six (6) months after the date on which the grantee has received all necessary utility company permits, the grantee shall commence operation.

d) Substantial completion of construction. Within twelve (12) months after the date on which the grantee has received all necessary utility company licenses, the grantee shall have substantially completed the BTN.

2) Construction standards.

a) Compliance with safety codes. All construction practices shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970 and any amendments thereto as well as all state and local codes where applicable.

b) Compliance with electrical codes. All installation of electronic equipment shall be of a permanent nature, durable and installed in accordance with the provisions of the city building codes.

c) Antennas and towers. Antenna supporting structures (towers) shall be designed for the proper loading zone as specified in Electronics Industry Association's R.S. - 22A Specifications.

d) Construction standards and requirements. All of the grantee's plant and equipment, including but not limited to the antenna site, head-end and distribution system, towers,

house connections, structures, poles, wire, cable, coaxial cable, fixtures and appurtenances, if and to the extent located within the city, shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated in accordance with good engineering practices, and such work shall be performed by experienced maintenance and construction personnel so as not to endanger or interfere with improvements the municipality may deem proper to make, or to interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on municipal properties.

e) Safety, nuisance, requirements. The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.

3) Street occupancy.

a) Grantee shall utilize existing poles, conduits and other facilities whenever possible, and shall not construct or install new, different, or additional poles, conduits, or other facilities on public property until the written approval of the city is obtained, which approval shall not be unreasonably withheld. Grantee shall not acquire any vested interest in any location for any pole or wire-holding structure, and such poles or structures shall be removed or modified by the grantee at its own expense whenever the city determines that the public convenience would be enhanced thereby.

b) The facilities of the grantee shall be installed underground in those areas of the city where existing telephone and electric services are both underground at the time of network construction. In areas where either telephone or electric utility facilities are installed aerially at the time of network construction, the grantee may install its facilities aerially with the understanding that at such time as the existing aerial facilities are required to be placed underground by the city, the grantee shall likewise place its facilities underground.

c) A grantee shall notify the city at least ten (10) days prior to the intention of the grantee to commence any construction in any streets. The city shall cooperate with the grantee in granting any permits required, providing such grant and subsequent construction by the grantee shall not unduly interfere with the use of such streets and that the proposed construction shall be done in accordance with the provisions of the city code.

d) All transmission lines, equipment and structures shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners and at all times shall be kept and maintained in a safe, adequate and substantial condition and in good order and repair. The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Suitable barricades, flags, lights, flares, or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public. Any poles or other fixtures placed in any public way by the grantee shall be placed in such manner as not to interfere with the usual travel on such public way.

e) Grantee shall, at its own expense and in a manner approved by the city, restore to city standards and specifications any damage or disturbance caused to the public way as a result of its operations or construction on its behalf. Grantee shall guarantee and maintain such restoration for a period of one (1) year against defective materials or workmanship.

f) Whenever, in case of fire or other disaster, it becomes necessary in the judgment of the city mayor, the director of public works, the fire chief, or the police chief, to remove or damage any of the grantee's facilities, no charge shall be made by the grantee against the city for restoration and repair, unless such acts amount to gross negligence by the city.

g) Grantee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities, subject to the supervision and direction of the city.

h) The grantee, at its expense, shall protect, support, temporarily disconnect, relocate, or remove any property of the grantee when, in the opinion of the city mayor, the same is required by reason of traffic conditions, public safety, street vacation, street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, transportation facilities, tracks, or any other type of structure or improvement by governmental agencies, whether acting in a governmental or a proprietary capacity, or any other structure or public improvement, including (but not limited to) movement of buildings, renewal of areas within the city, and any general program under which the city shall undertake to cause all such properties to be located beneath the surface of the ground. The grantee shall in all cases have the privilege, subject to the corresponding obligation, to abandon any property of grantee in place. Nothing hereunder shall be deemed a taking of the property of grantee, and grantee shall be entitled to no surcharge by reason of anything hereunder.

i) Upon failure of grantee to commence, pursue or complete any work required by law or by the provisions of this chapter to be done in any street, within the time prescribed and to the satisfaction of the mayor, the mayor may, at his option, cause such work to be done and the grantee shall pay to the city the cost thereof in the itemized amounts reported to by the mayor to grantee, within thirty (30) days after receipt of such itemized report.

j) The grantee shall make no paving cuts or curb cuts unless absolutely necessary, and then only after written permission has been given by the mayor.

k) The grantee shall install in conduit, all cable passing under the roadway.

l) A charge may be made to grantee for use of any existing poles.

4) Performance bond. The grantee shall maintain throughout the period of network construction a faithful performance bond in favor of the city, with a surety approved by the city, in the penal sum total of fifty thousand dollars ($50,000.00), conditioned upon the faithful performance by the grantee of its obligations under this chapter and the license.

When the BTN has been substantially completed as defined herein, the penal sum total of the performance bond shall be reduced to twenty-five thousand dollars ($25,000.00) through the remainder of the term of the license, or any renewal or extension thereof and upon the further condition that in the event the grantee shall fail to comply with any law, ordinance or regulation governing the license, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the city as a result, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the grantee, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond. The city, at its sole discretion, may at any time subsequent to completion of construction, waive (subject to later reinstatement) the requirement of the grantee to maintain said bond. The bond shall contain the following endorsement:

"It is hereby understood and agreed that this bond may not be cancelled nor the intention not to renew stated until thirty (30) days after receipt by the city by registered mail of a written notice of such intent to cancel or not to renew." (1995 Code, § 9-710)

9-611. Operation and maintenance of the system.

1) Repair. Any damage caused by the grantee's negligence shall be repaired fully by the grantee.

2) Office and phone for service. The grantee shall maintain an office in the city which shall be open during all usual business hours, shall have a locally listed telephone and shall be so operated that complaints and requests for repairs or adjustments may be received at any time. Alternatively, the licensee may designate an agent, who has an office in the city, who is authorized to receive complaints and requests for repairs or adjustments. In addition, the grantee shall maintain a convenient service in the city during normal business hours for the receipt of sums due by its subscribers and shall provide for regular billing of accounts.

3) Notification of service procedures. The grantee shall furnish each subscriber at the time service is installed written instructions that clearly set forth procedures for placing a service call, or requesting an adjustment.

4) Service response time. The grantee shall use its best efforts to provide prompt service response for all complaints and requests for repairs or adjustments. In no event shall response time exceed twenty-four (24) hours except in circumstances beyond the reasonable control of the grantee.

5) Service interruptions and notification. The grantee shall interrupt system service after 7:00 A.M. and before 1:00 A.M. only with good cause and for the shortest time possible, and except in emergency situations, only after publishing notice of service interruption at least twenty-four (24) hours in advance of the service interruption. Service may be interrupted between 1:00 A.M. and 7:00 A.M. for routine testing, maintenance, and repair, without notification, any night except Friday, Saturday or Sunday, or the night preceding a holiday.

6) Request for removal or change.

a) The grantee shall, on the request of any person holding a building moving permit issued pursuant to the city code, temporarily raise or lower its wires to permit the moving of said building. The expense of such temporary removal, raising or lowering of wires, shall be paid by the person requesting the same, and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less that fifteen (15) days advance notice of any move contemplated to arrange for temporary wire changes.

b) The city shall notify the grantee at least ten (10) days prior to the intention of the city to commence any construction in the streets that requires the relocation of grantee's lines, wires or other network appurtenances so as not to interfere with such construction.

c) In the event that continued use of a street is denied to the grantee by the city for any valid reason, the grantee shall provide service to affected subscribers over alternate routes within a reasonable period of time.

7) Subscriber's right to cancel service.

a) Any subscriber shall have the right to cancel any or all service packages upon thirty (30) days written notice to the grantee.

b) Upon termination of service to any subscriber, the grantee shall promptly remove all of its facilities and equipment from the subscriber's premises upon his request.

8) Abandonment of service.

a) After grantee has established service pursuant to this chapter in the license area, such service shall not be suspended or abandoned in the whole or any part of the license area unless the suspension or abandonment is authorized by the board.

b) Whenever grantee shall file with the board a written application alleging that the public interest no longer requires that grantee furnish service pursuant to this chapter in the whole or in any part of the license area, the board, at a public hearing, shall take evidence upon that question and shall make a finding with respect to it. Notice of the hearing shall be given by the grantee in writing to each subscriber in the part of the license area in question at least fifteen (15) days prior to the date scheduled for the hearing. If the city board shall find that the public interest no longer requires that the grantee furnish service, the board, after hearing as provided herein, shall authorize suspension or abandonment of service upon such reasonable terms and conditions as may be prescribed by the board. (1995 Code, § 9-711, modified)

9-612. Rates and charges.

1) Rates and service schedules. The grantee shall at all times maintain on file with the city a complete and current schedule showing all services being provided under the grantee's license, the fees and charges for each of such services, the charges for connections or disconnections, and any other charges which may be made by the grantee in connection

with the BTN. Such schedule shall also show the components of the basic service, the expanded service, and the pay service, each on a channel-by-channel basis, the monthly charge for each service package, and reasonably complete descriptions of each service package.

2) Initial rates. The rates and charges initially charged by a grantee for each of its service packages, as shown in the first schedule filed under (1) above, shall be the same as proposed in the grantee's application for a license. Such rates and charges shall not be increased until the second anniversary of the date on which the BTN was substantially completed.

3) Modification of rates. After the second anniversary of the date on which the BTN was substantially completed, the grantee may modify its rates from time to time by filing a revised schedule in accordance with (1) above. Each rate adjustment shall become effective on the date designated by the grantee in the schedule, provided, that such date may not be less than sixty (60) days from the date on which the schedule was filed, and provided, further, that this (3) above is subject to the provisions of(4) below.

4) Regulation of rates. All rates increases for cable television service either for basic rates or for premium charges shall first be submitted to the city council for approval. A public hearing shall be held on all such rate requests and at such public hearing the city council may consider the rates charged by the grantee in other municipalities within Dickson County, the rates charged to incorporated areas of Dickson County, the rates charged by other providers of cable television service in the State of Tennessee, the quality and the extent of service provided to cable television subscribers in the City of Dickson, and any other factors which reasonably relate to such rate increase request.

5) Disconnections. No charge may be made for disconnection from the BTN. However, if a subscriber has failed to pay properly due monthly fees, or if a subscriber disconnects for seasonal periods, the grantee may require, in addition to full payment of any delinquent amounts, a reasonable fee for reconnection to the system.

6) No consideration beyond schedule. A grantee shall not receive any consideration whatsoever for or in connection with its provision of service to its subscribers other than as set forth in this section or in the schedule then on file with the city. (1995 Code,§ 9-712)

9-613. Records and reports.

1) Records required. Each grantee shall at all times maintain:

a) A record of all complaints received and interruptions or degradation of service experienced for the preceding three (3) years.

b) A full and complete set of plans, records, and “as built” maps showing the exact location of all BTN equipment installed or in use in the city, exclusive of subscriber service drops.

2) Reports required. Each grantee shall file with the city the following reports:

a) Reports to be filed within sixty (60) days after the end of each fiscal year of the grantee:

i. An "Annual Report of Cable Television Systems" (FCC form 325, schedules 1, 2, 3 and 4).

ii. An ownership report indicating all persons who at any time during the preceding year controlled or benefitted from an interest in the license of ten percent (10%) or more. This report shall also include all creditors secured by pledges or other form of security interest in the BTN and all unsecured creditors whose claims in respect to the operation of the license in the city exceed fifty thousand dollars ($50,000.00).

iii. A summary list of all complaints and BTN "down time" received or experienced during the year.

iv. A report showing or containing:

A. The total number of hours of utilization of each of the channels described in§ 9-609(2)(a), (b), and (c);

B. The number of persons subscribing to two (2) way service; and

C. A brief statement indicating whether grantee is planning any new services for the ensuing years as a result of technological development in the cable television industry.

b) Reports or certificates to be filed promptly after the indicated event occurs:

i. Written evidence of each payment of the premium for the performance bond required hereunder.

ii. Written evidence of the payment of each premium for each policy of insurance required hereunder.

3) Documents required. Each grantee shall file with the city a true copy of the most current form of each of the following documents:

a) The performance bond required hereunder.

b) All policies of insurance required hereunder.

c) All rules, regulations, and policy statements adopted by the grantee in operating the BTN.

4) Filing. When not otherwise prescribed herein, all matters required to be filed with the city shall be filed with the mayor.

5) Inspection of property and records. At all reasonable times, grantee shall permit examination by any duly authorized representative of the city, of all license property, together with any appurtenant property of grantee situated within or without the city. The grantee shall also permit any duly authorized representative of the city to examine and transcribe any and all maps and other records kept or maintained by grantee or under its control concerning the operations, affairs, transactions or property of grantee. If any of such maps or records are not kept in the city, or upon reasonable request made available in the city, and if the mayor shall determine that an examination of such maps or records is necessary or appropriate to the performance of any of his duties, then all travel and maintenance expense necessarily incurred in making such examination shall be paid by the grantee. (1995 Code, § 9-713)

9-614. Indemnification and insurance.

1) Indemnification agreement. The grantee shall indemnify, and hold harmless the city, its officers, boards, commissions, agents and employees against and from any and all claims, demands, causes of action, actions, suits, proceedings, damages (including but not limited to damages to city property and damages arising out of copyright infringements and damages arising out of any failure by the grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by grantee's BTN), costs or liabilities (including costs or liabilities of the city with respect to its employees), of every kind and nature whatsoever, including but not limited to damages for injury or death or damage to person or property, and regardless of the merit of any of the same, and against all liability to others, and against any loss, cost, and expense resulting or arising out of any of the same, including any attorney fees, accountant fees, expert witness or consultant fees, court costs, per diem expense, traveling and transportation expense, or other costs or expense arising out of or pertaining to the exercise of or the enjoyment of any license hereunder by grantee, or the granting thereof by the city; provided, that the grantee shall not be liable for any such damages, fees or expense where any lawsuit is based on the actions or omissions of the city but not on any act or omission by the grantee.

2) Insurance. The grantee shall maintain a general comprehensive liability insurance policy naming as an additional insured, the city, its officers, boards, commissions, agents and employees. Such policy shall be issued by a company mutually acceptable to the grantee and the city in a form satisfactory to the city and protecting the city and all persons against liability for loss or damage for personal injury, death or property damage, occasioned by the operations of the grantee under any license granted hereunder to grantee in the amount of:

a) Five hundred thousand dollars ($500,000.00) for bodily injury or death to any one (1) person, within the limit, however, of one million dollars ($1,000,000.00) for bodily injury or death resulting from any one (1) accident.

b) Five hundred thousand ($500,000.00) for property damage resulting from any one (1)accident.

c) Workers' compensation insurance in such coverage as may be required by the workmen's compensation insurance and safety laws.

3) Notice of cancellation or reduction of coverage. The insurance policies referred to above shall contain an endorsement stating that the policies are extended to cover the liability assumed by the grantee under the terms of this chapter and shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the amount of coverage thereof reduced until thirty (30) days after receipt by the city by registered mail of written notice of such intent to cancel or reduce the coverage." (1995 Code, § 9-714)

9-615. Reviews, modifications, and renewal of the license.

1) Three-year reviews. On or about the third, sixth, ninth, and twelfth anniversaries of the effective date of the license grant, the board shall schedule and hold a public meeting or meetings with the grantee to review the performance by the grantee under the license, including future plans of the grantee regarding operation and performance. In particular, the city may inquire whether the grantee is supplying a level and variety of services equivalent to those being generally offered at that time in the industry in comparable market situations. At such meeting, the board shall consider whether the rates of the grantee should be regulated. The grantee shall make available to the city, if requested by the city, such records, documents and information which are relevant to such meeting and inquiry.

2) Modifications necessitated by FCC regulations. Any changes in the license agreement necessitated by modifications in the FCC's regulations shall be incorporated into the license agreement within the time limit provided for in the rules and regulations of the FCC then in force and effect.

3) License renewal. At least six (6) months prior to the expiration of a license, the city shall schedule and hold a public meeting or meetings with the grantee to review and discuss the performance of the grantee under the license, including the results following previous license reviews. In particular, the city may inquire whether the grantee is supplying a level and variety of services equivalent to those being generally offered at that time in the industry in comparable market situations. The grantee shall make available, if requested by the city, such records, information and documents which are relevant to such meeting and inquiry. Any interested person shall have the opportunity to be heard. The purpose of such meeting or meetings shall be to consider the question of whether the license granted to the grantee should be renewed.

4) No obligation to reissue. Irrespective of the type and quality of the performance of the grantee, the city is under no obligation whatsoever to reissue a license to the grantee. At least five (5) months prior to the expiration of the license, however, the city shall advise the grantee whether or not the license reissuance shall be based solely upon negotiations by and between the grantee and the city. The failure to reissue a license shall not prohibit the grantee from applying for a new license in competition with other applicants for a license in the event that the city decides to consider proposals from new applicants for the license. (1995 Code, § 9-715)

9-616. Termination of the license by reason of default.

1) Grounds for revocation. The city reserves the right to revoke any license granted hereunder and to rescind all rights and privileges associated with the license in the following circumstances, each of which shall represent a default and breach under this chapter and the license agreement:

a) A default by the grantee in the performance of any of its material obligations under this chapter or under the license agreement or under such documents, contracts, and other terms and provisions entered into by and between the city and the grantee.

b) A failure by the grantee to provide or maintain in full force and effect the liability and indemnification coverages or the performance bond as required herein.

c) Frequent violations by the grantee of any orders or rulings of any regulatory body having jurisdiction over the grantee relative to this license.

d) The grantee's cessation of services for any reason within the control of the grantee over the BTN. However, the grantee shall not be declared at fault or subject to any sanction under any provision of this chapter in any case in which performance of any such provision is prevented for reasons beyond the grantee's control. Fault shall not be deemed to be beyond the grantee's control if committed by a corporation or other business entity in which the grantee holds a controlling interest, whether held directly or indirectly.

e) Attempts by the grantee “to evade” any of the provision of this chapter or of the license agreement, or the practice of any fraud or deceit upon the city.

2) Procedures prior to revocation. If it appears to the mayor that one or more grounds exist for revoking a grantee's license, the following procedures shall then be followed:

a) The mayor may make a written demand that the grantee comply with the requirement, limitation, term, condition, rule or regulation, which the mayor believes to be applicable.

b) If the failure, refusal or neglect of the grantee continues for a period of thirty (30) days following such written demand, the mayor may place a request for termination of the license upon the next regular board meeting agenda.

c) The mayor shall cause to be served upon the grantee, at least ten (10) days prior to the date of such board meeting, a written notice of his intent to request a revocation of grantee's license. Such notice shall state the time and place of the board meeting and notice of such request shall be published by the city recorder at least once during the ten (10) day period preceding the board meeting in a newspaper of general circulation within the city.

d) The board shall consider the request of the mayor and shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal, or neglect by the grantee was with just cause.

e) If the failure, refusal or neglect by the grantee was with just cause, the board shall direct the grantee to comply within such time and manner, and upon such terms and conditions, as are reasonable.

f) If the board shall determine that such failure, refusal or neglect by the grantee was without just cause, then the board may, by resolution, declare that the license of the
g) grantee shall be revoked and terminated and the bond forfeited, unless there is compliance by the grantee within such period as the board may fix. (1995 Code, § 9-716)

9-617. Insolvency proceedings.

1) Right to terminate license in case of insolvency proceedings. The license herein granted shall, at the option of the board, cease and terminate one hundred twenty (120) days after the appointment of a receiver or receivers or trustee or trustees, designated to take over and conduct the business of the grantee, whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) day period, or unless both of the following conditions are satisfied:

a) Such receivers or trustees shall have, within sixty (60) days after their election or appointment, fully complied with all the terms and provisions of this chapter and the license granted pursuant hereto, and the receivers or trustees within said one hundred twenty (120) days shall have remedied all defaults under the license; and

b) Such receivers or trustees shall, within said sixty (60) days, execute an agreement duly approved by the court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the license granted herein.

2) Right to terminate license in case of foreclosure or judicial sale. In the case of a foreclosure or other judicial sale of the plant, property and equipment of the grantee, or any part thereof, including or excluding the license granted to grantee, the board may serve notice of termination upon the grantee and the successful bidder at such sale. In such event, the license shall cease and terminate thirty (30) days after service of such notice, unless:

a) The board shall have approved the transfer of the license as and in the manner in this chapter provided; and

b) Such successful bidder shall have covenanted and agreed with the city to assume and be bound by all the terms and conditions of the license. (1995 Code, § 9-717)

9-618. Procedures following revocation or expiration of license.

1) Disposition of facilities. If a license expires, is revoked, or is otherwise terminated, the city may order the removal of the network facilities from the city within a period of time as determined by the city.

2) Restoration of property. In removing its plant, structures and equipment, the grantee shall refill, at its own expense, any excavation that has been made by it and shall leave all public ways and places in as good condition as prevailed prior to the grantee's removal of its equipment and appliances, without affecting the electrical or telephone cable wires, or attachments. The city shall inspect and approve the condition of the public ways and public places, and cables, wires, attachments and poles after removal. The liability indemnity and insurance as provided herein, and the performance bond provided herein, shall continue in full force and effect during the period of removal and until full compliance by the grantee with the terms and conditions of this subsection and this chapter.

3) Restoration by the city; reimbursement of costs. In the event of a failure by the grantee to complete any work required by (1) above and/or (2) above, or any other work required by the city ordinances within the time as may be established and to the satisfaction of the city, the city may cause such work to be done and the grantee shall then reimburse the city for the costs thereof within thirty (30) days after receipt of an itemized list of such costs; or the city may recover such costs through the performance bond provided by the grantee. The city shall be permitted to seek legal and equitable relief to enforce the provisions of this section.

4) Extended operation. Upon either the expiration or revocation of a license, the city may:

a) Permit the grantee to continue to operate the network for an extended period of time not to exceed six (6) months from the date of such expiration or revocation;

b) Operate the network itself for such period; or

c) Engage a third party to operate the network for such period. Said person (hereinafter called the "interim operator") shall, as trustee for grantee's successor in interest, use its best efforts to continue to operate the cable television system under the terms and conditions of this chapter and the license and to provide services that may be provided at that time. During such interim period, the interim operator shall not sell any of the system assets nor shall the interim operator make any physical, material, administrative or operational changes that would tend to degrade the quality of service to the subscribers, or tend to decrease income, or tend materially to increase expenses, without, in each case, express permission in writing of the city. The city shall be permitted to seek legal and equitable relief to enforce the provisions of this section.

5) City's rights not affected. The termination and forfeiture of any license shall in no way affect any of the rights of the city under the license or any provision of the law. (1995 Code, § 9-718)

9-619. Hiring and employment practices. Discrimination prohibited. In the carrying out of the construction, maintenance and operation of the BTN, the grantee shall not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin. (1995 Code, § 9-719)

9-620. Prohibition of preferential practices: other business activities.

1) Services to be equally available. The grantee shall not, as to rates, charges, service, rules, regulations, or in any other respect, make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage. This provision shall not be deemed to prohibit promotional campaigns to stimulate subscription to the network or other legitimate uses thereof; nor shall it be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classifications shall be entitled, provided, such schedules have been filed with the city as provided in § 9-612; nor shall it be deemed to prohibit the furnishing of service without charge or at a reduced charge to the locations specified in § 9-609(5).

2) Fairness of accessibility. The entire network of the grantee shall be operated in a manner consistent with the principles of fairness and equal accessibility of its facilities, equipment, channels, studios and other services to all citizens, businesses, public agencies or other entities having a legitimate use for the network; and no one shall be arbitrarily excluded from its use. Allocation of the use of said facilities shall be made according to the rules or decisions of the grantee and any regulatory agencies affecting the same.
3) Subscribers' antennas. Grantee is expressly prohibited from requiring the removal or from offering to remove or to provide any inducements for removal of any potential or existing subscribers' antenna as a condition for provision of service by the grantee.

4) Sale or service of TV receivers. During the period of the license, neither the g1·antee nor any of its affiliated subsidiary or parent organizations, officers or directors or stockholders holding ten percent (10%) or more of the outstanding stock of the grantee shall, within the corporate limits of the city or within ten (10) miles in any direction, directly or indirectly, engage in the retail sale, rental or repair of radio or television receivers, nor require, encourage or recommend to any subscriber to purchase, rent, or lease radios or television sets at any specific business which rents, leases or sells radios or television sets, or to utilize the services of any special television or radio service business, for the repair or maintenance of the subscriber's receivers, either radio or television, wherever located. (1995 Code, § 9-720)

9-621. Subscriber privacy.

1) Use of data from subscriber. A grantee shall not initiate or use any form, procedure or device for procuring information or data from subscribers' terminals by use of the BTN without prior authorization from each subscriber so affected.

2) Subscriber lists. The grantee shall not, without prior authorization from each subscriber so affected, provide any list designating subscribers' names or addresses to the city or to any other party.

3) Subscriber transmissions. Grantee shall not permit the installation of any special terminal equipment in any subscriber's premises that will permit transmission from subscriber's premises of two (2) way service without first obtaining written permission of the subscriber. (1995 Code, § 9-721)

9-622. Sanctions. Lesser sanctions. Nothing shall prohibit the city in enforcing its rules and regulations to impose lesser sanctions or censures for violations of provisions of this chapter rather than revocation. (1995 Code, § 9-722)

9-623. Rights reserved to the city.

1) Eminent domain. Nothing herein shall be deemed or construed to impair or affect, in any way or to any extent, the right of the city to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, at a fair and just value; and nothing herein contained shall be construed to contract away or to modify or abridge, whether for a term or in perpetuity, the city's right of eminent domain.

2) All legal rights and powers. There is hereby reserved to the city every right or power which is required to be herein reserved or provided by law, and the grantee, by its acceptance of the license, agrees to be bound thereby and to comply with any action or requirement of the city in its exercise of such rights or powers, whether heretofore or hereafter enacted or established.

3) No waiver. Neither the granting of any license nor provision hereof shall constitute a waiver or bar to the exercise of any governmental rights or powers of the city, subject to the rights of a grantee under its license and the license agreement.

4) FCC jurisdiction. If the FCC or any other federal or state body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of any license granted under this chapter, then to the extent such jurisdiction preempts or precludes the exercise of like jurisdiction by the city, the jurisdiction of the city shall terminate.

5) City's contract rights. The preemption or preclusion of the exercise by the city of any of its police powers shall not diminish, impair, alter, or affect any contractual benefit to the city or grantee nor any contractual obligation of the grantee under any license issued hereunder. Any and all rights, powers, privileges and authorizations arising under this chapter or any license agreement are each and all hereby declared by the city and any grantee accepting any license hereunder to be contractual in nature and to be for the benefit of city.

6) Right to make rules and regulations. There is hereby reserved to the city the right to impose rules and regulations, reasonably required, in order to better carry out the purpose and intent of this chapter. Before any such rules and regulations are adopted, the city shall give notice to the grantee and afford the grantee an opportunity to be heard. (1995 Code, § 9-723)

9-624. Continuing regulation and administration by the city.

1) Continuing supervision by city board. The city board shall have continuing supervision over the operation of any license granted hereunder. Routine responsibilities in the administration of this chapter and any license agreement hereunder shall be performed by the mayor.

2) Responsibilities of the mayor. The mayor shall have the following responsibilities and duties, together with such other responsibilities and duties that the city board may assign to him:

a) Review and audit all reports and filings submitted to the city as required hereunder and such other correspondence as may be submitted to the city concerning the operation of the BTN and review the rules and regulations established by each grantee.

b) Assure that all rate schedules and rules pertinent to the operation of the BTN are made available for inspection by the public at reasonable hours.

c) Confer and coordinate with each grantee on the interconnection of the BTN with other similar networks.

d) Advise the board on matters which might constitute grounds for revocation of the license.

e) Submit a budget request to the city board to cover expenses incurred with respect to the performance of functions required by the city under this chapter. This request may include funds to be used for the development of the use of access channels, including production grants to users and the purchase and maintenance of equipment not required to be provided by a grantee, and funds to be used for expenses and such salaries as may be authorized from time to time by ordinance.

f) Conduct evaluations of the BTN at least every three (3) years.

g) Make recommendations to the city board for amendments to this chapter. (1995 Code, § 9-724)

9-625. Disputes. Arbitration. A grantee may be required to submit any matter in controversy or dispute with the city to arbitration in all cases where the judgment of a court of law could be sought. The city may exercise this right at any time before a grantee brings legal action, and in case of legal action, at any time before responsive pleadings are due from the city under applicable court rules. This right shall be exercised by serving written notice upon the grantee. Such arbitration shall be conducted in accordance with the rules of the American Arbitration Association. (1995 Code, § 9-725)

9-626. Unlawful acts.

1) Unlawful interception of communications. It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a grantee's BTN for the purpose of enabling such person or any

other party to receive any signal, information or intelligence transmitted over the BTN without payment to the grantee of full amount properly due for such signal, information or intelligence.

2) Unlawful tampering with equipment. It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove, or injure any cable, wires or other equipment used for the distribution of signals, information or intelligence over a grantee's BTN. (1995 Code, § 9-726)

9-627. Miscellaneous.

1) Compliance with applicable laws and regulation. Each grantee, at its expense, shall comply with all laws, orders and regulations of federal, state and municipal authorities and with any directive of any public officer pursuant to law who shall legally impose any regulation, order or duty upon the grantee with respect to the license.

2) Diligence by grantee. Each grantee shall diligently apply for all necessary permits and authorizations required in the conduct of its business, and shall diligently pursue the acquisition thereof, including necessary pole attachment agreements, and necessary authorizations from the Federal Aviation Agency to construct such receiving antenna towers as may be required, and any necessary authorizations or waivers from the FCC.
3) Notification to city of certain FCC communications. Each grantee shall not apply for any waivers, exceptions or declaratory rulings from the FCC or from any other federal or state regulatory agency without the written notification to the mayor.

4) Transfer of city's rights, powers or duties. Any right or power in, or duty impressed upon, any officer, employee, department, or board of the city shall be subject to transfer by the city to any other officer, employee, department or board of the city.

5) City's right of intervention. A grantee shall, at the sole risk and expense of the grantee, upon demand of the city made by the corporation counsel, appear in and defend any and all suits, actions, or other legal proceedings, whether judicial, quasi-judicial, administrative, legislative, or otherwise, brought or instituted or had by third persons or duly constituted authorities against or affecting the city, its officers, boards, commissions, agents, or employees, and which arise out of or pertain to the exercise or the enjoyment of the grantee's license or the granting thereof by the city; provided, that neither grantee nor the city shall make or enter into any compromise or settlement of any claim, demand, cause of action, action, suit, or other proceeding, without first obtaining the written consent of the other.

6) No waivers by city. A grantee shall not be excused from complying with any of the terms and conditions of this chapter or the license agreement by any failure of the city, upon any one (1) or more occasions, to insist upon the grantee's performance or to seek grantee's compliance with any one (1) or more of such terms or conditions.

7) No recourse against city. Except in the case of gross negligence, grantee shall have no recourse whatsoever against the city for any loss, cost, expense or damage arising out of

any provision or requirement of this chapter or the license agreement or the regulation thereof.

8) New developments. The city board may amend this chapter or the license agreement whenever necessary to enable the grantee to take advantage of any developments in the field of transmission of communication signals which will afford it an opportunity to more effectively, efficiently or economically serve its customers; provided, however, that this subsection shall not be construed to require the city to make any such amendment. (1995 Code, § 9-727)

CHAPTER 7
MOBILE FOOD VENDORS

SECTION

9-701. Definitions
9-702. Permit required.
9-703. Application for permit.
9-704. Business license, health and safety inspections required.
9-705. Exhibition of permit, license and inspection records.
9-706. Suspension/revocation of permit.
9-707. Appeal of denial or suspension/revocation of permit.
9-708. Location restricted.
9-709. Location may not interfere with ingress/egress.
9-710. Location may not create building code or municipal code violation(s).
9-711. Waste disposal.
9-712. Loud noises, amplification and speaking devises prohibited.
9-713. Expiration and renewal of permit.
9-714. Enforcement and inspection.
9-715. Beer and alcohol sales prohibited.
9-716. Vendors to comply with all health regulations.
9-717. Traveling food vendors.
9-718. Dickson County Fair and Spring Festival exempt.
9-719. Private catered event exemption.

9-701. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this chapter:

1) "Building Code" shall mean the current edition of applicable municipal building codes having been adopted by the Dickson City Council.

2) "Business license" shall mean a current license to conduct business in the State of Tennessee issued by the Tennessee Department of Revenue.

3) "Health Inspection" shall mean the inspection of restaurants and commercial kitchens conducted by the Tennessee Department of Health.

4) "Ingress" and "Egress" shall mean access to public or private sidewalks, streets and alleys, public or private buildings, public or private parking lots or any other normal area for pedestrian or vehicle traffic.

5) "Location" shall mean the temporary, physical location of the "Mobile Food Vendor" and shall incorporate sufficient area for customers, parked vehicles and pedestrian and vehicle traffic.

6) "Mobile Food Vendor" shall mean any motorized vehicle, trailer or other mobile structure used for the purpose of cooking, preparing, selling and/or distributing to the public food and/or beverages ready for consumption.

7) "Municipal Code" shall mean the current edition of the City of Dickson Municipal Code having been adopted by the Dickson City Council.

8) "Permit" shall mean a "Mobile Food Vendor" permit issued by the Office of Planning and Zoning of the City of Dickson.

9) "Private catered event" shall mean the use of a "Mobile Food Vendor" to supply food and/or beverages to employees, customers and/or invited guests of an event that is not open to the general public and for which customers are not charged.

10) "Special Event Permit" shall mean a permit reviewed and approved by the appropriate authority(ies) of the City of Dickson subject to the terms and conditions of the city's current policy regarding special events.

11) "Traveling Food Vendor" shall mean a motorized vehicle designed to sell food such as ice cream and frozen treats and/or beverages from residence to residence and, with the exceptions noted herein, shall be included and considered the same as a "Mobile Food Vendor" for the purposes of enforcement and regulation in this chapter. (Ord. #1507, March 2022)

9-702. Permit required. Any "Mobile Food Vendor" operating within the corporate boundaries of the City of Dickson, Tennessee, must first obtain a "Mobile Food Vendor" permit from the Office of Planning and Zoning of the City of Dickson.

1) Permits for a "Mobile Food Vendor" shall cost two hundred fifty dollars ($250.00).

2) Permits shall be valid from January 1 until December 31 of the same calendar year regardless of issue date.

3) Permits shall not be prorated or issued for less than the full required amount.

4) Permit fees are non-refundable in whole or in portion.

5) "Mobile Food Vendors" operating under the provisions of a Special Event Permit issued by the City of Dickson are exempt from the annual permit fee but must comply with all other requirements of this chapter.

6) Permits are issued in person only by the City of Dickson Office of Planning and Zoning during normal business hours. Permits will not be issued on weekends, after hours, on holidays, through the mail, by email or over the telephone. Permits for operating after

business hours, on weekends or holidays must be obtained in advance during normal business hours. (Ord. #1507, March 2022)

9-703. Application for permit. Application for a "Mobile Food Vendor" permit shall be made using the application form provided by the City of Dickson Office of Planning and Zoning and is available during normal business hours only or can be downloaded and printed from the city's website. Completed applications with the permit fee must be presented in person to the Office of Planning and Zoning during normal business hours.

1) The permit application shall include:

a) Name, address and telephone number of the individual or business that owns the "Mobile Food Vendor."

b) Name, address and telephone number of the individual who will be responsible for the operation of the "Mobile Food Vendor," if different.

c) A copy of the driver's license of the owner of the "Mobile Food Vendor."

d) A copy of the current business license issued by the Tennessee Department of Revenue for the individual or business that owns the "Mobile Food Vendor."

e) A copy of the current health inspection report issued by the Tennessee Department of Health (where applicable).

f) Proof of current liability insurance for the "Mobile Food Vendor."

g) A copy of the City of Dickson's Pledge of Compliance and Responsibility Form signed by the individual or authorized agent of the business that owns the "Mobile Food Vendor."

h) Payment in full of the permit fee in a manner accepted by the City of Dickson Office of Planning and Zoning (i.e. cash, cashier's check, money order, business account check, personal check or debit or credit card [a transaction fee will be added for payments using a debit or credit card]).

i) Checks returned due to insufficient funds or other reasons shall be paid in full plus a twenty-five (25) dollar fee by cash, cashier's check or money order within seven (7) days of receipt or the City may pursue criminal prosecution and collection. The "Mobile Food Vendor" permit shall be suspended until such payment is made in full. (Ord. #1507, March 2022)

9-704. Business license, health and safety inspections required.

1) The "Mobile Food Vendor" must be licensed to conduct business in the State of Tennessee according to regulations by the Tennessee Department of Revenue and must collect and remit state and local sales taxes as required by the Tennessee Department of Revenue.

2) The "Mobile Food Vendor" must be in compliance with all applicable regulations of the Tennessee Department of Health and, where required, have proof of passing a current health inspection.

3) The "Mobile Food Vendor" must be in compliance with all current safety regulations promulgated by the National Fire Protection Association and the U.S. Department of Transportation.

4) All cooking appliances and compressed fuel sources such as propane or other gas tanks shall have a current safety inspection tag and/or record available for inspection.

5) "Mobile Food Vendors" shall include a fire suppression system and/or portable fire extinguishers with current safety inspection tags. (Ord. #1507, March 2022)

9-705. Exhibition of permit, license and inspection records. The "Mobile Food Vendor" shall exhibit in a location that can be viewed by the public the original or a display copy of the current Mobile Food Vendor permit issued by the City of Dickson, the current license to conduct business issued by the Tennessee Department of Revenue and the result of any applicable inspection required by the Tennessee Department of Health. The original documents must be available for inspection upon request of any law enforcement or other agent authorized for enforcement by the City of Dickson or State of Tennessee. (Ord. #1507, March 2022)

9-706. Suspension/revocation of permit. A "Mobile Food Vendor" permit issued by the City of Dickson may be temporarily suspended or permanently revoked for violations of this chapter, or the health or safety ordinances or Municipal Code of the City of Dickson or statutes of the State of Tennessee.

1) The "Mobile Food Vendor" permit issued by the City of Dickson may be summarily suspended without prior notice or hearing by any law enforcement officer, fire marshal, codes enforcement officer or health officer authorized by the City of Dickson or any authorized agent of the State of Tennessee for any violation of this chapter or the health or safety ordinances or Municipal Code of the City of Dickson or statutes of the State of Tennessee that presents an immediate risk to the health and welfare of the public in the opinion of the citing officer/agent.

2) The "Mobile Food Vendor" shall cease operation immediately upon receipt of a notice of an emergent violation and shall surrender the "Mobile Food Vendor" permit to the issuing officer(s) or agent(s).

3) A notice of violation for each violation, emergent and non-emergent, shall be issued to the "Mobile Food Vendor" responsible party or representative by the enforcing officer(s)/agent(s) and a copy submitted to the Planning and Zoning office of the City of Dickson and any appropriate agency of the State of Tennessee.

4) Any employee of the "Mobile Food Vendor" who violates a city ordinance or state statute may be arrested or issued a criminal citation to appear in the appropriate court as established by the Municipal Code or Tennessee Code Annotated. If found guilty, the court may impose a penalty separate from action taken by the Dickson City Council in regard to the "Mobile Food Vendor" permit.

5) Upon receipt of a notice of violation, the Planning and Zoning Office of the City of Dickson shall notify the City Administrator, who shall cause a hearing to be scheduled by the Dickson City Council at its next available meeting or a special session to determine if a violation has occurred and, if so, what penalty shall be assessed.

6) A notice of the hearing will be provided by certified mail or in person to the individual or authorized agent of the business that owns the "Mobile Food Vendor" by the City Administrator's office at least fourteen (14) calendar days prior to the hearing.

7) The City Council may suspend a "Mobile Food Vendor" permit issued under this chapter when the holder of a permit fails to pay when due the annual permit fee or any tax assessed by the city, county or state against the property for which the permit was issued, until the fee or tax, including any penalty and interest, is paid in full.

8) The City Council may revoke or suspend any "Mobile Food Vendor" permit issued under the provisions of this chapter when the holder is guilty of making a false statement or misrepresentation in the application or of violating any of the provisions of this chapter.

9) The first violation of this chapter shall result in the suspension of the "Mobile Food Vendor" permit for a minimum period of fourteen (14) days.

10) The second or subsequent violation shall result in a suspension for a minimum period of thirty (30) days.

11) The City Council may impose longer periods of suspension or may revoke a "Mobile Food Vendor" permit if, in its opinion, that action is justified. However, no "Mobile Food Vendor" permit shall be revoked or suspended until a public hearing is held by the City Council except for in emergent cases involving a risk to the health and safety of the public

12) At such hearing, the City Council will consider testimony and evidence presented by the citing officer(s)/agent(s) and other pertinent witnesses and evidence as well as statements, testimony and/or evidence presented by the owner, responsible party, employees and/or any other pertinent witnesses pertaining to the issue(s) of the citation(s). The City Council shall decide by majority vote of those members present based on testimony and evidence whether any violation(s) of this chapter or other applicable ordinances or Municipal Code has occurred.

13) Should the City Council determine by a majority vote of those members present that a violation(s) has occurred, it shall then determine a penalty for each violation as prescribed

in this chapter to include, but not be limited to, temporary suspension, permanent revocation or a civil penalty to be assessed.

14) If the City Council assesses a temporary suspension of the "Mobile Food Vendor" permit, it shall establish the starting date of such suspension, to include or exclude any prior suspension of the permit due to emergent circumstances. In other than emergent circumstances as defined in this chapter, the suspension of a "Mobile Food Vendor" permit shall begin at least ten (10) calendar days after the date of imposition in order to allow a period for an appeal to be filed.

15) If the City Council determines a "Mobile Food Vendor" permit should be revoked, it cannot be reissued to the owner(s), responsible party(ies) or any other party(ies) associated with the permit holder for a minimum period of one (1) year from the date of revocation.

16) If a "Mobile Food Vendor" permit is suspended or revoked by the City Council, the City will not refund any portion of the annual permit fee and the vendor shall forfeit such fee for the remaining period for which it was issued.

17) The City Council may, at the time it imposes a suspension, offer a "Mobile Food Vendor" permit holder the alternative of paying a civil penalty not to exceed one thousand dollars ($1,000.00) for each violation. If a civil penalty is offered as an alternative to suspension, the holder has seven (7) calendar days from the date of imposition within which to pay the civil penalty before the suspension is imposed. If the civil penalty is paid within that time, the suspension is deemed withdrawn. Payment of the civil penalty in lieu of suspension by a permit holder is an admission by the holder of the violation charged and is paid to the exclusion of any other penalty that the city may impose. (Ord. #1507, March 2022)

9-707. Appeal of denial or suspension/revocation of permit. The applicant for or holder of a "Mobile Food Vendor" permit has the right to appeal the City's decision to deny issuance of a permit or the City Council's decision to suspend or revoke a permit.

1) An applicant whose application for a "Mobile Food Vendor" permit is denied may appeal that decision in writing within thirty (30) days of notification of denial to the City Administrator or his/her designee. Upon receipt of an appeal, the City Administrator or his/her designee shall review the application, reason for denial and any other pertinent information and either uphold or reverse the denial in writing within fifteen (15) days. Should the City Administrator or his/her designee uphold the denial of the application, the applicant may appeal such decision through a petition to a court of competent jurisdiction.

2) A permit holder whose permit is suspended or revoked by the City Council may appeal such action through a petition to a court of competent jurisdiction within ten (10) calendar days of the imposition of the suspension or revocation. Upon receipt of a notice of appeal, the suspension or revocation shall be held in abeyance until such appeal is concluded. Should a judge in a court of competent jurisdiction uphold such suspension or revocation, it shall be effective for the original period it was issued beginning the first day after the court issues its ruling. (Ord. #1507, March 2022)

9-708. Location restricted. The operation of a "Mobile Food Vendor" shall be restricted in its location.

1) "Mobile Food Vendors" may operate on any public street, alley, parking lot, sidewalk or other right-of-way or property owned or controlled by the City of Dickson only under the terms and conditions set forth in a special event permit issued by the City of Dickson.

2) "Mobile Food Vendors" may operate on any privately owned property zoned for commercial or industrial use within the City of Dickson with written permission of the property owner or authorized agent. Such written permission shall contain the specific time(s) and date(s) the vendor shall be allowed on the property. Such written permission shall be available for inspection upon request of any law enforcement officer, fire marshal, codes enforcement officer, health officer or other agent authorized by the City of Dickson or the State of Tennessee.

3) "Mobile Food Vendors" may operate on any private commercial, industrial or residential property for a private catered event as defined herein.

4) "Mobile Food Vendors" may be allowed to operate within a park or recreation area controlled by the City of Dickson subject to the terms and limitations established by the Dickson Parks and Recreation Advisory Board.

5) "Mobile Food Vendors" must operate with at least ten (10) feet of clearance from buildings, structures, vehicles and any combustible materials.

6) "Mobile Food Vendors" must not block or impede access to fire hydrants, fire department connections or fire lanes.

7) The Dickson City Council may designate specific times, days and locations in which "Mobile Food Vendors" may operate in compliance with all requirements of this chapter with an annual "Mobile Food Vendor" permit.

8) "Mobile Food Vendors" shall be prohibited from operating on any property within the Downtown Dickson District defined herein except within the restrictions of a Special Event Permit approved and issued according to the guidelines of the City of Dickson or at a time, date and location designated by the City of Dickson's Finance and Management Committee and in compliance with all applicable portions of this chapter. Solely for the purposes of this chapter, the Downtown Dickson District shall be defined as:

From the intersection of South Charlotte Street at West Chestnut Street north along South and North Charlotte streets to the intersection with West Rickert Avenue; then east on West and East Rickert avenues to the intersection with Sylvis Street; then south on Sylvis Street to its end on East College Street; then along the eastern border of the City of Dickson property to include the parking lot at the corner of East College Street and Church Street, the Dickson

Skate Park, the Dickson Fire Department Station #1; then across the CSX railroad tracks and right of way to East Railroad Street at an alley one block east of Center Avenue and proceeding south along the alley to East Walnut Street; then east along East Walnut Street to the intersection with High Street; then south on High Street to the intersection with East Chestnut Street; then west on East and West Chestnut streets to the intersection with South Charlotte Street. (Ord. #1507, March 2022)

9-709. Location may not interfere with ingress/egress. The location of a "Mobile Food Vendor" on private or public property shall not interfere with or impede any pedestrian or vehicular ingress or egress to a public street, alley, parking lot, sidewalk or other right-of-way or property owned or controlled by the City of Dickson or any private residence, building or other structure open to the public except as defined under a Special Event Permit issued by the City of Dickson. (Ord. #1507, March 2022)

9-710. Location may not create building code or municipal code violation(s). The location of a "Mobile Food Vendor" on private or public property shall not create a violation of any building code or ordinance of the Municipal Code such as the minimum number of parking spaces required, creating a fire or other safety hazard, or any other restrictions or requirements except as allowed under the terms of a Special Event Permit issued by the City of Dickson. (Ord. #1507, March 2022)

9-711. Waste Disposal. The "Mobile Food Vendor" permittee shall be responsible for providing receptacles for the proper and safe disposal of waste produced by the vendor and customers. The vendor shall be responsible for the collection and emptying of those receptacles when they become full and at the conclusion of its operation at the location. (Ord. #1507, March 2022)

9-712. Loud noises, amplification and speaking devises prohibited. No "Mobile Food Vendor" permittee, nor any person on his/her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device for the purpose of attracting attention to any goods, food or merchandise which such permittee proposes to sell. (Ord. #1507, March 2022)

9-713. Expiration of permit.

1) A "Mobile Food Vendor" permit shall be valid from January 1 or the date of issue until 4:30 pm prevailing local time December 31 of the same calendar year. It shall be the responsibility of the "Mobile Food Vendor" permittee to apply for renewal of a permit as prescribed in this chapter at least fourteen (14) days prior to its expiration. Renewal of the permit shall be subject to the same terms, fees and conditions as the application for a new permit as established in this chapter. Upon approval of an application for renewal, the Office of Planning and Zoning shall issue a new permit effective on January 1 or the date issued, if later.

2) It shall be a violation of this chapter to operate with an expired "Mobile Food Vendor" permit. (Ord. #1507, March 2022)

9-714. Enforcement and inspection. It shall be the duty of all law enforcement officers, fire marshals, codes enforcement officers and health officers authorized by the City of Dickson or State of Tennessee to ensure that the provisions of this chapter and applicable ordinances of the City of Dickson and statutes of the State of Tennessee are enforced. Citations may be issued for any violation of this chapter by any authorized person from the building codes enforcement office, health officer or by the police or fire department. A "Mobile Food Vendor" permit includes implied consent to allow codes enforcement officers to inspect the location, premises and mobile food vendor vehicle(s) and associated structures for compliance with this chapter and all Municipal Codes and health and safety regulations of the City of Dickson and the State of Tennessee. A "Mobile Food Vendor" that refuses an authorized inspection shall immediately cease operation and forfeit the "Mobile Food Vendor" permit subject to the appeal process established in this chapter. (Ord. #1507, March 2022)

9-715. Beer and alcohol sales prohibited. The sale of beer, wine and/or alcohol by a "Mobile Food Vendor" is prohibited.

1) Violations of the Municipal Code of the City of Dickson regarding the sale of beer by a "Mobile Food Vendor" shall be considered and adjudicated in the same manner as violations by the establishment holding the beer license before the City of Dickson Beer Board and may result in punitive actions being taken against the beer permit holder and the "Mobile Food Vendor" permit holder.

2) Violations of statutes of the State of Tennessee or rules and regulations of the Tennessee Alcoholic Beverage Commission shall be reported to the TABC in the same manner as violations by the establishment holding a TABC license and may result in punitive actions being taken against the alcohol permit holder and the "Mobile Food Vendor" permit. (Ord. #1507, March 2022)

9-716. Vendors to comply with all health regulations. "Mobile Food Vendors" must be in compliance at all times with all applicable health regulations established by the City of Dickson Municipal Code and the Tennessee Department of Health. A vendor suspected to be operating in violation of a health regulation that creates a threat to public health shall terminate operation immediately until such time as the inspecting officer(s)/agent(s) determine the threat to public health has been corrected. If the issue cannot be immediately corrected, the vendor is to surrender the "Mobile Food Vendor" permit and will be subject to the violations and appeals policies established herein. (Ord. #1507, March 2022)

9-717. Traveling food vendors. "Traveling Food Vendors" as defined above are subject to the same regulations contained herein with the following exceptions and restrictions.

1) "Traveling Food Vendors" may sell food and/or beverages at residences and businesses using the streets of the City of Dickson.

2) "Traveling Food Vendors" shall not sell food that requires cooking using heat, flames, steam or other means of preparation that present a hazard while traveling.

3) “Traveling Food Vendors” shall not create a traffic hazard by stopping on a public street or right-of-way where other vehicular traffic is impeded in any way.

4) “Traveling Food Vendors” shall not stop in such a place that creates a safety risk for customers or other motorists.

5) “Traveling Food Vendors” may broadcast music from a vehicle at such a volume level as to not create a noise nuisance.

6) “Traveling Food Vendors” shall only operate between the hours of 10:00 am and 8:00 pm prevailing local time.

7) “Traveling Food Vendors” shall be subject to all ordinances and statutes regulating motor vehicles, traffic and the use of public streets and rights-of-way.

8) Violations of all ordinances and statutes regulating motor vehicles, traffic and the use of public streets and rights-of-way may result in the issuance of a citation to appear in the appropriate court and constitute a violation of the regulations and policies contained herein regarding the permitting of “Mobile Food Vendors.” (Ord. #1507, March 2022)

9-718. Dickson County Fair and Spring Festival Exempt. The annual Dickson County Fair and Spring Festival presented by the Dickson County Fair Association at the Dickson County Fairgrounds shall be exempt from the requirements of this chapter. All other events conducted on the Dickson County Fairgrounds shall be subject to the requirements of this chapter. (Ord. #1507, March 2022)

9-719. Private Catered Event Exemption. A “Mobile Food Vendor” may operate on private property zoned residential, commercial or industrial to serve a private catered event as defined in this chapter subject to all other requirements. “Mobile Food Vendors” operating at a private catered event shall be exempt from the permit requirements of this chapter. (Ord. #1507, March 2022)

TITLE 10
ANIMAL CONTROL[1, 2]

CHAPTER

1. IN GENERAL.
2. DOGS AND CATS.
3. KEEPING OF DOMESTIC BEES.

CHAPTER 1
IN GENERAL[3]

SECTION

10-101. Running at large prohibited.
10-102. Keeping near a residence or business restricted.
10-103. Pen or enclosure to be kept clean.
10-104. Adequate food, water, and shelter, etc. to be provided.
10-105. Keeping in such manner as to become a nuisance prohibited.
10-106. Cruel treatment prohibited.
10-107. Seizure and disposition of animals.
10-108. Restrictions on selling or giving away domestic animals.
10-109. Disposal of animal waste in any city park or other public places.

10-101. Running at large prohibited. No person owning or being in control shall knowingly or negligently permit to run at large any cows, swine, sheep, horses, mules, goats, chickens, ducks, geese, turkeys, other domestic fowl, cattle, livestock, cats, dogs, or any other domestic animal, or any other animal kept or maintained within the City of Dickson. (Ord. #1126, Oct. 2002, modified)

10-102. Keeping near a residence or business restricted. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand feet (l,000') of any residence, place of business, or public street without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1995 Code)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits of the City of Dickson, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1995 Code)

[1]Wherever this title mentions dogs it pertains to dogs and cats.
[2]Municipal code reference
Health officer to issue ordinance summonses in area of animal control: title 3, chapter 3.
[3]Municipal code reference
Domestic animals regulated within city parks: title 11, chapter 1.

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, safe condition, and wholesomeness for food if so intended. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1995 Code)

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. (1995 Code)

10-106. Cruel treatment prohibited. It shall be unlawful for any person unnecessarily to beat or otherwise abuse or injure any dumb animal or fowl. (1995 Code)

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 city council. 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 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 city council. The pound keeper shall collect from each person claiming an impounded animal or fowl a reasonable fee to cover the costs of impoundment and maintenance. (1995 Code)

10-108. Restrictions on selling or giving away domestic animals.

1) It is unlawful for any person to sell, offer for sale, barter, or to give away any domestic dogs, domestic cats, or any other animal in a public place.

2) This section shall not be construed to prohibit the sale of such animals by the operators of business possessing a license to sell animals or as authorized by the commissioner of agriculture. (Ord. #1258, July 2008)

10-109. Disposal of animal waste in any city park or other public place. The owner or any person having control of any animal defined in § 10-101 shall remove any animal waste and properly dispose of such. (1995 Code, modified)

CHAPTER 2
DOGS AND CATS

SECTION

10-201. Rabies vaccination and registration required.
10-202. Dogs and cats to wear tags.
10-203. Running at large prohibited.
10-204. Vicious dogs to be securely restrained.
10-205. Noisy dogs prohibited.
10-206. Confinement of dogs or cats suspected of being rabid.
10-207. Seizure and disposition of dogs or cats.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law1" or other applicable law. (1995 Code, modified)

10-202. Dogs and cats to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog or cat which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1995 Code, modified)

10-203. Running at large prohibited.2 It shall be unlawful for any owner or other person who has control or custody over a dog or cat, whether such control or custody shall be temporary or otherwise, to allow a dog or cat to run at large. Running at large shall mean a dog or cat who is off the premises of the owner and that is not under the control of an owner by leash. (1995 Code, modified)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is so confined and/or otherwise securely restrained as reasonably to provide for the protection of other animals and persons. (1995 Code, modified)

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. (1995 Code)

10-206. Confinement of dogs or cats suspected of being rabid. If any dog or cat 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 or cat to be confined or isolated for such time as he reasonably deems necessary to determine if such dog or cat is rabid. (1995 Code, modified)

1State law reference
Tennessee Code Annotated, §§ 68-8-101 through 68-8-114.

2State law reference
Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

10-207. Seizure and disposition of dogs or cats. Any dog or cat found running at large may be seized by the animal control officer or any police officer and placed in a pound provided or designated by the city council. If said dog or cat 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 three (3) days and redeem his dog or cat by paying a twenty-five dollar ($25.00) pick up fee and five dollars ($5.00) for each day the dog or cat has been impounded, or the dog or cat will be humanely destroyed or sold. If said dog or cat is not wearing a tag, it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog or cat shall be released in any event from the pound unless or until such dog or cat has been vaccinated and a tag placed on its collar. When, because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be safely impounded, it may be summarily destroyed by the animal control officer or any police officer.1 (1995 Code, modified)

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
KEEPING OF DOMESTIC BEES

SECTION

10-301. Definitions.
10-302. Registration requirements.
10-303. Genetic stock.
10-304. Creating nuisance.
10-305. Colony density.
10-306. Property lines.
10-307. Water supply.
10-308. Apiaries.
10-309. Violations and penalty.

10-301. Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

1) "Apiary" means a place where bees are kept, or a collection of honey bee colonies.

2) "Bee" means any stage of the common honey bee, Apis Mellifera species.

3) "Beekeeper" means a person who owns, leases, or manages one (1) or more colonies of bees for pollination or the production of honey, beeswax, or other by-products, either for personal or commercial use.

4) "City" means the City of Dickson, Tennessee.

5) "Colony" means the hive and its equipment and appurtenances including bees, comb, honey, pollen and brood.

6) "Hive" means a structure for housing honey bees.

7) "Lot" means the minimum lot areas as defined in the current Dickson Zoning Ordinance.

8) "Person" means any individual, business entity, partnership, corporation, governmental agency or political subdivision.

9) "Regulatory authority" means the city codes enforcement officer or his designated representative. (1995 Code, modified)

10-302. Registration requirements.

1) It shall be unlawful for any beekeeper to keep or harbor any colonies of bees within city limits without being properly registered with the Codes Enforcement Division of the City of Dickson to keep such bees.

2) Beekeepers with existing apiaries shall have one hundred eighty (180) days from the adoption date of this chapter to register all apiaries with numbers of colonies within kept or harbored under their supervision within the city limits with the codes enforcement division of the city.

3) After the one hundred eighty (180) days from the adoption of this chapter, all apiaries and colony numbers shall be registered annually with the codes enforcement division of the city before the bee colonies are kept or harbored within the city limits. (1995 Code)

1This chapter was taken from Ord. #795. An amendment to Ord. #795 states "this ordinance shall not apply to require a reduction in the number of hives presently in existence for any beekeeper maintaining bee hives in excess of the limit requirements allowed by this ordinance."

10-303. Genetic stock.

1) Beekeepers shall use only strains of known European origins to comprise colonies of honey bees located within the city limits.

2) Once Africanized honey bees have been confirmed by a recognized authority as inhabiting any area of Tennessee, beekeepers shall be required to re-queen their colonies annually with queens of known European origin. Queen stock is to be obtained from a reputable queen breeder who produces queens from European stock and is not under federal quarantine. Beekeepers are prohibited from obtaining bees from such areas.

3) Beekeepers will be required to keep and maintain receipts of purchases to be produced upon request by the regulatory authority. (1995 Code)

10-304. Creating nuisance. It shall be unlawful and considered a nuisance for any person or beekeeper to keep or harbor colonies of bees under their supervision within the city limits in a manner or condition that would render the enjoyment of life or property uncomfortable to others, or interfere with the public peace and comfort of others, or to be unhealthy or offensive to others. (1995 Code)

10-305. Colony density. Beekeepers shall maintain no more than the following number of colonies of bees in the following size lots within city limits:

1) Less than one-fourth (1/4) acre (ten thousand eight hundred ninety (10,890) square feet) -one (1) colony.

2) One-fourth to one-half (1/4 to 1/2) acre (ten thousand eight hundred ninety (10,890) square feet) - twenty-one thousand seven hundred eighty (21,780) square feet) - two (2) colonies.

3) One-half to one (1/2 to 1) acre (twenty-one thousand seven hundred eighty (21,780) square feet - forty-three thousand five hundred sixty (43,560) square feet) - four (4) colonies.

4) Greater than one (1) acre lots will be determined on individual basis. (1995 Code)

10-306. Property lines. Beekeepers shall keep no colonies of bees within twenty-five feet (25') of public or private property lines except when:

1) The colonies are placed behind a solid fence or dense hedge at least six feet (6') in height that is parallel to the property line and extends six feet (6') beyond the colonies in each direction; and

2) That all bee fly-ways are forced over a six foot (6') level. (1995 Code)

10-307. Water supply. Beekeepers shall provide a convenient source of water available at all times, especially when colonies are actively rearing brood, and in times of extreme heat. (1995 Code)

10-308. Apiaries. Beekeepers operating apiaries within the city limits shall comply with all Tennessee Bee Regulations and Laws. (1995 Code)

10-309, Violations and penalty.

1) Any person who violates a provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction in the Municipal Court of Dickson shall be subject to a fine not to exceed fifty dollars ($50.00) for each offense, and each and every day such violation continues, it shall constitute a separate offense.

2) In addition to and cumulative of all other penalties, the City of Dickson shall have the right to seek injunctive relief for any or all violations of this chapter. (1995 Code, §§ 10-309 and 10-310)

TITLE 11
MUNICIPAL OFFENSES[1]

CHAPTER

1. MISCELLANEOUS.
2. ALCOHOL.
3. OFFENSES AGAINST THE PERSON.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
8. ALCOHOL AND DRUGS ON PARKS AND RECREATION PROPERTY.
9. SCHOOL SAFETY ZONES.

CHAPTER 1
MISCELLANEOUS

SECTION

11-101. Abandoned refrigerators, etc.
11-102. Caves, wells, cisterns, etc.
11-103. Posting notices, etc.
11-104. Curfew for minors.
11-105. Wearing masks.
11-106. Fishing in municipal lakes, ponds or bodies of water.
11-107. Prohibited uses of municipally owned lakes, ponds or bodies of water.
11-108. Public cemetery to be used for burial of humans only.
11-109. Possession of certain wildlife in residential zones be prohibited.

11-101. 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. (Ord. #1086, April 2001, § 11-901)

11-102. 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. (Ord. #1086, April 2001, § 11-902)

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

11-103. 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. (Ord. #1086, April 2001, § 11-903)

11-104. Curfew for minors. It shall be unlawful for any person, under the age of eighteen (18) years to be abroad at night between 11:00 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (Ord. #1086, April 2001, § 11-904)

11-105. 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 while in the commission of another crime. 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. (Ord. #1086, April 2001, modified)

11-106. Fishing in municipal lakes, ponds or bodies of water. It shall be unlawful for any person to fish, take, or attempt to take any type of fish from any pond, lakes, or bodies of water belonging to the City of Dickson by use of gigs, snatch hooks, scuba guns, trot lines, or any type of spear device. The use of rod and reels with standard hooks will be permissible, granted that daily creel limits are observed. (Ord. #1086, April 2001; amended Ord. #1324, Feb. 2013, § 11-906, modified)

11-107. Prohibited uses of municipally owned lakes, ponds or bodies of water. It shall be unlawful for any person to swim, wade or boat upon any municipally owned lake, pond or water reservoirs, except for city sponsored events. It is further unlawful to ice skate or to otherwise go upon any municipally owned lake, pond or reservoir when the city lakes, ponds or reservoirs may be ice covered. (Ord. #1086, April 2001, § 11-907, modified)

11-108. Public cemetery to be used for burial of humans only. The public cemetery of the City of Dickson, Tennessee, shall be used singularly for the purpose of burying the remains of human beings. The burying of the carcasses of any animal in the public cemetery of the City of Dickson, Tennessee, is prohibited by law. Anyone found guilty of burying animals in the public cemetery of Dickson, Tennessee, shall be guilty of a misdemeanor and upon conviction shall pay a fine of fifty dollars ($50.00). Each day any carcass remains in the cemetery shall constitute a separate offense after the initial conviction, and the person responsible therefore

can be fined up to fifty dollars ($50.00) per day for the continued violation thereof. (Ord. #1086, April 2001, § 11-908)

11-109. Possession of certain wildlife in residential zones be prohibited. No person shall possess any species of animals inherently dangerous to humans, as determined by the commissioner of agriculture, in or upon any property zoned or abutting or adjoining property zoned for residential use or in or upon any property abutting or adjoining any school, daycare facility, or public park within the City of Dickson. This section shall not apply to the operators of the county fair or to a circus, the operators of which are issued a permit for a limited period of time. (Ord. #1173, Aug. 2005, § 11-909)

CHAPTER 2
ALCOHOL[1]

SECTION

11-201. Alcoholic beverages in public places.
11-202. Minors in beer places.

11-201. Alcoholic beverages in public places. It shall be unlawful for any person or persons to drink any alcoholic beverage as defined by state law while riding in or driving a motor vehicle, or in a park, road, or other public place, other than in or on the premises where beer and/or intoxicating liquor is permitted to be sold and consumed. A public place is hereby defined as any park, street, roadway, or right-of-way for same, or any private property which is used for public parking. Where any person or persons are observed with any open containers of alcoholic beverages on any of the aforesaid premises, or in a motor vehicle, any of these facts shall create a presumption that such alcoholic beverage was being consumed in violation of this section, and the police officers are hereby empowered to confiscate said alcoholic beverage and use same as evidence. (1995 Code, § 11-101, modified)

a) This section shall not apply to special events that have been approved and authorized through the special events application process established by the City of Dickson. (Ord. #1429, Aug. 2018)

11-202. Minors in beer places. No person under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises, except as permitted by state law. (1995 Code, § 11-102, modified)

1Municipal 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).

CHAPTER 3
OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (1995 Code)

CHAPTER 4
OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Disturbing the peace.
11-402. Anti-noise regulations.
11-403. Domestic animals regulated within city parks.

11-401. 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. (1995 Code)

11-402. 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 signal device on any automobile, motorcycle, bus, truck, or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

b) Radios, phonographs, and other sound devices. The playing of any radio, phonograph, any musical instrument or any other 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, television, live performance or any other proceeding involving sound amplification in such a manner or with such volume, as to be plainly audible for a distance of fifty feet (50') from the property line of the premises from which such sound emanates particularly during the hours between 10:00 P.M. and 6:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity is prohibited. This shall not apply to public auctions or to special commemorative events held no more than once a year during normal business hours.

c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10:00 P.M. and 6:00 A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

f) 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.

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

h) 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.

i) 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 6:00 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 codes enforcement officer granted for a period while the emergency continues not to exceed thirty (30) days. If the codes enforcement officer 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 of6:00 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.

j) 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.

k) 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.

l) 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.

m) 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.

n) Special events. Special events involving the use of motorized vehicles such as cars, trucks, tractors, mini tractors, motorcycles or ATVs, including, but not limited to, the purpose of pulling, dragging, racing or demolition between the hours of 10:00 P.M. to 6:00 A.M.

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

a) City owned vehicles. Any city owned vehicle while engaged upon necessary public business.

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

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

d) Annual events limited. Annual events limited to the Dickson County Fair Association's four (4) day Spring Festival defined as Wednesday, Thursday, Friday and Saturday only and the annual Dickson County Fair week not to exceed 12:00 A.M. (midnight). (Ord. #1298, Aug. 2011; amended Ord. #1327, Aug. 2013)

11-403. Domesticated animals regulated within city parks.[1]

1) Domesticated animals are prohibited from any defined play surface within the City of Dickson Parks, including, but not limited to, ball fields, soccer fields, playground equipment, and tennis courts.

2) Any domesticated animal, when in the opinion of a City of Dickson Law Enforcement Officer, is deemed to pose a threat to the public health or safety, shall be removed from the City of Dickson Parks immediately.

3) Owners of domesticated animals within City of Dickson Parks shall be responsible for feces removal of such animals as to not create a public health issue or nuisance.

4) Any person found to be in violation of this section shall be deemed guilty or a city offense and upon conviction in the Municipal Court of the City of Dickson shall be subject to a fine not to exceed fifty dollars ($50.00). (Ord. #1231, March 2007, modified)

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[1]Municipal code reference Animal control: title 10.

CHAPTER 5
INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-501. Escape from custody or confinement.
11-502. Impersonating a government officer or employee.
11-503. False emergency alarms.
11-504. Resisting or interfering with city personnel.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1995 Code)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the City of Dickson shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1995 Code)

11-503. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1995 Code)

11-504. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties. (1995 Code)

CHAPTER 6
FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Pellet guns, air rifles, etc.
11-602. Throwing missiles.
11-603. Discharge of firearms.

11-601. Pellet guns, air rifles, etc. 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 metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1995 Code, modified)

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. (1995 Code)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits of the City of Dickson, except when the discharge of a firearm is expressly authorized or permitted by state law. (Ord. #1053, Jan. 2000, modified)

CHAPTER 7
TRESPASSING AND INTERFERENCE WITH TRAFFIC

SECTION

11-701. Trespassing.
11-702. Trespassing on cemetery property.
11-703. Interference with traffic.

11-701. 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 also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail promptly to leave the private premises of any person who requests or directs him to leave. (1995 Code)

11-702. Trespassing on cemetery property. It shall be unlawful for any person to trespass upon the property of any cemetery or burial ground within the corporate limits by forcing open the gates, disturbing or vandalizing grave markers or tombstones, or depositing or strewing garbage, refuse, cans, bottles, papers or any other such waste material upon such grounds. (1995 Code, § 11-703)

11-703. 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, except for events approved through special events committee. (1995 Code, § 11-705, modified)

CHAPTER 8
ALCOHOL AND DRUGS ON PARKS AND RECREATION PROPERTY

SECTION

11-801. Definitions.
11-802. Prohibitions.
11-803. Violations and penalty.

11-801. Definitions.

1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patent medicine, or beer where the latter contains an alcoholic content defined pursuant to Tennessee Code Annotated, § 57-5-101. Notwithstanding any provision to the contrary in this title, "alcoholic beverage" or "beverage" also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol irrespective of alcoholic content. Notwithstanding the provisions of this definition, products or beverages containing less that one half of one percent (0.5%) alcohol by volume, other than wine as defined in this section, shall not be considered to be alcoholic beverages.

2) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of Tennessee Code Annotated, §§ 39-17-403 through 39-17-415 inclusive. (Ord. #1086, April 2001)

11-802. Prohibitions.

1) The possession or use of alcoholic beverages or a controlled substance on parks and recreation property is prohibited. Also, the unauthorized use or possession of prescription drugs on parks and recreation property is prohibited.

2) Entering or remaining in a park area when manifestly under the influence of alcohol, narcotics or other drugs, to a degree that may endanger oneself or other persons or property, or unreasonably annoying persons in the vicinity, is prohibited.

3) Subsections (1) and (2), regarding alcohol, shall not apply to Tennsco Community Center events where attendance at such events is strictly controlled by the property owner, Tennsco, Inc.

4) No person shall be upon any park or recreation facility between 10:00 P.M. and 5:00
5) A.M. unless they are participating in or attending an organized athletic event. The Tennsco Community Center's hours shall be 7:00 A.M. to 11:00 P.M. (Ord. #1086, April 2001)

11-803. Violations and penalty.

1) Penalties regarding alcohol is a Class C misdemeanor.

2) Penalties regarding a controlled substance shall be administered in accordance with Tennessee Code Annotated, § 39-17-418 (simple possession or casual exchange) and§ 39-17-417 (criminal offenses and penalties). (Ord. #1086, April 2001)

CHAPTER 9
SCHOOL SAFETY ZONES

SECTION

11-901. School safety zones established.

11-901. School safety zones established. Pursuant to authority granted under Tennessee Code Annotated § 49-2-116 there are hereby created School Safety Zones to incorporate all territory within one thousand (1,000) feet of the border of all school properties located within the corporate limits of the City of Dickson, Tennessee. (amended Ord.#1487 Oct 2020) (Ord. #1471, Jan. 2020)

TITLE 12
BUILDING, UTILITY, ETC., CODES

CHAPTER

1. INTERNATIONAL BUILDING CODE
2. INTERNATIONAL RESIDENTIAL CODE
3. INTERNATIONAL PLUMBING CODE
4. INTERNATIONAL EXISTING BUILDING CODE
5. INTERNATIONAL ENERGY CONSERVATION CODE
6. EXCAVATION AND GRADING CODE
7. INTERNATIONAL PROPERTY MAINTENANCE CODE
8. ACCESSIBLE BUILDING AND FACILITIES CODE
9. INTERNATIONAL FIRE CODE
10. INTERNATIONAL FUEL GAS CODE & INTERNATIONAL MECHANICAL CODE
11. NATIONAL ELECTRICAL CODE
12. STORMWATER

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1 Municipal code references
Fire protection, fireworks, and explosives: title 7 Planning and zoning: title 14
Streets and other public ways and places: title 16

CHAPTER 1
INTERNATIONAL BUILDING CODE[1]

SECTION

12-101 Building Code Adopted
12-102 Modifications
12-103 Permit Fees
12-104 Available in Recorder's Office
12-105 Violations

12-101. International Building Code Adopted. Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the provisions of regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to such buildings or structures, and the scope and purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress, facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations, the International Building Code, 2024 edition, as prepared and adopted by International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the International Building Code, and to delete all span charts for Southern Yellow Pine and add attached span chart for replacement: (R502.1(1), R502.3.1(2), R502.3.3(1), R502.5(1), R502.5(2), R802.4(1), R802.4(1), R802.4(2), R802.5.l(l), R802.5.1(2), R802.5.1(3), R802.5.1(4), R802.5.1(5), R802.5.1(6), R802.5.1(7), R802.5.1(8) (Ord. #1574 Nov 2025)

12-102. Modifications. Whenever the building code refers to the "Chief Appointing Authority" or the "Building Official", it shall be deemed to be a reference to the city council of the City of Dickson. When the "Building Official" or "Director of Planning and Zoning" is named it shall, for the purposes of the International Building Code, mean such person as the city council shall have appointed or designated to administer and enforce the provisions of the International Building Code. (Ord. #1574 Nov 2025)

1) Add the following after the first sentence of section 3303.1:

a) Residential demolition projects shall be completed within 30 days from the date of permit issuance. Non-residential demolition projects shall be completed within 60 days from date of permit issuance. Additional time may be scheduled if requested by the applicant, if in the opinion of the building official, such request is reasonable given the circumstances of the demolition project.

12-103. Permit Fees. The recommended schedule of permit fees set forth in Appendix "B" of the 1997 edition of the S.B.C.C.I is hereby adopted as the city's permit fee schedule. The most

current building valuation data published by International Code Council, Inc. shall be used for evaluations. (amended Ord. #1540 Sept 2023) (Ord. #1574 Nov 2025)

For the demolition of any one- or two-family residential building or accessory structures, the fee shall be $100.00. All other structures shall be $250.00. (Ord. #1574 Nov 2025)

A re-inspection fee of $50.00 will apply to anyone that fails any required inspection on all phases of construction. (Ord. #1574 Nov 2025)

12-104. Available in the Recorder's Office. Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Building Code has been placed on file in the recorder's office and shall be kept there for the use and inspection to the public. (Ord. #1574 Nov 2025)

12-105. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the International Building Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars ($50.00). (Ord. #1574 Nov 2025)

CHAPTER 2
RESIDENTIAL BUILDING CODE

SECTION

12-201 Building Code Adopted
12-202 Modifications
12-203 Permit Fees
12-204 Available in Recorder's Office
12-205 Violations

12-201. International Residential Code Adopted. Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the provisions of regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one-and two-family dwellings and townhouses not more than three stories above grade in height with a separate means of egress and their accessory structures, and the scope and purpose of this code is to provide minimum requirements to safeguard the public safety, health and general welfare through affordability, structural, strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment of every building or structure or any appurtenance connected or attached to any building or structure, the International Residential Code for One and Two- Family Dwellings, 2024 edition, as prepared and adopted by International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Residential Code, and which shall include Appendix G, and delete section(s): R313.2, R313.2.1 (regarding sprinklers), and to delete all span charts for Southern Yellow Pine and add attached span chart for replacement: (R502.1(1), R502.3.1(2), R502.3.3(1), R502.5(1), R502.5(2), R802.4(1), R802.4(1), R802.4(2), R802.5.1(1), R802.5.1(2), R802.5.1(3), R802.5. l (4), R802.5.1(5), R802.5.1(6), R802.5.1(7), R802.5.1(8). Notwithstanding the adopted standards referenced in the IRC 2018 edition, the most current Chapter 0780-02-23, Rules of the Tennessee Departments of Commerce and Insurance, Division of Fire Prevention, is hereby also adopted by reference the minimum codes and standards for one-and two-family dwellings and townhouses with referenced exceptions stated therein. (Ord. #1574 Nov 2025)

12-202. Modifications. Whenever the International Residential Code refers to the "Chief Appointing Authority" or the "Building Official," it shall be deemed to be a reference to the city council of the City of Dickson. When the "Building Official" or "Director of Planning and Zoning" is named it shall, for the purposes of the International Residential Code, mean such person as the city council shall have appointed or designated to administer and enforce the provisions of the International Residential Code. (amended Ord. #1545 Jan 2024) (Ord. #1574 Nov 2025)

12-203. Permit Fees. The recommended schedule of permit fees set forth in Appendix "B" of the 1997 edition of the S.B.C.C.I is hereby adopted as the city's permit fee schedule. The current building valuation Data published by International Code Council, Inc. shall be used. (Ord. #1574 Nov 2025)

12-204. Available in the Recorder's Office. Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Residential Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #1574 Nov 2025)

12-205. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the International Residential Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars ($50.00). (Ord. #1574 Nov 2025)

CHAPTER 3
PLUMBING CODE[1]

SECTION

12-301 Plumbing Code Adopted
12-302 Modifications
12-303 Permit Fees
12-304 Available in Recorder's Office
12-305 Violations

12-301. International Plumbing Code Adopted. Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506 and for the provisions of regulating the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction, this code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, non- medical oxygen systems and sanitary and condensate vacuum collections systems. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems and the appurtenances thereto, within or without the City of Dickson, when such plumbing is or is to be connected with the water or sewerage systems, the International Plumbing Code,2 2024 edition, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the International Plumbing Code. (Ord. #1574 Nov 2025)

[1]Municipal Code references
Street excavations: title 16

12-302. Modifications. Whenever the International Residential Code refers to the "Chief Appointing Authority" or the "Code Official," it shall be deemed to be a reference to the city council of the City of Dickson. When the "Code Official" or "Director of Planning and Zoning" is named or referred to, it shall mean such person appointed or designated by the city council to administer and enforce the provisions of the International Plumbing Code. (Ord. #1574 Nov 2025)

12-303. Permit Fees. The recommended schedule of permit fees set forth in Appendix "A" of the 2006 edition of the International Plumbing Code is hereby amended and adopted as follows: (Ord. #1574 Nov 2025)

For each plumbing fixture	$5.00
For each building sewer	$10.00
For each building sewer having to be replaced or repaired	$10.00
For each water heater and/or vent	$5.00
For installation, alteration or repair of water piping and/or water treatment equipment	$10.00

For repair or alteration or repair of drainage or vent piping	$10.00
For vacuum breakers or backflow protective devices installed subsequent to the installation of the piping or equipment served	$5.00
One to five	$5.00
Over five, each	$3.00
Re-inspection fee is an additional	$100.00

12-304. Available in the Recorder's Office. Pursuant to the requirements of Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Plumbing Code had been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #1574 Nov 2025)

12-305. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the International Plumbing Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars ($50.00). (Ord. #1574 Nov 2025)

CHAPTER 4
EXISTING BUILDING CODE

SECTION

12-401 Existing Building Code Adopted
12-402 Modifications
12-403 Available in Recorder's Office
12-404 Violations

12-401 Existing Building Code Adopted. Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the provisions and scope of this code shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings and the purpose or intent of this code is to provide flexibility to the permit the use of alternative approached to achieve compliance with minimum requirements to safeguard the public health, safety and general welfare so far as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings, the International Existing Building Code,1 2024 edition as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the International Existing Building Code. (Ord. #1574 Nov 2025)

12-402 Modifications. Wherever the International Existing Building Code refers to the "Code Official" it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the International Existing Building Code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the city council. (Ord. #1574 Nov 2025)

12-403 Available in Recorder's Office. Pursuant to the requirements of Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Existing Building Code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #1574 Nov 2025)

12-404 Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the International Existing Building Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars ($50.00). (Ord. #1574 Nov 2025)

CHAPTER 5
ENERGY CONSERVATION CODE[1]

SECTION

12-501 Energy Conservation Code Adopted
12-502 Modifications
12-503 Available in Recorder's Office
12-504 Violations and Penalty

12-501 Energy Conservation Code Adopted. Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the scope of this code applies to residential and commercial buildings and the purpose or intent of this code shall regulate the design and construction of buildings for the effective use of energy and is to provide flexibility to permit the use of innovative approaches and techniques to achieve the effective use of environmental requirements contained in other applicable codes or ordinances, the International Energy Conservation Code 2021 edition, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the International Energy Conservation Code. (Ord. #1545 Jan 2024)(Ord. #1574 Nov 2025)

12-502 Modifications. Wherever the International Energy Conservation Code refers to the "Chief Appointing Authority" or the "Code Official", it shall be deemed to the city council of the City of Dickson. When "Code Official" is named or referred to, it shall mean the person appointed or designated by the city council to administer and enforce the provisions of the International Energy Conservation Code. (Ord. #1574 Nov 2025)

1**2-503 Available in the Recorder's Office**. Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Energy Conservation Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #1574 Nov 2025)

12-504 Violations and Penalty. It shall be unlawful for any person to violate or fail to comply with any provisions of the International Energy Conservation Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars ($50.00). (Ord. #1574 Nov 2025)

1State law reference
Tennessee Code Annotated, Section 13-19-106 requires Tennessee cities either to adopt a Model Energy Code, or to adopt local standards equal to or stricter that the standards in the energy code.

CHAPTER 6
EXCAVATION AND GRADING CODE[1]

SECTION

12-601 Excavation and Grading Code Adopted
12-602 Modifications
12-603 Available in Recorder's Office
12-604 Violations
12-605 Penalties
12-606 Fees

12-601 Excavation and Grading Code Adopted. Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-516, and for the purpose of setting forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction. The City of Dickson shall use any Standard Excavation and Grading Code, deemed necessary per the discretion of the City Engineer is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the excavation and grading code, and which shall include all appendixes thereto per discretion of the City Engineer. (Ord. #1574 Nov 2025)

12-602 Modifications. The words "Building Official" in the appropriate excavation and grading code shall mean such person as the city council, Director of Planning & Zoning, Director of Public Works shall designate the City Engineer to enforce and administer the deemed appropriate excavation and grading code. (Ord. #1574 Nov 2025)

12-603 Available in Recorder's Office. Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the standard excavation and grading code being utilized currently shall be placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #1574 Nov 2025)

12-604 Violations. It shall be unlawful for any person to violate or fail to comply with any provisions of the standard excavation and grading code utilized currently as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars ($50.00). (Ord. #1574 Nov 2025)

12-605 Penalties. Any person who shall violate or fail to comply with the excavation and grading code shall be guilty of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause for the Dickson Municipal Code. (Ord. #1574 Nov 2025)

12-606 Fees. PLAN CHECKING AND GRADING PERMIT FEES. .02 dollars per square foot of developed area with a permit maximum of $8,000.00. (Ord. #1574 Nov 2025)

1Municipal code references-Fire protection, fireworks, and explosives: Title 7 Planning and zoning: Title 14-Streets and other public ways and places: Title 1

CHAPTER 7
PROPERTY MAINTENANCE CODE

SECTION

12-701 Property Maintenance Code
12-702 Modifications
12-703 Available in Recorder's Office
12-704 Violations

12-701 International Property Maintenance Code Adopted. Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, the provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties, and the intent is to secure its expressive intent which is to ensure public health, safety and welfare in so far as they are affected by the continuing occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein, the International Property Maintenance Code1, 2024 edition, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Property Maintenance Code, (Also see Municipal Code regarding property maintenance concerns for City of Dickson) (Ord. #1574 Nov 2025)

12-702 Modifications. Whenever the International Property Maintenance Code refers to the "Chief Appointing Authority," or the "Applicable Governing Body," it shall be deemed to be a reference to the city council of the City of Dickson. When the "Code Official" or the Director of Planning and Zoning" is named it shall mean such person as the city council has appointed or designated to administer and enforce the provisions of the International Property Maintenance Code. (Ord. #1574 Nov 2025)

12-703 Available in Recorder's Office. Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Property Maintenance Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #1574 Nov 2025)

12-704 Violations. It shall be unlawful for any person to violate or fail to comply with any provisions of the International Property Maintenance Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars ($50.00). (Ord. #1574 Nov 2025)

CHAPTER 8
ACCESSIBILITY CODE

SECTION

12-801 Accessibility Code
12-802 Modifications
12-803 Available in Recorder's Office
12-804 Violations

12-801 Accessibility Code Adopted. Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, the purpose of this standard makes sites, facilities, buildings, and elements accessible to and usable by people with such physical disabilities as the inability to walk, difficulty walking, reliance on walking aids, blindness and visual impairment, deafness and hearing impairment, incoordination, reaching and manipulation disabilities, lack of stamina, difficulty interpreting and reacting to sensory information, and extremes of physical size. The intent of these sections is to allow a person with a physical disability to independently get to, enter, and use a site, facility, building, or element, the 2010 ADA Standards for Accessible Design (or most current applicable version), as prepared by the Department of Justice, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the Accessible and Usable Buildings and Facilities Code.

Per the 2004 ADA Accessibility Guidelines (ADAAG), all new construction (construction, modification or alterations) must be fully compliant with the ADAAG found in the Code of Federal Regulations at 28 C.F.R., Part 36, Appendix A.

Existing facilities predating adoption of current ADA standards that are intended for accessibility by the public, per Title 42, U.S. Code, are required to remove any architectural barriers that would otherwise bar use by the public.

With regard to historic properties (those properties that are listed or that are eligible for listing in the National Register of Historic Places, or properties designated as historic under state or local law), those facilities must still comply with the provisions of Title III of the ADA to the "maximum extent feasible" but if following the usual standards would "threaten to destroy the historic significance of a feature of the building" then alternative standards may be used.

Newly constructed or altered swimming pools, wading pools, and spas must have an accessible means of entrance and exit to pools for disabled people. However, the requirement is conditioned on whether providing access through a fixed lift is "readily achievable". Other requirements exist, based on pool size, include providing a certain number of accessible means of entry and exit per the current ADA standards. However, businesses are free to consider the differences in application of the rules depending on whether the pool is new or altered, or whether the swimming pool was in existence before the effective date of the new rule. Full compliance may not be required for existing facilities; Section 242 and 1009 of the current ADA standards outline such exceptions. (Ord. #1574 Nov 2025)

12-802 Modifications. Whenever the Accessible and Usable Building and Facilities Code refers to the "Administrative Authority, "or the Applicable Governing Body," it shall be deemed to be a reference to the city council of the City of Dickson. When the "Building Official" or the "Director of Planning & Zoning" is named it shall mean such person as the city council has appointed or designated to administer and enforce the provisions of the applicable code. (Ord. #1574 Nov 2025)

12-803 Available in Recorder's Office. Pursuant to the requirement of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the adopted Accessibility Code shall be placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #1574 Nov 2025)

12-804 Violations. Is shall be unlawful for any person to violate or fail to comply with any provisions of the ICC Accessibility Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars ($50.00).(Ord. #1574 Nov 2025)

CHAPTER 9
INTERNATIONAL FIRE CODE

SECTION

12-901 Fire Code Adopted
12-902 Modifications
12-903 Permit Fees
12-904 Available in Recorder's Office
12-905 Violations

12-901 International Fire Code Adopted. Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations and to protect buildings or structures or any appurtenance connected or attached building, the International Fire Code, 2024 edition, as prepared and adopted by International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the International Fire Code. (Ord. #1574 Nov 2025)

12-902 Modifications. Whenever the fire code refers to the "Fire Code Official," it shall be deemed to be a reference to the city council of the City of Dickson. When the "Fire Marshal", "Fire Code Official" or "Director of Public Safety" is named it shall, for the purposes of the fire code, mean such person as the city council shall have appointed or designated to administer and enforce the provisions of the fire code. (Ord. #1574 Nov 2025)

12-903 Permit Fees. The recommended schedule of permit fees set forth in Appendix "B" of the 1997 edition of the S.B.C.C.I is hereby adopted as the city's permit fee schedule. The most current building valuation data published by the International Code Council, Inc. shall be used. (Ord. #1574 Nov 2025)

12-904 Available in Recorder's Office. Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Fire Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #1574 Nov 2025)

12-905 Violations. It shall be unlawful for any person to violate or fail to com.ply with any provision of the International Fire Code as herein adopted by reference and modified. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars ($50.00). (Ord. #1574 Nov 2025)

CHAPTER 10
INTERNATIONAL FUEL GAS CODE & INTERNATIONAL MECHANICAL CODE

SECTION

12-1001 Code Adopted
12-1002 Modifications
12-1003 Permit Fees
12-1004 Available in Recorder's Office
12-1005 Violations

12-1001 International Fuel Gas & International Mechanical Code Adopted. Pursuant to authority granted by Tennessee Code Annotated, Sections 6-54-501 through 6-54-506, and for the provisions of regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenance connected or attached to such buildings or structures, and the scope and purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress, facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations, the International Fuel Gas & International Mechanical Code, 2024 edition, as prepared and adopted by International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the International Fuel Gas & International Mechanical Code. (Ord. #1574 Nov 2025)

12-1002 Modifications. Wherever the International Fuel Gas & International Mechanical Code refers to the "Chief Appointing Authority" or the "Code Official", it shall be deemed to be a reference to the Greater Dickson Gas Authority. When "Code Official" is named or referred to, it shall mean the person appointed or designated by the Greater Dickson Gas Authority to administer and enforce the provisions of the International Fuel Gas & International Mechanical Code. (Ord. #1574 Nov 2025)

12-1003 Permit Fees. Permits fees are set forth by the Greater Dickson Gas Authority. (Ord. #1574 Nov 2025)

12-1004 Available in Recorder's Office. Pursuant to the requirements of the Tennessee Code Annotated, Section 6-54-502, one (1) copy of the International Fuel Gas Code & International Mechanical Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #1574 Nov 2025)

12-1005 Violations. It shall be a civil offense for any person to violate or fail to comply with any provision of the International Fuel Gas & International Mechanical Code as herein adopted by reference and modified. Any violation of any section of this chapter shall be punishable by a penalty set forth by the Greater Dickson Gas Authority. (Ord. #1574 Nov 2025)

CHAPTER 11
NATIONAL ELECTRICAL CODE

12-1100 National Electrical Code. The 2017 N.E.C. is adopted by the local utility provider. (Dickson Electric System).
(Ord. #1574 Nov 2025)

CHAPTER 12
STORMWATER

At the adoption of this Ordinance all current Stormwater regulations, ordinances, staff policies, etc. previously adopted by Ordinance, and/ or Resolution shall be considered active and/or still in effect until a new subsection is created in the Municipal Code to ensure all federal, state and local regulations regarding the Federal Clean Water Act, and State of Tennessee Department of Environment and Conservation regulations regarding the City of Dickson's MS4 requirements and the City's general permit to discharge "Water to State" are being enforced. (Ord. #1574 Nov 2025)

TITLE 13
PROPERTY MAINTENANCE REGULATIONS[1]

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. OUTDOOR BURNING.
4. SLUM CLEARANCE.
5. LITTER.
6. MAINTENANCE OF PRIVATE DRIVES, ROADS, STREETS AND ALLEYS.

CHAPTER 1
MISCELLANEOUS

SECTION

13-101. Health officer.
13-102. Smoke, soot, cinders, etc.
13-103. Stagnant water.
13-104. Removal of vegetation and debris from lots.
13-105. Dead animals.
13-106. Health and sanitation nuisances.
13-107. House trailers.
13-108. Littering streams, lakes, etc. prohibited.
13-109. Violations and penalty.

13-101. Health officer.[2] The "health officer" shall be such municipal, county, or state officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the City of Dickson. (1995 Code)

13-102. 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. (1995 Code)

13-103. Stagnant water.

1) It shall be unlawful for any person, whether owner, tenant or occupant, knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes.

2) Failure on the part of such owner, tenant or occupant to comply with a written notice from the codes enforcement officer or chief of police to treat such pool of stagnant water to effectively prevent the breeding of mosquitoes within fifteen (15) days from the date of notice shall provide the necessary authority for the city to perform such treatment with its total cost being assessed against the owner of such property in addition to any fine that may be levied under the general penalty clause. (1995 Code)

1Municipal code references Animal control: title 10.
Littering streets, etc.: § 16-107.
Toilet facilities in beer places: § 8-213(9).

2Municipal code reference
Health officer to issue ordinance summonses: title 3, chapter 3.

13-104. Removal of vegetation and debris from lots.

1) If it is determined by the health officer that any owner of record of real property has created, developed, maintained or permitted to be maintained on such property the growth of trees, vines, grass (higher than 12 inches), underbrush and/or the accumulation 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, the health officer shall provide notice to the owner of record to remedy the condition within ten (10) days. The notice shall be given by 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. A request for a hearing shall be made within ten (10) days following the receipt of the notice. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, the following elements:

a) A brief statement of this section which shall contain the consequences of failing to remedy the noted condition;

b) The address and telephone number of the health officer; and

c) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing. (Ord #1488 Oct 2020)

2) If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the health officer shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. Upon the filing of the notice with the tax collector's office, the costs shall be a lien on the property in favor of the City of Dickson, second only to liens of the State of Tennessee, Dickson County and the City of Dickson 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 tax collector at the same time and in the 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. (Ord. #958, Feb. 1997)

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 health officer and dispose of such animal in such manner as the health officer shall direct. (1995 Code)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him, whether commercial or residential, to become or remain in a filthy condition, or permit or allow the accumulation for open storage of any abandoned motor vehicle, refrigerator, stove, building material, ice box, rubbish, weeds, dead trees, trash, garbage, etc. or permit the uses or occupation of same in such a manner as to create noxious 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 be a menace of the public health or the annoyance of people residing within the vicinity. The health officer shall enforce this section. (1995 Code)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the City of Dickson and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1995 Code)

13-108. Littering streams, lakes, etc., prohibited. It shall be unlawful for any person to cast or place any refuse, garbage, dead animals or other waste materials into any public fountain, pond, lake, stream, bay, or any other body of water within the boundaries of the City of Dickson. (1995 Code)

13-109. Violations and penalty. Any violation of this chapter may be punishable by a fine. Any penalty assessed for violations of this chapter shall not prevent the forced removal of prohibited conditions. (1995 Code, modified)

CHAPTER 2
JUNKYARDS

SECTION

13-201. Junkyards.

13-201. Junkyards.[1] All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, orpropagated.

2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than, seven feet (7') in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.(1995Code)

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[1]State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354S.W.2d 818 (1961).

CHAPTER 3
OUTDOOR BURNING

SECTION

13-301. Permit must be secured.
13-302. Restrictions.
13-303. Types of materials to be burned.
13-304. Bonfires or cookouts.
13-305. Use of fire for demolition, clean-up, clearing.
13-306. Liability.
13-307. Violations and penalty.

13-301. Permit must be secured. No person, firm or corporation shall burn or attempt to burn any material outdoors on private or public property within the corporate limits of the City of Dickson, Tennessee, without first securing a permit from the City of Dickson Fire Department. (Ord. #1253, June 2008)

13-302. Restrictions. Before issuing a permit, the fire marshal or his designee shall advise all applicants that the following restrictions apply to outdoor burning:

1) Open burning, as listed below may be conducted, subject to specified limitations and provided further that no public nuisance is or will be created by such open burning. The issuance of a permit will in no way relieve the person responsible for such burning from the consequences or the damages, injuries or claims resulting from such burning.

2) All materials to be burned shall be readily combustible.

3) An area of at least ten feet (10') surrounding the material to be burned must be cleared to prevent the spread of fire.

4) A continuous water supply equipped with a shut off nozzle and a hose long enough to reach fifteen feet (15') beyond the farthest pile shall be provided.

5) If the permit holder cannot meet the requirements of subsection (4) the permit holder shall have on site a bulldozer with qualified operator during the period of the permit.

6) The permit holder shall have on site a responsible adult whose sole duty shall be to attend the fire from the time it is first set until the fire is totally extinguished.

7) Burning shall not be permitted on any property where four (4) or more dwelling units are located.

8) Materials used to facilitate such burning shall be minimal amounts of diesel fuel.

9) Burning shall be permitted only from 7:00 A.M. until thirty (30) minutes before sunset unless the fire chief or his designee grants additional time.

10) When a fire is used to clear land where trees and brush are present the fire marshal may require that an air curtain destructor be used when the distance of such burn is less than five-hundred feet (500') to an airport, hospital, nursing home, school, or a federal or state highway. Air curtain destructor shall be required when the pile to be burned is within two hundred fifty feet (250') of a residence. (Ord. #1253, June 2008)

13-303. Types of materials to be burned.

1) Vegetation grown on the property where the burning is to occur.

2) Natural, untreated wood products. Wood that is treated or painted shall be prohibited from being burned.

3) Paper products are prohibited from being burned either to facilitate such burning or burned as waste material.

4) Domestic burning consisting of rubbish or garbage is prohibited. The fire marshal or his designee may allow the burning of such materials in case where refuse collection service for the material is not available. (Ord. #1253, June 2008)

13-304. Bonfires or cookouts. Bonfires or cookouts are allowed between the hours of 7:00 P.M. and 12:00 midnight. All other conditions set out in this chapter shall apply, except that the fire marshal or his designee may allow an extension of the permissible hours. (Ord. #1253, June 2008)

13-305. Use of fire for demolition, clean-up, clearing. The use of fire for demolition of buildings, for clean-up of construction sites or for clearing land is prohibited except as set out herein.

1) Burning off of farmland or fence rows shall not be permitted.

2) Materials to be burned shall be stacked in piles. The size and location of such piles shall be approved by the fire marshal or his designee before burning.

3) Tires shall not be burned under any condition.

4) Only a minimal amount of "Class B" (flammable) liquids shall be used to start the fire. Not more than five (5) gallons of diesel fuel shall be used.

5) No building shall be burned before it is demolished. However, special permission may be granted to allow a standing building to be burned by the fire marshal or his designee.

6) Only "Class A" (ordinarily combustible) materials disposed of from the building under construction at the address shown on the permit shall be burned. Shingles, Styrofoam products, and plastic products shall not be burned. The permit shall be valid only while the contractor has the authority to be on the property.
7) The fire department shall be notified immediately prior to the time the fire is started. (Ord. #1253, June 2008)

13-306. Liability. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by city personnel or equipment by reason of such violation. The person conducting outdoor burning shall be responsible for containing such burning. The City of Dickson is in no way liable for damages caused by open burning. (Ord. #1253, June 2008, § 13-307)

13-307. Violations and penalty. Any person violating any of the provisions of this chapter shall be served with written notice stating the nature of the violation. In order to maintain an active permit, such persons shall correct such violation as per the fire marshal or his designee. The fire marshal or his designee may refuse or revoke any permit not in accordance with this chapter. Failure to obtain a valid open burning permit from the City of Dickson Fire Department or failure to adhere to the provisions and conditions of the issued permit shall be construed as a violation of this chapter. Corrective and/or punitive measures for such violations may be enforced as deemed appropriate by the City of Dickson Fire Department.

A schedule of equipment and manpower is listed below with a minimum charge of one (1) hour:

Fire Apparatus	$150.00 per hour per apparatus
Firefighters	$50.00 per hour per person
Materials	Pay the cost of any materials plus 30 percent

The above fees shall be doubled on the second and third offenses.
(Ord. #1253, June 2008, § 13-306)

CHAPTER 4
SLUM CLEARANCE

SECTION

13-401. Findings of council.
13-402. Definitions.
13-403. "Public Officer" designated; powers.
13-404. Initiation of proceedings; hearings.
13-405. Orders to owners of unfit structures.
13-406. When public officer may repair, etc.
13-407. When public officer may remove or demolish.
13-408. Lien for expenses; sale of salvaged materials; other powers not limited.
13-409. Basis for a finding of unfitness.
13-410. Service of complaints or orders.
13-411. Enjoining enforcement of orders.
13-412. Additional powers of public officer.
13-413. Powers conferred are supplemental.
13-414. Structures unfit for human habitation or use deemed unlawful.

13-401. Findings of council. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city council finds that there exists in the city structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (Ord. #1287, July 2010)

13-402. 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 city council charged with governing the city.

3) "Municipality" shall mean the City of Dickson, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

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 city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

8) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 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. (Ord. #1287, July 2010)

13-403. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building official of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official. In the event the building official is unable to serve, the mayor shall designate a replacement, who shall have the same authority as the building official to exercise the powers prescribed in this chapter, which powers shall be supplemental to all other powers held by the building official. (Ord. #1396, Sept. 2016)

13-404. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human 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 (IO) 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. (Ord. #1287, July 2010)

13-405. 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. (Ord. #1287, July 2010)

13-406. 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." (Ord. #1287, July 2010)

13-407. 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. (Ord. #1287, July 2010)

13-408. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deeds of Dickson County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the 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. In addition, the city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom 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, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Dickson 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 city to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #1287, July 2010)

13-409. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation or use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Dickson. 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. (Ord. #1287, July 2010)

13-410. 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 city. 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 Dickson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #1287, July 2010)

13-411. 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. (Ord. #1287, July 2010)

13-412. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

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

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

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

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

5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #1287, July 2010)

13-413. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. #1287, July 2010)

13-414. Structures unfit for human habitation or use deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. Violations of this section shall subject the offender to a penalty of fifty dollars ($50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #1287, July 2010)

CHAPTER 5
LITTER

SECTION

13-501. Definitions for litter control.
13-502. Criminal littering -- penalty.
13-503. Hauling litter.

13-501. Definitions for litter control. The following definitions apply:

1) "Garbage" includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;

2) "Litter" includes garbage, refuse, rubbish and all other waste material;

3) "Refuse" includes all putrescible and non-putrescible solid waste; and

4) "Rubbish" includes non-putrescible solid waste consisting of both combustible and non-combustible waste. (Ord. #977, July 1997)

13-502. Criminal littering penalty.

1) A person commits an offense who:

a) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;

b) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading;

c) On or within fifty feet (50') of a public highway; or

d) Negligently discharges sewage, minerals, oil products or litter into any public waters or lakes within the city.

2) Criminal littering shall be a Class B misdemeanor which permits a fine not to exceed fifty dollars ($50.00).

3) In addition to the penalty prescribed in subsection (2), the court may at its discretion require a person convicted under this part to:

a) Remove any substance listed under subsection (1) which was dropped, placed or discharged by the person and restore the property or waters damaged by the littering to its former condition at the person's expense;
b) Remove litter from the highway system, public playgrounds, public parks or other appropriate public locations for any stated period of time not to exceed eleven (11) months and twenty-nine (29) days.

4) If litter is discovered on any public property other than public property designated for the disposal of litter, or if litter is discovered upon the private property of a person who has not given permission for the disposal of litter, and the litter bears the name of a natural person, there is an inference that the natural person has committed the offense of criminal littering. (Ord. #977, July 1997, modified)

13-503. Hauling litter.

1) Any motor vehicle, which transports litter or any material likely to fall or be blown onto the highways, shall be required to have such material either in an enclosed space or fully covered by a tarpaulin. If such motor vehicle is a non-commercial, not-for-hire pickup truck, the provisions of this subsection shall be construed to be complied with if the material on such non-commercial, not-for-hire pickup truck is secured in such a way as to reasonably ensure it will not fall or be blown off the vehicle. All other pickup trucks and other motor vehicles are required to comply with the provisions of this section.

2) A violation of this section is a Class B misdemeanor. In addition to the penalty for such misdemeanor, the court may in its discretion impose any of the penalties set forth in § 13-502(2) and (3). (Ord. #977, July 1997)

CHAPTER 6
MAINTENANCE OF PRIVATE DRIVES, ROADS, STREETS AND ALLEYS

SECTION

13-601. Maintenance of private drives, roads, streets, and alleys.

13-601. Maintenance of private drives, roads, streets, and alleys. If it is determined by the building official that any owner of record has failed to maintain any private drive, road, street or alley, which may endanger the safety or welfare of other citizens, the building official shall provide notice to the owner of record to remedy the condition within thirty (30) days. The notice shall be given by 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. A request for a hearing shall be made within ten (10) days following the receipt of the notice. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, the following elements:

1) A brief statement of this section which shall contain the consequences of failing to remedy the noted condition;

2) The address and telephone number of the building official; and

3) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

If the person fails or refuses to remedy the condition within thirty (30) days after receiving the notice, the building official shall immediately cause the condition to be remedied at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. Upon the filing of the notice with the tax collector's office, the costs shall be a lien on the property in favor of the City of Dickson, second only to liens of the State of Tennessee, Dickson County and the City of Dickson 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 tax collector at the same time and in the 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 taxes. (Ord. #1049, Dec. 1999)

TITLE 14
ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. TRAILER COACH PARKS.
4. EARTHEN BERMS AND RETAINING STRUCTURES.

CHAPTER 1
MUNICIPAL PLANNING COMMISSION

SECTION

14-101. Creation and membership.
14-102. Organization, powers, duties, etc.
14-103. Additional powers.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 the city council hereby creates the Dickson Planning Commission. The planning commission shall consist of eight members; one (1) of the members shall be the mayor, or a person designated by the mayor, and one (1) of the members shall be a member of the city council. All other members shall be appointed by the mayor. The city council shall determine what amount to compensate members of the planning commission. The terms of the six (6) appointive members shall be for three (3) years and shall be staggered. Any vacancy in an appointed membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointed member at the mayor's discretion. (Ord. #956, Dec. 1996)

14-102. 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. (1995 Code)

14-103. Additional powers. Having been designated as a regional planning commission, the Dickson Planning Commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1995 Code)

CHAPTER 2
ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the City of Dickson shall be governed by the "Zoning Ordinance, Dickson, Tennessee," and any amendments thereto.1 (Ord. #1238, June 2007)

1The "Zoning Ordinance, Dickson Tennessee" and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3
TRAILER COACH PARKS

SECTION

14-301. Definitions.
14-302. License required.
14-303. Application for license.
14-304. Park plan.

14-301. Definitions. The following are definitions as used in this chapter:

1) "Multiple dwellings" means any structure designed and intended to accommodate more than one (1) family and shall include, but is not limited to, duplex buildings, group houses, and apartment buildings.

2) "Natural or artificial barrier" means any river, pond, canal, railroad, levee, embankment, fence, or hedge.

3) "Park" means trailer coach park.

4) "Person" means any natural individual, firm, trust, partnership, association, or corporation.

5) "Trailer coach" means any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.

6) "Trailer coach park" means any plot of ground upon which five (5) or more trailer coaches, occupied or unoccupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

7) "Trailer coach space" means a plot of ground within a trailer coach park designed for the accommodation of one (1) trailer coach. (1995 Code)

14-302. License required. It shall be unlawful for any person to maintain or operate a trailer coach park within the corporate limits of the City of Dickson unless such person shall first obtain a license therefor. (1995 Code)

14-303. Application for license. Application for a trailer coach park license shall be filed with the city recorder, signed by the applicant and contain the following information:

1) The name and address of the applicant.

2) The legal description of the trailer park.

3) A plan of the park conforming to the provisions of § 14-304.

4) Plans and specifications of all buildings and other improvements constructed or that are to be constructed on the site.

5) Any further information requested by the planning commission.

The application, plans, and specifications of the trailer coach park shall be inspected by the sanitarian, codes enforcement officer, and the planning commission who shall approve or disapprove such plans and specifications in accordance with the provisions of this chapter and all applicable provisions of this code and the state law as a condition precedent to issuance of a license for such park. (1995 Code)

14-304. Park plan. All trailer coach parks shall conform to the following requirements:

1) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

2) Each coach space shall be of a minimum of one thousand (1,000) square feet which shall be at least twenty-five feet (25') wide and clearly defined with a fifteen foot (15') clearance between trailer coaches and not closer than ten feet (10') from any property line bounding the park.

3) All trailer coach spaces shall abut upon a driveway of less than twenty feet (20') in width which shall have unobstructed access to a public street, alley, or highway.

4) An electrical outlet supplying at least one hundred ten (110) volts shall be provided for each trailer coach space.

5) No trailer court park may be established in any area of the city except in conformity with the provisions of the zoning ordinance.

6) A cold water supply faucet shall be located on each trailer coach space.

7) All waste water from showers, bath tubs, toilets, laundries, etc. shall be discharged into the public sewer system as provided by § 18-302(4), provided that in those locations where sewers are not available, disposal of such waste water shall be governed by the provisions of § 18-303 of this code.

8) Provisions and plans for disposal of refuse and garbage shall conform to the requirements established in § 17-103 of this code.

9) Every trailer coach park shall be provided with adequate firefighting equipment with at least one (1) fire extinguisher for each ten (10) trailer coach spaces and with no trailer being located more than two hundred feet (200') from a fire extinguisher.

10) Operators shall require all occupants to confine their pets and to restrain other acts which could constitute a nuisance such as barking or howling.

11) Operators of all trailer coach parks shall require all owners of trailers to register on the date of their arrival. He shall maintain permanent records which reflect the names and addresses of the owners and occupants, the date of their arrival, and the license numbers of the vehicles.

12) Each operator of a trailer coach park shall post his privilege license in a conspicuous place within the office of the park

13) When any person authorized to operate a trailer coach park shall be found in violation of any part of this chapter by a court of competent jurisdiction, the codes enforcement officer or the health officer may also revoke such operator's license. (1995 Code)

CHAPTER 4
EARTHEN BERMS AND RETAINING STRUCTURES

SECTION

14-401. Purpose.
14-402. Plans required.
14-403. Definitions.
14-404. Earth retaining structures.
14-405. Earthen berms/mounds.
14-406. Violations and penalty.

14-401. Purpose. To safeguard the citizens of the City of Dickson against the construction of earthen berms or earthen retaining structures that distract from the appearance of the surrounding area or that pose a potential threat to the public safety or property should failure of such structures occur. (1995 Code, § 12-1001)

14-402. Plans required. All earthen berms and earth retaining structures shall be deemed to be structures as per the Dickson Municipal Zoning Ordinance.1 Therefore, plans for all such structures shall be submitted to the City of Dickson Office of Planning and Zoning. Such plans shall be reviewed by the staff and referred to the planning commission for review when appropriate. The City of Dickson Office of Planning and Zoning may also ask that the City of Dickson Engineer and/or consulting engineer review such plans and report to the staff and/or planning commission. All such plans shall be in conformance of this section as well as any other city requirements such as, but not limited to, the Dickson Municipal Zoning Ordinance and building and excavation codes adopted by the City of Dickson. (1995 Code, § 12-1002)

14-403. Definitions.

1) "Earth berm or mound." Soil shaped in such a way as to provide higher elevation than the surrounding terrain, typically used as a landscaping treatment and not for structural purposes.

2) "Earth retaining structure." Any structure or constructed feature intended to provide support or stability to a section of earth having a near-vertical face, without which the retained earth could reasonably be expected to slump or fall over time.

3) "Registrant." A professional who, by means of education and examination, has been certified by the State of Tennessee to provide professional design services appropriate to the area of practice.

4) Public roadway." A roadway designated for public use for vehicular traffic, maintained and regulated by the City of Dickson or other public agency. (1995 Code, § 12-1003)

1The "Zoning Ordinance, Dickson, Tennessee," and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

14-404. Earth retaining structures.

1) The following regulations shall apply to any earth retaining structure located in any area other than on individual residential building lots.

a) Earth retaining structure materials shall be of a type, appearance and durability appropriate to the use and setting of the proposed structure.

b) Earth retaining structures three feet (3') or more in retained height or longer than fifty feet (50') require submittal of a site and landscaping plan and retaining structure design prepared and sealed by a registrant licensed in the State of Tennessee.

c) Earthen retaining structures intended for use along fifty percent (50%) or more of any one (1) property line or fifty percent (50%) or more of the roadway frontage of a property/parcel shall have a site plan and structural design (structural design for heights of three feet (3') or more) prepared by a registrant licensed in the State of Tennessee.

d) Wood timber retaining structures shall be limited to landscaping applications supporting embankments less than three feet (3') in retained height, no longer than thirty feet (30') on a side, and shall not be used to retain soils adjacent to buildings, roadways, parking lots or property lines in such instances that failure of the retained slope could affect said improvement or adjacent properties.

e) Earth retaining structures intended to retain embankment fills for roadways, parking lots, buildings, bridge openings, or for use near property lines shall have construction plans and details prepared by a registrant licensed in the State of Tennessee.

f) Earth retaining structures used to support embankments of public roadways shall be utilized only when practical alternatives (such as slopes) are unavailable.

g) Earth retaining structures used to support embankments of public roadways shall be cast-in-place reinforced concrete or structurally supported pre-cast panels, unless otherwise approved by the planning commission. For consideration, documentation must be submitted demonstrating the durability, suitability and stability of the alternative for the application, manufacturer's recommendations relative to the application, and examples of use by other public works departments or transportation agencies in the State of Tennessee.

h) Where earth retaining structures are used in connection with public roadways, guardrail shall be installed in accordance with state and federal guidance and standards of practice.

2) The following regulations shall apply for any earth retaining structures located on individual residential building lots.

a) Any such structure that adjoins a property line and is such height that the failure of such wall could affect adjoining property owners or any public right-of-way or utility or any wall over six feet (6') in height shall submit construction plans and details prepared by a registrant licensed in the State of Tennessee for the proposed structure.

b) Any wall using manufactured materials in which the manufacturer of the materials recommends measures to insure stability of the structure shall comply with all such recommended installation methods.

c) Any retaining structure that is constructed near a building or other structure shall be located a minimum of the height of the retaining wall plus two feet (2') from the adjacent building or structure unless construction plans and details prepared by a registrant licensed in the State of Tennessee for the proposed structure are submitted.

d) Wood timber retaining structures shall be limited to landscaping applications supporting embankments less than three feet (3') in retained height, for no longer than thirty feet (30') continuous or cumulative per lot and shall not be used to retain soils adjacent to buildings, roadways, or property lines in such instances that failure of the retained slope could affect said improvement or adjacent properties. (1995 Code, § 12-1004)

14-405. Earthen berms/mounds.

1) Any earthen berms or mounds for screening shall be used in common areas of residential developments, for multi-family residential developments, or on the grounds of any commercial or industrial developments shall be approved by the planning commission on a site plan or as part of a master development plan as per the Dickson Municipal Zoning Ordinance.

2) Earthen berms or mounds shall blend aesthetically with the surrounding lots and landscape, and shall not create the appearance of fortifications.

3) Earthen berms or mounds shall have appropriate accommodation for surface drainage.

4) Earthen berms or mounds shall have appropriate landscaping and shall be maintained in accordance with the recommendations relative to the type of plantings.

5) Earthen berms located within any required building setback line on individual residential lots and where such berm is either twenty-five percent (25%) of the length of the lot line or is fifty feet (50') or more in length shall meet all of the requirements of this section as well as those below.

a) Earthen berms or mounds shall be no more than three feet (3') in height and shall have side slopes no steeper than four (4) horizontal to one (1) vertical.

b) Scale plans for any such berm shall be submitted to the City of Dickson. (1995 Code, § 12-1005)

14-406. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision contained herein as adopted by reference and modified. Each day is a separate violation. (1995 Code, § 12-1006, modified)

TITLE 15
MOTOR VEHICLES, TRAFFIC AND PARKING[1]

CHAPTER

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

CHAPTER 1
MISCELLANEOUS[2]

SECTION

15-101. Motor vehicle requirements.
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.
15-114. Clinging to vehicles in motion.
15-115. Riding on outside of vehicles.
15-116. Backing vehicles.
15-117. Projections from rear of vehicles.
15-118. Causing unnecessary noise.
15-119. Vehicles and operators to be licensed.
15-120. Passing.
15-121. Damaging pavements.
15-122. Motorcycles, motor-driven cycles, motorized bicycles, bicycles, etc.
15-123. Anti-cruising.
15-124. Operation of tractor-trailers along certain streets prohibited.
15-125. Adoption of state traffic statutes.

[1]Municipal code reference
Excavations and obstructions in streets, etc.: title 16.
[2]State 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.

15-101. 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. (1995 Code)

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. (1995 Code)

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. (1995 Code)

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. (1995 Code)

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 city for one-way traffic.

2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1995 Code)

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. (1995 Code)

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. (1995 Code)

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 city/town unless otherwise directed by a police officer. No person shall willfully fail or refuse to comply with any lawful order of any police officer invested by law with the authority to direct, control or regulate traffic. (1995 Code, modified)

15-109. General requirements for traffic-control signs, etc. Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways[2] and shall be uniform as to type and location throughout the city/town. (1995 Code, modified)

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. (1995 Code)

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. (1995 Code)

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. (1995 Code)

1Municipal code references
Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505 through 15-509.
2For the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, et seq.

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. (1995 Code)

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. (1995 Code)

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. (1995 Code)

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. (1995 Code)

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 inches (12") square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (1995 Code)

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. (1995 Code)

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 Classified and Commercial Driver License Act of 1988." (1995 Code, 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. (1995 Code)

15-121. Damaging pavements. No person shall operate or cause to be operated upon any street of the city 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. (1995 Code)

15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.

1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, including a vehicle that is fully enclosed, has three (3) wheels in contact with the ground, weighs less than one thousand five hundred pounds (1,500 lbs.), and has the capacity to maintain posted highway speed limits, but excluding a tractor or motorized bicycle.
b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five (125) cubic centimeters;

c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which

produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city/town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

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

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

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

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

7)

a) Each driver of a motorcycle, motor-driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head either a crash helmet meeting federal standards contained in 49 CFR 571.218, or, if such driver or passenger is twenty-one (21) years of age or older, a helmet meeting the following requirements:

i. Except as provided in subdivisions (a)(ii)-(iv), the helmet shall meet federal motor vehicle safety standards specified in 49 CFR 571.218;

ii. Notwithstanding any provision in 49 CFR 571.218 relative to helmet penetration standards, ventilation airways may penetrate through the entire shell of the helmet; provided, that no ventilation airway shall exceed one and one-half inches (1-1/2”) in diameter;

iii. Notwithstanding any provision in 49 CFR 571.218, the protective surface shall not be required to be a continuous contour; and

iv. Notwithstanding any provision in 49 CFR 571.218 to the contrary, a label on the helmet shall be affixed signifying that such helmet complies with the requirements of the American Society for Testing Materials (ASTM), the Consumer Product Safety Commission (CSPM), or the Snell Foundation.

b) This section does not apply to persons riding:

i. Within an enclosed cab;

ii. Motorcycles that are fully enclosed, have three (3) wheels in contact with the ground, weigh less than one thousand five hundred pounds (1,500 lbs.) and have the capacity to maintain posted highway speed limits;

iii. Golf carts; or

iv. In a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years or older.

8) Every motorcycle, motor-driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor-driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor-driven cycle or motorized bicycle in violation of this section. (1995 Code, modified)

15-123. Anti-cruising. It shall be illegal and a trespass for any person to cruise or drive aimlessly through shopping centers or public streets within the corporate limits of the City of Dickson provided said shopping center has posted a sign which prohibits same. Cruising or driving aimlessly within a shopping center or on the public streets is hereby defined as driving back and forth through a shopping center or upon a public street. A person who drives past the same point within a shopping center or upon said street three (3) times or more within any thirty (30) minute period is presumed to be cruising and in violation of this section. (1995 Code

15-124. Operation of tractor-trailers along certain streets prohibited.[1] It shall be unlawful for any person, persons, firm, or corporation to operate a tractor-trailer motor vehicle along the portion of any street where signs have been posted prohibiting the same. (1995 Code)

15-125. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated, § 16-18-302, the City of Dickson adopts by reference, as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131 and §§ 55-8-133 through 55-8-180. Additionally, the City of Dickson adopts Tennessee Code Annotated, §§ 55-4-101 through 55-4-135, §§ 55-8-181 through 55-8-193, §§ 55-8-199, §§ 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 and that violation of any of these statutes can be considered a violation of the Dickson Municipal Code and adjudicated as such. (Ord. #1414, Oct 2017)

1See Ord. #906 (June 1995) of record in the recorder's office for an ordinance prohibiting the operation of tractor-trailers along East Christi Drive and West Christi Drive and to provide penalties for the violation thereof.

CHAPTER 2
EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.
15-202. Operation of authorized emergency vehicles.
15-203. Following emergency vehicles.
15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1995 Code)

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 or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

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, or a blue light if a police vehicle, visible under normal atmospheric conditions from a distance of five hundred feet (500') 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. (1995 Code)

5) **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 feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1995 Code)

6) **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 police officer. (1995 Code)

1Municipal code reference Operation of other vehicle upon the approach of emergency vehicles: § 15-501.

CHAPTER 3
SPEED LIMITS

SECTION

15-301. In general.
15-302. At intersections.
15-303. In school zones.
15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1995 Code)

15-302. At intersections. It shall be unlawful for any person to 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. (1995 Code)

15-303. In school zones. Generally, pursuant to Tennessee Code Annotated, § 55-8-152, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph. (1995 Code, 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 city. (1995 Code)

CHAPTER 4
TURNING MOVEMENTS

SECTION

15-401. Generally.
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.
15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.1 (1995 Code,§ 15-401)

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. (1995 Code, § 15-402)

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. (1995 Code, § 15-403)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1995 Code, § 15-404)

15-405. U-turns. U-turns are prohibited generally. (Ord. #1472, Jan. 2020)

1State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 5
STOPPING AND YIELDING

SECTION

15-501. Upon approach of authorized emergency vehicles.
15-502. When emerging from alleys, etc.
15-503. To prevent obstructing an intersection.
15-504. At railroad crossings.
15-505. At "stop" signs.
15-506. At "yield" signs.
15-507. At traffic-control signals generally.
15-508. At flashing traffic-control signals.
15-509. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.1 Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, 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. (1995 Code)

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. (1995 Code)

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. (1995 Code)

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') 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 one thousand five hundred feet (1,500') 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. (1995 Code

1Municipal code reference
Special privileges of emergency vehicles: title 15, chapter 2.

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. (1995 Code)

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. (1995 Code)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) 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.

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.

3) Steady red alone, or "Stop":

a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red

signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

b) Pedestrians facing such signal shall not enter the roadway.

4) Steady red with green arrow:

a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

b) Pedestrians facing such signal shall not enter the roadway.

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. (1995 Code)

15-508. At flashing traffic-control signals.

1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

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

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

2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1995 Code)

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. (1995 Code)

1State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6
PARKING

SECTION

15-601. Definitions.
15-602. "Illegal parking" generally.
15-603. Angle parking.
15-604. Occupancy of more than one space.
15-605. Loading/Unloading Zones and Service/Delivery Vehicles
15-606. Where parking is prohibited.
15-607. Presumption with respect to illegal parking.
15-608. Presumption with respect to legal parking.

15-601. Definitions. The following definitions shall apply throughout this chapter unless specified otherwise.

1) "Center line" shall be the point in the designated street, alley or public way intended to divide the lanes for traffic in opposing directions and can include different widths or number of lanes on either side and may or may not be designated by stripes or other markings on the surface.

2) "Lane" shall include the portion of a street, alley or other public way established for vehicle traffic in a specified direction under the regulations promulgated by the municipality, county or state that may or may not be designated by surface markings, stripes or other signage.

3) "One-way street" shall include any street, alley or public way that has been restricted by the municipality, county or state and designated by signage or other markings for vehicle traffic only in one direction.

4) "Parking" shall include the temporary placement or storage of any vehicle as defined in this chapter in a designated parking space upon a public street, alley, parking lot or right of way owned, leased or controlled by the municipality, county or state.

5) "Parking space" shall include any location on a public street, alley, parking lot or right of way owned, leased or controlled by the municipality that has been designated specifically for parking by the municipality through markings on the surface and/or signage.

6) "Street" shall include any municipal-, county-, state- or federally-maintained public way intended for the use of vehicle traffic.

7) "Vehicle" shall include, but not be limited to, any automobile, truck, motorcycle, trailer, boat, recreational vehicle, motor home, cart, aircraft or other motorized or non-motorized device used for transporting people or goods on land or water or by air.

8) Any term, phrase or word used in this chapter and not specifically defined herein shall be assumed to be defined as established by prevailing ordinance, statute or law. (Ord. #1531, June 2023)

15-602. "Illegal parking" generally.

1) Every vehicle parked upon a street within the City of Dickson shall be so parked that it does not create a hazard to traffic.

2) Every vehicle parked upon a street within the City of Dickson shall be so parked that it does not encroach into a lane of traffic.

a) Vehicles shall only be parked on the right side of the street and/or lane(s) of traffic as defined by the designated direction of travel for the street or lane.

b) Any vehicle parked in such a manner to require vehicles passing in the same direction to cross any line that marks a lane of traffic violates the prohibition of subsection (2) above.

c) It is presumed that any vehicle parked such that its left wheels are within the driving lane encroaches into a lane for traffic.

i. The "lane for traffic" is the area bounded on the left and right as designating the path for vehicles traveling in that direction.

ii. On a two-way street, the "lane for traffic" is designated by the center line of the street and the outside, right-hand boundary of the street.

3) Where traffic lanes are not marked, vehicles shall be so parked that vehicles passing them in the same direction are not required to cross the center line of the street into the opposite lane to avoid the parked vehicles.

4) The actions set forth in subsections (a)-(d) above are not exclusive, as all actions that create a hazard for traffic are prohibited.

5) The actions prohibited by § 6-15-606 of this chapter likewise constitute actions that create a hazard for traffic.

6) Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley for more than forty-eight (48) consecutive hours without the prior approval of the chief of police.

7) No person shall stand or park a vehicle upon a street or public way of the city or in a city-owned or city-controlled parking lot for the principal purpose of displaying it for sale or displaying merchandise for sale on or near such vehicle or making sales of merchandise from such vehicle.

8) 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. (Ord. #1531, June 2023)

15-603. Angle parking. On those streets which have been signed or marked by the City of Dickson 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. (1995 Code)

15-604. 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 (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1995 Code)

15-605. Loading/Unloading Zones and Service/Delivery Vehicles.

1) Loading/Unloading Zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the City of Dickson as a loading and unloading zone.

2) Service/Delivery Vehicles. Vehicles used to provide a service such as yard maintenance and delivery vehicles should make every effort possible to not interfere with the flow of traffic or create high-risk hazards. Temporary parking on a city street for a service or delivery vehicle will be allowed with proper safety precautions, which can include signage, flaggers, safety cones, flares or other safety measures to warn drivers. (Ord. #1531, June 2023)

15-606. Where parking is prohibited. No person shall park a vehicle in violation of any sign placed or erected by the State of Tennessee or City of Dickson, nor:

1) On a sidewalk.

2) In a manner that interferes with access to a public or private driveway.

3) In such a manner that interferes with the routine collection of household refuse, leaves or brush by the municipality or the delivery of mail.

4) Within an intersection or within twenty-five (25) feet of the center point thereof.

5) Within fifteen (15) feet of a fire hydrant unless permitted by designation of a parking space by the municipality through signage or surface markings.

6) Within a pedestrian or school children's crosswalk.

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

8) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.

9) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.

10) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

11) Upon any bridge.

12) Alongside any curb painted yellow or red by the City of Dickson or designated for no parking by the municipality through signage.

13) In any public parking space designated by signage or surface markings as being limited to handicapped drivers unless in a vehicle displaying the authorized license plate or placard issued by the State of Tennessee Department of Safety.

14) More than eighteen (18) inches from the nearest tire(s) of the vehicle to the nearest curb, sidewalk or other tire stop structure or marking installed, designated or maintained by the municipality, whether angle, parallel or pull-in parking.

15) By parking a vehicle different from the type or size designated for a particular parking space by signage or surface marking. (Ord. #1531, June 2023)

15-607. 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. (1995 Code)

15-608. Presumption with respect to legal parking. Notwithstanding anything else in this code to the contrary, it shall be presumed that a vehicle is legally parked when located within a parking space designated by the municipality for parking by signage or surface markings. (Ord. #1531, June 2023)

CHAPTER 7
ENFORCEMENT

SECTION

15-701. Issuance of traffic citations.
15-702. Failure to obey citation.
15-703. Illegal parking.
15-704. Impoundment of vehicles.
15-705. Violations and penalty.

15-701. Issuance of traffic citations.[1] When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1995 Code)

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. (1995 Code)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1995 Code)

15-704. Impoundment of vehicles. Members of the police are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be as set forth in the State of Tennessee Department of Safety Wrecker Service Standard Manual. (1995 Code, modified)

1State law reference
Tennessee Code Annotated, § 7-63-101, et seq.

15-705. Violations and penalty. Any violation of this title shall be a civil offense punishable as follows: Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars ($50.00) for each separate offense. (1995 Code, modified)

TITLE 16
STREETS AND SIDEWALKS, ETC.[1]

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1
MISCELLANEOUS

SECTION

16-101. Obstructing streets, alleys or sidewalks prohibited.
16-102. Trees projecting over streets.
16-103. Obstructing view at intersections prohibited.
16-104. Projecting signs, awnings and structures 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.
16-110. Use of public streets and rights-of-way regulated.
16-111. Animals and vehicles on sidewalks.
16-112. Fires in streets and public rights-of-way prohibited.
16-113. Acceptance of streets, easements and 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. (1995 Code)

16-102. Trees projecting over streets. It is unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, and/or alley at a height of less than fourteen feet (14'). If such limbs are projecting out over said streets and/or alley the public works department shall utilize prudent judgment to trim, cut, or remove these projecting limbs for the sake of public safety. (Ord. #1089, June 2001, modified)

16-103. Obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, shrub, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1995 Code, modified)

16-104. Projecting signs, awnings, and structures 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 (1995 Code, modified)

1Municipal code reference
Related motor vehicle and traffic regulations: title 15.

16-105. Banners and signs across streets and alleys restricted. It is unlawful for any person to place or have placed any banner or sign across any public street, alley, or right-of-way without first obtaining a permit through the planning and zoning department subject to the city sign ordinance. (1995 Code, modified)

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. (1995 Code)

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. (1995 Code)

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. (1995 Code)

16-109. Abutting occupants to keep sidewalks clean. 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. (1995 Code, modified)

16-110. Use of public streets and rights-of-way regulated. It is unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without first obtaining a special event permit. (1995 Code, modified)

16-111. Animals and vehicles on sidewalks.

1) It is 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 unreasonably interferes with or inconveniences pedestrians using the sidewalk. It is also unlawful for any person knowingly to allow any minor under his control to violate this section.

2) Bicycles, skateboards, roller skates and in-line skates are specifically prohibited on the sidewalks of the Downtown Business District during normal business hours. (Ord. #990, Oct. 1997, § 16-112, modified)

16-112. Fires in streets and public rights-of-way prohibited. It is unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1995 Code, § 16-113,

1Municipal code reference
Building code: title 12, chapter 1. modified)

16-113. Acceptance of streets, easements and rights-of-way. Conditions upon which streets, easements, and rights-of-way will be accepted by the City of Dickson for maintenance are:

1) The City of Dickson will accept for maintenance and incorporate into its street system only those roads, streets, easements and rights-of-way which comply with the requirements of the subdivision regulations of the City of Dickson.

2) Before the City of Dickson will accept for maintenance and incorporate into its street system any road, easement, street or right-of-way, the owner or owners shall dedicate for public use by resolution said road, easement, street and/or right-of-way which shall conform to all city requirements. (1995 Code, § 16-114, modified)

CHAPTER 2
EXCAVATIONS AND CUTS[1]

SECTION

16-201. Permit required.
16-202. Applications.
16-203. Fees for excavations and cuts.
16-204. Manner of excavating – barricades and lights – temporary sidewalks.
16-205. Performance bond.
16-206. Restoration of streets, etc.
16-207. Insurance.
16-208. Time limits.
16-209. Supervision.
16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, sidewalk or public place, or to tunnel or bore under any street, alley, sidewalk 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 director of public works is open for said business and said permit shall be retroactive to the date when the work was begun. All government entities and/or agencies shall be regulated by the City of Dickson municipal policies specifically mandated for that entity and/or agency. (Ord. #1225, Dec. 2006; amended Ord. #1318, May 2013)

16-202. Applications. Applications for such permits shall be made to the director of public works, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel and/or boring, the size thereof, a sketch or drawing to scale of the proposed action, 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 work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the director of public works within twenty-four (24) hours of its filing. (Ord. #1225, Dec. 2006)

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. 340 S.W.2d 885 (1960).

16-203. Fees for excavations and cuts. The fees for such excavation or cut permits shall be as currently approved by city council and on file in the recorder's office and public works department office. (Ord. #1225, Dec. 2006, modified)

16-204. Manner of excavating – barricades and lights -- temporary sidewalks. Any person, firm, corporation, association, or others making any excavation, tunnel, or boring 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 light shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is locked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (Ord. #1225, Dec. 2006)

16-205. Performance bond. In addition to the permit fee, private developers, contractors, individuals, and other permit holders may be required to post a performance bond with the Public Works Department of the City of Dickson. The bond shall be set by the director of public works or his designee and shall be in an amount directly proportionate to the cost of restoring the street, alley, sidewalk or public place to its original condition including resurfacing and replacing all pertinent signage and pavement markings. This performance bond may also be provided as a cash bond or irrevocable letter of credit from an acceptable bank or other lending facility. (Ord. #1225, Dec. 2006; amended Ord. #1318, May 2013)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation, tunnel, or boring in or under any street, alley, sidewalk or public place in the City of Dickson shall restore said street, alley, sidewalk or public place to its original condition including the surfacing and placing all pertinent pavement marking. In case of unreasonable delay in restoring the street, alley, sidewalk or public place, the director of public works or his designee shall give notice to the person, firm, corporation, association, or others that unless the excavation, tunnel, or boring is refilled properly within a specified reasonable period of time, the City of Dickson will do the work and charge the expense of doing the same to such person, firm; corporation, association, or others. If within the specified period of time the conditions of the above have not been compiled with, the work shall be done by the City of Dickson, and accurate account of the expense involved shall be kept and the total cost shall be either charged to the person, firm, corporation, association, or others who made the excavation, tunnel, or boring or the bond or irrevocable letter shall be utilized as stipulated in § 16-205. (Ord. #1225, Dec. 2006; amended Ord. #1318, May 2013)

16-207. Insurance. In addition to the permit fee, each person, firm, corporation, association, or others applying for an excavation permit shall file a certificate of insurance indicating that the entity, person, firm, corporation, association, or others are insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the work, whether such performance 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 insurance shall be prescribed by the director of public works in accordance with the nature of the risk involved; provided however, that the

liability insurance for bodily injury shall not be less than five hundred thousand dollars ($500,000.00) for each person and five hundred thousand dollars ($500,000.00) for each accident, and for property damages not less than five hundred thousand dollars ($500,000.00) for any one (1) accident, and a one million dollar ($1,000,000.00) aggregate. Also, the City of Dickson shall be shown as additional insured. (Ord. #1225, Dec. 2006)

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 pavement to be placed or put on by the City of Dickson if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the director of public works. (Ord. #1225, Dec. 2006)

16-209. Supervision. The director of public works or his designee shall from time to time inspect all excavation, tunnels, and borings being made in or under public streets, alleys, sidewalks or other public places in the City of Dickson and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least twenty-four (24) hours before the work of refilling any such excavation, tunnel, or boring commences. (Ord. #1225, Dec. 2006; amended Ord. #1318, May 2013)

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 director of public works. The permit shall contain all drawings and/or sketches relative to curb cut on commercial curb, and/or curb gutter streets in the City of Dickson. The fees for such excavation or cut permits shall be as currently approved by city council and on file in the recorder's office and public works department office. All curb and gutter shall be restored as per the drawing or sketch as stipulated at the time of permit application. If in the event the party fails to restore the curb and/or curb gutter back to its original design or to the drawing and/or sketch, the City of Dickson shall perform the restoration in accordance with § 16-205. (Ord. #1225, Dec. 2006, modified)

TITLE 17
REFUSE AND TRASH DISPOSAL[1]

CHAPTER

1. REFUSE.

CHAPTER 1
REFUSE

SECTION

17-101. Definitions.
17-102. Premises to be kept clean.
17-103. Storage.
17-104. Location of containers.
17-105. Disturbing containers.
17-106. Collection.
17-107. Collection vehicles.
17-108. Disposal.
17-109. Unauthorized containers to be confiscated.
17-110. Yard refuse.
17-111. Leaf refuse.
17-112. Violations and penalty.

17-101. Definitions.

1) "Bulk refuse." Items of solid waste which are too large, heavy or bulky to be disposed of in the automated garbage collection system refuse container and which are not grass, leaves, yard waste, or hazardous refuse. "Bulk refuse" items include but are not limited to boxes, furniture, lawn mowers, toys, construction materials, and any yard refuse exceeding twelve inches (12") in diameter.

2) "Commercial refuse." All solid waste from a retail, wholesale or industrial businesses of any nature but not to include bulk refuse, hazardous refuse, leaf refuse or yard refuse.

3) "Hazardous refuse." Any chemical, compound, mixture, substance, or article which may constitute hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive, or otherwise harmful.

4) "Leaf refuse." The fallen leaves of deciduous trees; leaf refuse does not include yard refuse.

5) "Multi-family refuse." All solid waste from residential structures containing three (3) or more individual units but not to include bulk refuse, hazardous refuse, leaf refuse, or yard refuse.

6) "Residential back door service." Service provided by the City of Dickson to residential customers that require the removal of residential refuse adjacent to the primary residence.

7) "Residential refuse." All solid waste from single family, duplex, condominium, and town house dwellings as defined by the City of Dickson Municipal Zoning Ordinance but not to include multi-family, bulk refuse, hazardous refuse, leaf refuse or yard refuse.

8) "Yard refuse." Shrubs, tree trimmings, clippings, and shrubs or trees from which all dirt has been removed; yard refuse does not include leaf refuse. (Ord. #1368, Nov. 2015)

1Municipal code reference
Property maintenance regulations: title 13.

17-102. Premises to be kept clean. All persons within the city 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. (1995 Code)

17-103. Storage. Each owner, or other responsible person using or occupying any building or other premises within the City of Dickson where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. All refuse must be drained of all free liquids, bagged, and placed inside containers. (Ord. #1368, Nov. 2015)

17-104. Location of containers. Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six feet (6') 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 municipal 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 city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied, they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1995 Code)

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. Provided, however, that this section shall not apply to collectors who have complied with the requirements of the health department and to whom a permit has been issued to collect refuse and garbage. (1995 Code)

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 city council shall designate. Collections shall be made regularly in accordance with an announced schedule. (1995 Code)

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. (1995 Code)

17-108. Disposal. 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 city council is expressly prohibited. All disposal of refuse and garbage shall be by methods approved by the sanitation superintendent.

Prior to feeding of garbage or refuse to swine, it shall be heated to a temperature of two hundred twelve degrees Fahrenheit (212° F) for not less than thirty (30) minutes under conditions approved by the health officer. Animal offal and animal carcasses are to be cremated or buried.

Any other method of disposal shall be in accordance with regulations prescribed by the Tennessee Department of Agriculture. (1995 Code)

17-109. Unauthorized containers to be confiscated. The City of Dickson will service only refuse containers issued by the City of Dickson. (Ord. #1368, Nov. 2015)

17-110. Yard refuse. Yard refuse will be removed from within the right-of-way along city maintained streets throughout the year on a street-by-street basis. Yard refuse placed within the right-of-way shall be cut to no longer than six feet (6') in length and no more than twelve inches (12") in diameter. Yard refuse from the complete removal of one, single tree exceeding twelve inches (12") in diameter shall be classified as bulk refuse and shall be cut in shorter lengths than six feet (6'). Yard bulk refuse will be assessed a fee based on the number of loads for removal. In the event of a major storm, this requirement may be suspended for one (1) month so that storm damage can be alleviated. When a contract service is used by a property owner to remove yard refuse from a property it shall be the responsibility of that contractor to dispose of the yard refuse. There will be a service charge for each load of yard refuse removed by the City of Dickson when a contracting service is utilized. Yard refuse placed within the right-of-way for collection shall be stacked in a neat and uniform pattern as not to protrude into the travel lanes of a city street or stacked in a manner as to not block or obstruct the view of motorists utilizing the street. Yard refuse shall not be placed adjacent to any structure or item that may be damaged by the collection of the yard refuse. Yard refuse shall be separated from leaf refuse. (Ord. #1368, Nov. 2015)

17-111. Leaf refuse. Leaf refuse will be removed from within the right-of-way along city maintained streets on a street-by-street basis. Loose leaf refuse that has been properly placed within the right-of-way will be removed from November 1st to April 15th. From April 16th to October 31st leaf refuse must be bagged, placed within the right-of-way for collection, and will be removed at the request of the property owner. Leaf refuse must he separated from yard refuse when placed within the right-of-way for collection. (Ord. #1368, Nov. 2015)

17-112. Violations and penalty. Each day is a separate offense. Any penalty assessed for violations of this chapter shall not prevent the forced removal of prohibited conditions. (1995Code, § 17-110, modified)

TITLE 18
WATER & SEWER

CHAPTER

1. STORMWATER MANAGEMENT

CHAPTER 1
STORMWATER MANAGEMENT

SECTION

18-801. General Provisions.
18-802. Definitions.
18-803. Illicit Discharges.
18-804. Objectives, Policy, and Stormwater Design
18-805. Enforcement Response Plan
18-806. Rule Making Authority
18-807. Sinkholes.
18-808. Stream Buffer Zones.
18-809. Post-Construction Stormwater Facility Operations, Maintenance and BMP Agreements

18-801. General Provisions.

1) Findings of Fact

A. It is hereby determined that:

i. Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase storm water runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition unless mitigated by appropriate measures; this stormwater runoff contributes to increased quantities of water-borne pollutants, and; stormwater runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

ii. The City of Dickson has been designated as an MS4 by the Tennessee Department of Environment and Conservation. As such, the City operates its stormwater program under the provisions contained in their most current - NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems. All developments within the City of Dickson shall comply with the mandatory provisions contained in that document.

iii. Therefore, the City of Dickson establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion,

and non-point source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

2) Purpose

B. The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This ordinance seeks to meet that purpose through the following objectives:

i. minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;

ii. enable the City of Dickson, Tennessee to comply with the NPDES permit and applicable regulations for stormwater discharges.

iii. minimize increases in non-point source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;

iv. minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practical.

v. reduce storm water runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

vi. manage the manner in which stormwater is addressed in areas of new development and redevelopment through the course of construction and post construction to maintain or benefit water quantity, water quality, and the effects on the quality of life and character of the City of Dickson, Tennessee. This ordinance sets general policy, minimum requirements and standards, and stormwater management program direction and is supported and enforced through other more detailed regulations, design criteria, and other accepted materials.

3) Applicability

A. This ordinance shall be applicable to any land disturbance in the city limits of Dickson, all subdivision or site plan applications, unless eligible for an exemption or granted a waiver by the City of Dickson Planning Commission under the specifications of this ordinance. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by the City Engineer to ensure that

established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

B. To prevent the adverse impacts of stormwater runoff, the City of Dickson has developed a set of performance standards that must be met at new development sites and re-development sites. These standards may apply to any construction activities disturbing a minimum of 10,000 or more square feet of land or adding 5,000 square feet of impervious area. It shall comply to any land disturbance as deemed necessary from City Engineer. The minimum disturbed area criterion may not apply if the development is part of a larger plan of development such as a lot in a residential, commercial, or industrial development. In that instance, the proposed development shall be required to comply with these regulations in accordance with the requirements of the City's obligations as an MS4 under the regulations of the State of Tennessee. The following activities may be exempt from these stormwater performance criteria but shall meet minimum compliance standards for erosion control:

   i. Any logging and agricultural activity which is consistent with an approved soil conservation plan or a timber management plan prepared and approved, as applicable.

   ii. Additions or modifications to existing single family structures.

   iii. Developments that do not disturb more than 10,000 square feet of land, provided they are not part of a larger common development plan. The City Engineer shall have discretion in applying this exemption.

   iv. Repairs to any stormwater treatment practice deemed necessary by the City of Dickson. The City of Dickson Director of Planning, Zoning & Codes shall have the authority to make determinations regarding exemptions under these criteria. The applicant shall have the usual rights of appeal under City Regulations. The first avenue of appeal is to the City Planning Commission.

C. When a site development plan is submitted that qualifies as a redevelopment project as defined in this ordinance or by the City Engineer, decisions on permitting and on-site stormwater requirements shall be governed by stormwater sizing criteria developed through standards of engineering practice appropriate to local design storms. This criterion is dependent on the amount of impervious area created by the redevelopment and its impact on water quantity and quality. All redevelopment proposed within the City of Dickson and deemed significant by the City Engineer shall meet all stormwater regulations as set forth by this ordinance and the current MS4 permit. Final authorization of all redevelopment projects will be determined after a review by City of Dickson staff.

4) Compatibility with Other Permit and Ordinance Requirements

A. This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of local, state or federal law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this

ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(5) Severability

A. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

(6) Stormwater Design Manual and Guidelines

A. For the purpose of stormwater quality and quantity BMP's and design methods, the City of Dickson defaults to the most current edition of the Metro Nashville Stormwater Management Manual, the most current Metro Nashville Low Impact Design Manuel, and/or the most current edition of the Tennessee Permanent Stormwater Management Design and Guidance Manual. BMP's and design methods shall be consistent with the requirements in these manuals, the current MS4 permit, and this ordinance with the more stringent regulations applying in the event of a conflict. The City of Dickson may furnish additional policy, criteria, and information, including specifications and standards, for the implementation of the requirements of this ordinance. These manuals include lists of acceptable stormwater treatment practices, including the specific design criteria and operation and maintenance requirements for each stormwater practice. These manuals and City of Dickson requirements may be updated and expanded from time to time, at the discretion of the local authority, based on improvements in engineering, science, monitoring, and local maintenance experience. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.

(7) References

A. Most current NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems, effective current revisions per TDEC and subsequent editions.

B. TNR100000, General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, effective edition.

C. Section 402 of the Clean Water Act.

D. Current 303d List of Impaired Waters in Tennessee

E. Division of Water Pollution Control Standard Operating Procedure Aquatic Resource Alteration Permit.

F. Rules of the Tennessee Department of Environment and Conservation, Chapter 1200-4-3-06, "Tennessee Antidegradation Statement"

G. 44 CFR Chapter 1 – Federal Emergency Management Agency

H. Perceived conflicts between these references and this ordinance shall be resolved by, and at the discretion of, the City of Dickson. (Ord. #1499, Oct. 2021)

18-802. Definitions.

1) "Accelerated Erosion" means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

2) "Applicant" means a property owner or agent of a property owner who has filed an application for a storm water management permit.

3) "Best Management Practice (BMP)" - Structural device, measure, facility or activity that helps to achieve storm water management control objectives at a designated site.

4) "Building" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

5) "Building Official" means the Director of the City of Dickson Planning, Zoning and Codes Department as designated by the City of Dickson. The Building Official may also perform the duties of the Stormwater Coordinator if directed.

6) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

7) "Community Waters" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or man-made, lying within or forming part of the boundaries of the City of Dickson.

8) "Contaminant" means any physical, chemical, biological or radiological substance or matter.

9) "Dedication" means the deliberate appropriation of property by its owner for general public use.

10) "Design Storm" means the storm for which the storm water facility is designed.

11) "Detention" means the temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

12) “Detention Facility” means a detention basin or alternative structure designed by a licensed professional for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.
13) “Developer” means a person who undertakes land disturbance activities.

14) “Discharge” means any substance disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means, intentionally or unintentionally, into community waters, the waters of the state, the waters of the United States, or any area draining directly or indirectly into the municipal storm water system of the City of Dickson.

15) “Drainage Easement” means a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes. Drainage easements must be recorded prior to approval of construction plans and start of construction.

16) “Erosion Prevention and Sediment Control (EPSC) Plan” means a plan that is designed by a licensed professional to minimize the accelerated erosion and sediment runoff at a site during construction activities. For the purposes of this regulation, professionals authorized to develop EPSC plans are those allowed by the State of Tennessee.

17) “Hotspot” means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

18) “Hydrologic Soil Group (HSG)” means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

19) “Illicit Discharge” means any substance discharged into the storm water facilities of the City of Dickson, or waters of the U.S., that is either prohibited or not specifically permitted under Section 12-803 of this ordinance.

20) “Impervious Cover” means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

21) “Industrial Storm Water Permit” means an National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies on-site pollution control strategies.

22) “Infiltration” means the process of percolating storm water into the subsoil.

23) "Infiltration Facility” means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

24) “Jurisdictional Wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, and meets all three criteria for designation as a wetland.
25) “Land Disturbance Activity” means any activity which alters the surface characteristics of the ground or changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, construction of buildings, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

26) “Landowner” means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

27) “Maintenance Agreement" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices. All developments within the City of Dickson shall have in place agreements or restrictive covenants that require the beneficial owners or users of the development to maintain storm water facilities that regulate the discharge of storm water or treat storm water. The City of Dickson shall not be named as the maintenance agency for storm water detention or treatment facilities.

28) “Municipal Separate Storm Sewer System (MS4) of the City of Dickson” means a conveyance, or system of conveyances (including roads with drainage systems, city streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) designed or used for collecting and conveying storm water; provided, however that sanitary and combined sewers are not included in the definition of the municipal separate storm sewer system.

29) “Non-Point Source Pollution” means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

30) “Non-Storm Water Discharge” means any discharge to the municipal separate storm sewer system except as permitted by this ordinance.

31) “Off-Site Facility” means a storm water management measure located outside the subject property boundary described in the permit application for land development activity. Agreements, easements and maintenance agreements shall be in place before a development is considered for approval.

32) “On-Site Facility” means a storm water management measure located within the subject property boundary described in the permit application for land development activity.

33) “Recharge” means the replenishment of underground water reserves.

34) “Redevelopment” means any construction, alteration, or improvement exceeding 10,000 square feet in areas where existing land use is high density commercial, industrial, institutional

35) or multi-family residential, or the demolition of existing site features for the purpose of constructing new site features.

36) “Responsible Official” means the Mayor of the City of Dickson, or his designee.

37) “Stop Work Order” means an order issued which requires that all construction activity on a site be stopped until the conditions of the stop work order have been satisfied and approved by the Building Official.

38) “Storm Water Committee” means the panel appointed by the City of Dickson to hear storm water issues, and empowered by the City of Dickson to make rulings in matters brought before the committee, or to make recommendations to the Planning Commission and City Council, as applicable.

39) “Storm Water Coordinator” means the City official tasked with the day-to-day management of the storm water program. The duties of this office may be assigned to the Building Official, or may be assigned to personnel reporting to the Building Official.

40) “Storm Water Management” means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

41) Storm Water Management Plan (SWMP) - A document approved at the site design phase that outlines the measures and practices used to control storm water runoff at a site.

42) Storm Water Pollution Prevention Plan (SWPPP) - A document prepared during the design phase that outlines the measures and practices used to prevent storm water pollution during the construction phase of the project.

43) “Storm Water Retrofit” means a storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

44) "Storm Water Runoff" means flow on the surface of the ground, or collected in natural or manmade channels, resulting from precipitation.

45) “Storm Water Treatment Practices (STPs)” means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing

or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

46) "Stream Buffer Zone" means the area adjacent to the stream bank, measured perpendicular to the bank, intended to remain undisturbed by development, logging, under brushing or other land disturbance activities. In the City of Dickson, the stream buffer zone extends 30 feet from each bank of all streams, unless the requirements imposed by the Tennessee Department of Environment and Conservation call for larger zones for an individual stream.

47) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water. For the purposes of this ordinance, the assumption is made that any natural watercourse that conveys flow for any duration during any frequency storm is classified as a stream unless otherwise classified in writing by the Tennessee Department of Environment and Conservation.

48) "Water Quality Volume (WQv)" is the volume of stormwater runoff to be captured and treated per the recommended design methods in this ordinance. Numerically (WQv) will vary as a function of long-term rainfall statistical data.

49) "Waters of the State" means any water, surface or underground, lying within or forming a part of the boundaries of the City of Dickson, over which the State of Tennessee, through the Tennessee Department of Environment and Conservation, exercises primary control with respect to storm water permits. (Ord. #1499, Oct. 2021)

18-803. Illicit Discharges.

(1) Except as hereinafter provided, all non-storm water discharges into community waters, the waters of the state, or the municipal separate storm sewer system of the City of Dickson are prohibited and declared to be unlawful. This includes lawn trimmings from residential and commercial areas being blown into City streets and washed down the storm sewer systems.

(2) Unless the Responsible Official has identified them as a source of contaminants to community waters, the waters of the state, or the municipal separate storm sewer system of the City of Dickson, the following discharges are permitted:

A. Storm water as defined in TCA Section 68-221-1102(5);

B. Water line flushing;

C. Landscape irrigation;

D. Diverted stream flows under appropriate permits;

E. Rising ground waters;

F. Uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to separate storm sewers;

G. Uncontaminated pumped groundwater;

H. Discharges from potable water sources;

I. Foundation drains;

J. Air conditioner condensate;

K. Irrigation water;

L. Springs;

M. Water from crawlspace pumps;

N. Footing drains;

O. Lawn watering;

P. Individual residential car washing;

Q. Flows from riparian habitats and wetlands;

R. Dechlorinated swimming pool discharges;

S. Street wash waters resulting from normal street cleaning operations;

T. Discharges or flows from emergency firefighting activities.

(3) The Responsible Official shall have authority to implement this section by appropriate regulations. Such regulations may include, but are not limited to, provisions for inspection of points of origin of known or suspected non-permitted discharges by appropriate personnel of the City of Dickson.

(4) Discharges pursuant to a valid and effective NPDES permit issued by the State of Tennessee are not prohibited by this section.

(5) The provisions of this section shall not apply to sanitary or combined sewers, which are governed by other statutes.

(6) Violation of this section shall subject the violator to a civil penalty of not less than fifty dollars per day for each violation. Penalties may be assessed up to the maximum allowed under TCA 68-221-1106. Each day of violation may constitute a separate violation.

(7) The City of Dickson utilizes an illicit discharge detection and elimination program, which consists of the City of Dickson Stormwater coordinator performing site visits and other inspections throughout the City, as well as an open line policy for someone to report any illicit discharges which they feel are unlawful in the corporate limits of Dickson. Upon notice of an illicit discharge, the City of Dickson shall take appropriate actions to ensure the illicit discharge source is corrected by the property owner or responsible party. The Enforcement Response Plan shall be used to ensure the problem is corrected.
(8) Illicit discharges also refer to the unlawful disposal of solid wastes. The City of Dickson utilizes City officials and resident support to detect, identify and eliminate non-stormwater discharges, including illegal disposal, throughout the City's MS4 system. (Ord. #1499, Oct. 2021)

18-804. Objectives, Policy, and Stormwater Design.
(1) Objectives. The objectives of this ordinance are pursuant to the small MS4 permit issued by the state to the city and are as follows:

(a) To protect human life and health.

(b) To minimize the need for rescue and relief efforts associated with flooding.

(c) To eliminate any non-allowable discharges to the city's MS4 that impact water quality or quantity.

(d) 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 maximize the beneficial use without increasing flood hazard potential or diminishing the quality of the natural stormwater resources.

(e) To minimize prolonged business interruptions.

(f) To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sanitary sewer lines; and streets, bridges, and culverts located in floodplains.

(g) To ensure a functional public and private stormwater quantity and quality management system that will not result in excessive maintenance costs.

(h) To encourage the use of natural and aesthetically pleasing design that maximizes preservation of natural areas.

(i) To guide the construction of stormwater management facilities by developing comprehensive master plans to address stormwater quantity and quality.

(j) To encourage preservation of floodplains, floodways, and open spaces to protect and benefit the community's quality of life and natural resources.

(2) General Drainage. General drainage reference items of note are as follows:

(i) Stormwater discharges shall be separate from the sanitary sewer system. Cross connection between the storm sewer system and sanitary sewer shall be prohibited.

(ii) All surface water drainage facilities, whether by pipe or open ditch, shall be approved by the City Engineer. Under no circumstances shall a site be graded or drained to in such way as to increase surface runoff to sinkholes, dry wells, or drainage wells.

(iii)The City of Dickson accepts only drainage infrastructure located within city owned Right-of-Way or accepted drainage easements. All other infrastructure shall be the responsibility of the property owner or developer. All locations and sizes of culverts or other structures to be constructed to provide stormwater drainage shall be approved by the City Engineer.

(iv)All new drainage culverts or structures, whether installed by the City of Dickson or by private forces, shall be at the expense of the property owner.

(v) The designer shall submit a completed Hydrologic & Hydraulic Check List to the City Engineer. Design checklist may be found in Appendix C.

(vi)All constructed storm water facilities and conveyances such as storm sewer systems, drainage ditches, and swales, shall be within a dedicated drainage easement. Stormwater infrastructure within this easement shall be the responsibility of the owner or developer, and all maintenance requirements shall be included within the BMP maintenance agreement for the site. In the event the property is transferred or sold, these maintenance responsibilities shall be transferred to the new owner or developer. Maintenance responsibilities shall include sediment removal, mowing, repairs, or replacement as needed.

(vii) Discharge into the 100-year floodplain shall not constitute grounds for waiver from the requirements of this ordinance.

(viii) As an MS4, the City operates its stormwater program under the provisions contained in their most current NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems. All developments within the City of Dickson shall comply with the mandatory provisions contained in that document, any and all provisions in the most current adopted building codes pertaining to grading, drainage, stormwater, etc.

(ix)The stormwater appeals board may grant a variance request from the requirements of this title, provided to do so would not result in the violation of any state or federal law or regulation and if exceptional circumstances applicable to the site exist such that strict adherence to the provisions to this title will result in unnecessary hardship and will not result in a condition contrary to the intent of the title.

(x) Priority sites shall be those that fall within the contributing drainage area of a non-supporting (impaired) or exceptional stream. In addition, priority sites shall be those deemed by the City of Dickson to fall within high density developed areas and sites that disturb greater than, or equal to, three (3) acres of land during construction.

(3) Implementation. To implement the objectives presented above, the following standards and general policy statements shall be enforced:

(a) Permits. All new development and significant redevelopment under the jurisdiction of this chapter shall obtain a stormwater management and/or grading permit. If site disturbance is over 1 acre, is part of a larger common plan of development such as a subdivision, or is required to have lot level coverage, the applicant shall submit a stormwater management plan to the City and obtain a Notice of Coverage through the Tennessee Department of Environment and Conservation (TDEC).

(i) The City Engineer shall issue a grading and stormwater management permit for stormwater management plans that meet the guidelines of this ordinance and any other provision given authority under section 18-806 of this title. Application for a permit shall be accompanied by a fee as specified in this ordinance. Approved plans shall be stamped by the city, and all plans used on-site during construction shall bear this approval stamp. Any revisions made to the approved stamped plans shall be re-submitted to the city for additional review.

(ii) Technical, administrative, or procedural matters may be modified as needed to meet the objectives and policies defined in this title, so long as such modifications as to technical, administrative, or procedural matters are not contrary or beyond the intent of the objectives and policies of this title.

(iii)Approved permits shall be displayed in a conspicuous location on all active construction sites.

(iv)A pre-construction meeting with the City Engineer and City Planning and Zoning staff shall be held with construction site operators prior to the issuance of a grading and/or stormwater permit.

(v) Prior to the issuance of the stormwater and / or grading permit, the contractor shall coordinate with the city's stormwater coordinator for the installation of initial phase erosion prevention and sediment control measures. After installation of these initial measures, the contractor or developer shall request inspection from the city and if approved, the grading permit will be issued.

(b) Stormwater Plan Submittal Requirements. All new development and re-development under the jurisdiction of this ordinance shall be required to submit and have approval of all construction plans and provide the NOC and SWPPP if applicable prior to the issuance of a stormwater and/or grading permit. The City Engineer reserves the right to request additional information as needed to conduct a project review.

(i) An engineer shall stamp all proposed plans and calculations for construction in the city. This shall include all proposed improvements or modifications to the existing or new stormwater infrastructure, erosion prevention and sediment control practices, and other related improvements or modifications. Such plans shall be prepared for each development proposal of industrial property, commercial property, or residential subdivision.

(ii) All submittals shall include necessary stormwater design calculations for water quantity and quality, separate drainage maps for site hydrology, water quality, and stormwater infrastructure such as storm sewer, catch basins, or curb cuts. Additional information may be requested by the City Engineer. Drainage maps shall be in color based upon land use and curve number values used, and site outfalls shall be shown.

(iii)Stormwater calculations for site hydrology, water quality, and storm systems shall be provided along with a summary narrative describing the design process, assumptions made, or other pertinent information to assist with the review.

(iv)A summary table of pre-developed and post-developed peak flows shall be provided for the 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year storms.

(v) New construction and re-development shall not aggravate upstream or downstream flooding. The City Engineer may request analysis of upstream or downstream structures within one flow mile of the development.

(vi)As an MS4, the City operates its storm water program under the provisions contained in their most current – NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems. All developments within the City of Dickson shall comply with the mandatory provisions contained in that document.

(vii) The city may require maintenance or modification of stormwater management practices that are not operating within the guidelines established by this ordinance, as determined by the City Engineer.

(viii) The stormwater grading permit review fee for any land development application shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established by the City of Dickson. All of the monetary contributions shall be credited to a local budgetary category to support local plan review, inspection and program administration, and shall be made prior to the issuance of any permit for the development. Plan revisions made after initial approval will require re-submittal to the City and payment of an additional review fee. Revision submittals will be categorized by size as determined by the City Engineer. Categories and fees are as follows; Minor revision, $50.00; Medium revision $100.00; Major revisions will require the full review payments as described above.

(ix)In the event that submittals fail to be approved on technical grounds on two subsequent submittal attempts, the developer shall be required to pay an additional review fee in the

amount of the original fee in order to receive further consideration. This process shall continue until either the site achieves approval or the proposal is withdrawn.

(x) Prior to project closeout, the developer shall submit a Long-Term BMP Maintenance Agreement for all stormwater infrastructure on the site.

(c) Peak Runoff Control. Peak runoff control facilities for new development and re-development shall be designed to address the rate at which flow is released over the entire runoff discharge period and the volume of runoff over the critical design-storm period. This shall be applied for the 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year storm, 24-hour storm peak discharge rate not to exceed the pre-development (or undisturbed natural conditions) discharge rate. This applies to any and all outfalls or sub-outfalls of the site.
(i) Calculation of peak runoff flow. Acceptable methodologies for computing pre- and post-development peak flows shall include the rational method (small drainage areas) or the USDA Technical Release Number 55 SCS Curve Number method.

(ii) For Time of Concentration computations, the max allowable length of sheet flow shall be 100 FT. The minimum Time of Concentration for design shall be 5 minutes for the rational method, or 0.1 hours for the SCS method.

(iii)Peak runoff flow requirements. If the total land disturbance is area is less than 50 percent of the property, then peak runoff control shall be required for the disturbed area only. If the total land disturbance area is greater than 50 percent of the property, then peak runoff control shall be required for the entire site area. The City Engineer may require the proposed development property be divided into multiple smaller watersheds for accurate pre- and post-development analysis based upon proposed topography and flow paths.

(iv)The City Engineer reserves the right to require re-development sites without existing detention be evaluated as natural undeveloped grassland conditions. This applies mainly to high density ad critical areas within the city.

(v) No more than 5 percent of the site can bypass water quality infrastructure unless pre-approved by the City Engineer.

(d) Stormwater Systems Design Requirements. New development and re-development shall meet a stormwater quantity level of service defined by:

(i) Minor stormwater systems such as storm sewer systems, conveyance channels, swales, or curb cuts shall be designed to convey the 25-year design storm runoff. Conveyances shall contain 6 inches minimum of freeboard above the specified design storm, and stormwater depth at inlets or curb cuts shall not exceed 3 inches. See previously mentioned design manuals for additional information.
(ii) Max allowable gutter spread for proposed roadways shall be limited to 6 feet for the 25-year design storm.

(iii)Roadway cross drains shall be designed to prevent overtopping of the roadway with 1 foot of freeboard during the occurrence of the 50-year, 24-hour storm, unless the cross drain conveys a stream, which shall require design for a 100-year, 24-hour storm without overtopping the roadway. All pipe culverts and storm sewer infrastructure within the City of Dickson right-of-way or dedicated easement shall be reinforced concrete unless otherwise approved by the City Engineer.

(iv)Detention ponds shall contain adequate storage volume to provide 1 foot of freeboard above the routed 100-year, 24-hour design storm water surface elevation. Emergency bypass for storm events larger than the 100-year, 24-hour design storm shall be provided.

(v) Dry detention ponds shall be graded with a minimum 2% slope to the proposed outlet location.

(vi)New development and re-development sites shall be designed to meet minimum water quality standards as mandated by this ordinance and the state MS4 permit requirements. The design storm is a 1-year, 24-hour storm event. The Water Quality Treatment Volume (WQTV) is a portion of the runoff generated from impervious surfaces at a project by the design storm, as set forth below. Stormwater Control Measures (SCMs) must be designed, at a minimum, to achieve an overall treatment efficiency of 80% TSS removal from the WQTV. The quantity of the WQTV depends on the type of treatment provided per settlement provided in Appendix B of this ordinance. The following table, as provided in the above-mentioned settlement agreement, establishes the WQTV for each treatment type. The designer may choose one of the following options from this table to implement for the development's water quality requirements. Peak runoff control shall also be provided in conjunction with the water quality requirements.

Water Quality Treatment Volume and the Corresponding SCM Treatment Type for the 1-year, 24-hour Design Storm

WQTVSCM Treatment Type Clarifications

Method 1: First 1 Inch of the Design Storm Infiltration, Evaporation, Transpiration, Reuse Considered the Runoff Reduction Method. Designer Shall follow Metro Nashville's Stormwater Management Manual Volume 5.

Method 2: First 1.25 Inches of the Design Storm Biologically Active Filtration, with an Underdrain Biologically Active Filtration Must Provide a Minimum of 12 Inches of Internal Water
Storage

Method 3: First 2.5 Inches of the Design Storm Sand or Gravel Filtration, Settling Ponds, Extended Detention Ponds, Wet Ponds Ponds Must Provide Forebays Comprising a Minimum of 10% of the Total Design Volume. Existing Regional Detention Ponds are not Subject to the Forebay Requirement. Design of this System Shall Follow Metro Nashville's

Stormwater Management Manual Volume 4 for Design Methods and Calculations, aside from the Required 2.5 Inch Design Storm Requirement Which Differs from the Volume 4 Requirement.

Method 4: Maximum Flowrate of the Design Storm Flow-Through Manufactured Treatment Devices e.g. Hydrodynamic Separators / Water Quality Units

The permanent Stormwater Management Program may allow for a reduction of the WQTV for a new development of re-development project up to 20% for any one of the following conditions, and up to a total of 50% for a combination of the following conditions per settlement agreement provided in Appendix B:

a. Redevelopment projects with an existing conditions Rv value of 40% or greater (including, but not limited to, brownfield redevelopment);

b. Vertical density (floor to area ratio of at least 2, or at least 18 units per acre); and

c. Incentives as identified by the permittee, submitted to the local TDEC environmental Field Office and approved by the division in writing, and documented in the Stormwater Management Plan.

Under no circumstances shall water quality requirements be waived for new or re-development. Criteria to determine the circumstances under which alternatives are available shall not be based solely on the difficulty or cost of implementing practices.

(e) Erosion Prevention and Sediment Control. All construction sites regardless of size or disturbed area shall follow proper EPSC practices to prevent and control unwarranted siltation and sediment from leaving the site. All construction sites receiving grading or stormwater permits from the City of Dickson shall be subject to the requirements outlined in the State of Tennessee's Construction General Permit, EPSC Handbook, and this ordinance (whichever is more stringent), including the following:

(i) Construction shall only be permitted after temporary or permanent EPSC management practices have been placed or constructed and are operational to the city's satisfaction, and a grading permit has been issued by the city.

(ii) The design storm for EPSC practices shall be as described in the Tennessee EPSC Handbook and consistent with the Tennessee Construction General Permit.

These shall be the 2-yr, 24-hr storm event for fully supporting streams or the 5 yr, 24-hr storm event for non-supporting or exceptional

(iii)The city may require more stringent EPSC practices on properties adjacent to water resources or within watersheds draining to non-supporting or impaired water resources.

(iv) Unwarranted acceleration of erosion or sedimentation, or transport of other pollutants or forms of pollution, due to various land development activities shall be controlled.

(v) If deemed appropriate, the city may require the addition, removal, or modification of EPSC measures and / or EPSC locations at any time during construction.

(vi) All dry detention ponds shall be sodded upon completion, and all Green Infrastructure Practices shall be landscaped as mandated in the Metro Volume 5 Stormwater Manual for Low Impact Development.

(vii) The city may impose enforcement actions as outlined in this ordinance if any site, development, or construction is found to be in violation of this ordinance or the State of Tennessee's Construction General Permit.

(viii) EPSC requirements shall apply to all development, including residential developments.

(ix) Priority sites will be visited by City staff for observation of outfalls and EPSC measures once a month at minimum. Any noted EPSC measure failures or sediment releases observed by the City will be reported to the contractor, and the contractor shall correct the noted deficiencies immediately.

(x) Twice weekly inspection reports, when required by coverage and under a construction general permit, shall be submitted to the Stormwater Coordinator on a weekly basis. Staff will make periodic visits to construction sites for observation of site outfalls and general EPSC measure conditions.

(xi) Sediment basin design and calculations must be provided for contributing drainage areas of 10 acres or more to fully supporting streams, or 5 acres or more to non-supporting or exceptional streams.

(f) Floodplain Alterations.

(i) Floodplain alterations or filling shall not cause a net decrease in flood storage capacity below the projected 100-year flood elevation unless it is shown that the proposed alteration or filling will not cause an increase in the high-water level, increase velocities, or aggravate flooding on other properties and will not unduly restrict flood flows. Detention / retention volumes within the floodplain shall count as fill if applied in a manner where floodplain storage is lost. All development within floodplains shall be reviewed by FEMA or by a Certified Floodplain Manager selected by the City at the developer's expense.

(g) Maintenance Responsibility.

(i) Any stormwater management facility or BMP which services individual property owners or subdivisions, including HOAs, shall be privately owned with general routine maintenance such as controlling vegetation, mowing, and removing debris provided for by the owners. The

owner shall follow the prepared maintenance agreement should one exists, and the owner shall maintain a perpetual, non-exclusive easement, which allows for inspection and other maintenance by the city. Maintenance completed by the city due to a lack of care by the owner shall be at the owner's expense.

(ii) Any stormwater management facility or BMP which services commercial or industrial development shall be privately owned and maintained consistent with the provisions of this ordinance. The city has the right, but not the duty to enter the premises for emergency repair through a perpetual nonexclusive easement. Maintenance or repairs completed by the city due to a lack of care by the owner shall be at the owner's expense.
(iii)See Section 18-809 for additional information.

(4) Green Infrastructure – Runoff Reduction Requirements. This section shall be effective for all new development and re-development under the jurisdiction of this title submitted for plan review if water quality design Method 1 above is chosen by the designer. Runoff reduction criteria shall be separate from peak runoff criteria mentioned above, and both shall be met for new and re-development.

(a) All new development and re-development that chooses to use Method 1 above shall utilize site design standards that reduce stormwater runoff volume through the use of green infrastructure practices (GIPs) which are designed to infiltrate, evapotranspire, and / or reuse rainwater. The GIPs shall be designed to reduce the volume of stormwater runoff using the runoff reduction method as detailed in the Metro Stormwater Management Manual Volume 5 for Low Impact Development, and in the current MS4 permit.

(b) Runoff reduction calculations shall be submitted using the Metro Nashville Low Impact Development tool found on the Metro Nashville Stormwater website.

(c) The City Engineer may not allow the use of Method 1 for runoff reduction / green infrastructure when certain site limitations exist. The determination shall be based on one or more of the following site limitations, and the alternative design requirements shall be as mandated by the City Engineer:

(i) Where the potential for introducing pollutants into groundwater exists unless pre-treatment is provided;

(ii) Where pre-existing soil contamination is present in areas subject to having contact with infiltrated runoff;

(iii)Where sinkholes or other karst features are present on the site (as determined by stamped Geotechnical report);

(iv)Where steep slopes are present and slope failure may occur (as determined by stamped Geotechnical report);

(v) Other site limitations as determined by the engineer;

(5) Performance Bond / Security.
(i) The City of Dickson shall, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved storm water management plan. The amount of the installation performance security shall be the total estimated construction cost of the storm water management practices approved under the permit. The performance security shall contain forfeiture provisions for failure to complete work specified in the storm water management plan, whether in manner of construction, timeliness of construction, or completeness, or failure of the features to perform as required. This amount may, at the City's sole discretion, be included in the amount of the Site Bond.

(ii) The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City of Dickson Planning, Zoning and Codes Department will make a final inspection of the stormwater practice to ensure that it follows the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages may be done at the discretion of the City of Dickson Planning Commission.

(6) As-Builts.
(i) All new development and re-development projects constructed under a grading permit issued by the city shall provide an As-Built survey of all stormwater infrastructure on the site along with As-Built stormwater calculations to corroborate the design submitted during the stormwater grading permit review process described above. (Ord. #1499, Oct. 2021)

18-805. Enforcement Response Plan. The City of Dickson shall use the following enforcement plan to ensure the effectiveness of stormwater practices and erosion and sedimentation controls throughout the City of Dickson during the duration of any construction activity and throughout the life of any permanent stormwater BMP. This plan outlines the City of Dickson's potential responses to violations and addresses repeat violations through progressive enforcement as needed to achieve compliance. Enforcement responses shall escalate where necessary to address persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm. The Enforcement Response Plan allows for the maximum penalties per day for each day of violation as specified in TCA 68-221-1106 ($50 - $5,000). The following list contains the appropriate actions for the City of Dickson Enforcement Response Plan:

(1) Failure to Maintain Practices
A. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City of Dickson, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the property / project in proper working condition. In the event that the storm water management project becomes a danger to public safety or public health, the City of Dickson shall notify the party responsible for

maintenance of the stormwater management project / facility in writing. Upon receipt (certified mail) of that notice, the responsible person shall have ten (10) to thirty (30) days to correct and repair noted violations of the property / project / facility in an approved manner. After proper notice, the City of Dickson may assess the owner(s) of the property / project / facility for the cost of repair work and any penalties; and the cost of the work shall be a recorded tax lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the City.

(2) Enforcement and Penalties.

B. Violations

ii. Any development activity that is commenced or is conducted contrary to this Ordinance may be restrained by injunction or otherwise abated in a manner provided by law.

C. Notice of Violation.

ii. When the City of Dickson determines that an activity is not being carried out in accordance with the requirements of this Ordinance, it shall issue a written notice of violation to the owner / developer / contractor of the property /project. The notice of violation shall contain:

1. the name and address of the owner or applicant;
2. the address when available or a description of the building, structure or land upon which the violation is occurring;
3. a statement specifying the nature of the violation;
4. a description of the remedial measures necessary to bring the development activity into compliance with this Ordinance, or condition to be corrected, and a time schedule for the completion of such remedial action;
5. a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
6. a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) calendar days to within (30) days of service of notice of violation. Violation Appeals will be heard by the City of Dickson Storm Water Committee (Ord. 1557 July 2024)
7. of service of notice of violation. Violation Appeals will be heard by the City of Dickson Storm Water Committee

D. Stop Work Orders

ii. Persons receiving a notice of violation shall also be given a Stop Work Order and will be required to halt all construction activities other than those required to correct the deficient condition. This “stop work order” will be in effect until the City of Dickson confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

E. Withholding of Plan Approvals or Other Authorizations

i. Whereas the property / project / facility / proper infrastructure is in non-compliance, and prior enforcements have been ineffective, the City of Dickson shall reserve the right to withhold plan approvals, certificates of occupancy, or other authorizations that the City deems necessary to ensure the violations are corrected.

a. Penalties

i. In addition to, or as an alternative to, any penalty provided herein or by law, any person who violates the provisions of this Ordinance shall be punished by a fine of not less than fifty Dollars ($50) per day, per violation, up to the maximum penalties allowed under TCA 68-221-1106, normally $5,000 per day, per violation.

Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

b. Restoration of lands

i. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City of Dickson may take necessary corrective action, the cost of which shall become a recorded lien upon the property until paid.

a. Additional Measures

i. The City of Dickson may also use other escalated measures provided under local legal authorities. The City of Dickson may perform the work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's site bond, a recorded lien, or directly billing the responsible party to pay for work and materials.

Violation notifications may come from the City Engineer, Stormwater Coordinator, Building Official, or any other TDEC Level 1 Certified City of Dickson employee. Violations may pertain to any number of issues, including but not limited to:

1. Failure to provide TDEC twice weekly inspection reports at the end of each work week.

2. Failure to perform required maintenance on erosion control devices within the TDEC mandated timeframe of 1 week from notice of failure.

3. Failure to modify / update the site SWPPP within the TDEC mandated 14 days of the directed erosion control measure addition or change as directed by a TDEC Level 1 inspector.

4. Failure to stabilize a given area within the TDEC mandated 14 days after work has ceased in that area, or within 7 days of work ceasing on a slope with a grade greater than 35 percent.

5. Repeated erosion and sedimentation control BMP failures.

6. Failure to maintenance stormwater BMP's such as ponds, water quality swales, etc… during the life of the construction project as well as the life of the BMP. Maintenance includes, but is not limited to, pond de-mucking, pond outlet structure maintenance such as removing trash / debris from standpipes and weirs to ensure proper flow, removing siltation from check dams, etc.

7. Sediment releases and illicit discharges from the site. All sediment releases from the site must be logged, recorded, and a notice given to TDEC by the site Level 1 inspector designated in the Notice of Coverage.

8. Failure to submit yearly inspection reports as required by the Site BMP Maintenance Agreements. (Ord. #1499, Oct. 2021)

18-806. Rule Making Authority

(1) The City Engineer shall have authority to implement this title by appropriate regulations, guidance, or other related materials. In this regard, technical, administrative, or procedural matters may be modified as needed to meet the objectives and policies defined above, so long as such modifications as to technical, administrative, or procedural matters are not contrary or beyond the intent of the objectives and policies defined above.

(2) Documents referenced may be updated periodically to reflect the most current and effective practices and shall be made available to the public. However, the failure to update the manual shall not relieve any applicant from the obligation to comply with the stormwater management ordinance (this title) and shall not prevent the City Engineer from imposing the most current and effective practices.

(3) Regulations, guidance, or other related materials that may be given authority by this title may include, but are not limited to, BMP manuals, stormwater management manuals, design regulations and requirements, submittal checklists, review checklists, inspection checklists, certifications, stormwater inspection manuals, and operation and maintenance manuals. The document(s) may include information deemed appropriate by the City Engineer, including guidance and specifications for the preparation of stormwater management plans, selecting environmentally sound practices for managing stormwater, minimum specifications and requirements, more complete definitions, and performance standards. (Ord. #1499, Oct. 2021)

18-807. Sinkholes.

(1) General. Under no circumstances shall a site be graded or drained in such a way as to increase surface runoff to sinkholes, dry wells, or drainage wells. (Ord. #1499, Oct. 2021)

18-808. Stream Buffer Zones

(1) The City of Dickson has established a buffer zone adjacent to all streams within its jurisdiction. It shall meet most current TDEC construction general permit requirements. The buffer zone shall extend a distance of thirty feet minimum from the top of bank on each side of the stream for fully supporting streams, regardless of the size of stream. For exceptional or non-supporting waters, the buffer shall be sixty feet from top of bank. The buffer zone shall not be disturbed during the course of development or the maintenance of the property after development. If the stream is designated as high quality or impaired, the buffer zone shall be as required by State regulations.

(2) In-stream disturbances shall not be permitted under any circumstance without an Aquatic Resources Alteration Permit issued by TDEC, and either a TVA 26A or USACE 404 permit. Failure to obtain these permits prior to disturbance shall constitute a violation of this ordinance.

(3) The requirements of this section shall not be misconstrued to imply a granting of permission to violate established state or federal regulations that may provide a higher standard. The more restrictive standard shall apply in all cases of conflict. (Ord. #1499, Oct. 2021)

18-809. Post-Construction Stormwater Facility Operation, Maintenance, and BMP Agreements

(1) Design

A. All stormwater BMPs shall be designed by an Engineer licensed in the State of Tennessee in a manner to minimize the need for maintenance, and reduce the chances of failure. In the absence of local design guidelines, published state standards and the standards of good engineering practice shall apply.

B. Stormwater easements and covenants shall be provided by the property owner for access for facility inspections and maintenance. The owner shall be responsible for all inspections and maintenance, to be accomplished at least twice per year unless specified more frequently during the development of the SWMP. Under the easement agreements, the City of Dickson shall be allowed access for periodic inspections for verification purposes. This shall not be interpreted that the City will accept maintenance responsibility for the facility. Maintenance responsibility for the facility will remain with the Owner / Developer / Homeowner's Association, as appropriate. Easements and covenants shall be recorded with the Dickson County Register of Deeds, with copies provided to the City of Dickson prior to the issuance of a permit.

C. Final design shall be approved the City Engineer and the City of Dickson Planning, Zoning and Codes Department.

(2) Routine Maintenance

A. All stormwater BMPs shall be maintained according to the measures outlined in the approved SWMP and as approved in the permit.

B. The person(s) or organization(s) responsible for maintenance shall be designated in the SWMP. Options include:

i. Property owner.

ii. Homeowner's association, provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements.

C. Maintenance agreements shall specify responsibilities for financing maintenance.

(3) Non-Routine Maintenance

A. Non-routine maintenance includes maintenance activities that are expensive but infrequent, such as pond dredging or major repairs to stormwater structures.

B. Non-routine maintenance shall be performed on an as-needed basis based on information gathered during regular inspections by the owner or city.

C. If non-routine maintenance activities are not completed in a timely manner, or as specified in the Plan, the City of Dickson may complete the necessary maintenance at the owner's / operator's expense, and such expenses may be assessed as a lien upon the property(s), or included with the annual tax bill.

(4) Inspections

A. The person(s) or organization(s) responsible for maintenance shall inspect stormwater BMPs on a regular basis, as outlined in the Plan, but in no case less than twice per calendar year and shall have at a minimum a Level 1 TDEC Certification.

B. Authorized representatives of the City of Dickson may enter at reasonable times to conduct on-site inspections for verification, or routine maintenance if the responsible party is in default with respect to performance of maintenance activities.

C. For BMPs maintained by the property owner or homeowner's association, inspection and maintenance reports shall be filed with the City of Dickson, as provided for in the Plan, no later than thirty days after each inspection occurs.

D. Owners / operators shall submit reports of maintenance / repair of BMPs to the City of Dickson within thirty days of the activity. If permits are required to conduct the activity, the Owner/operator shall obtain all permits prior to performing the maintenance activity.

E. Authorized representatives of the City of Dickson may conduct inspections to confirm the information in the reports filed under "C" and "D" above.

F. The BMP Maintenance Agreement is a recoded document at the county court house and shall be kept and maintained through-out the life of the development and shall be updated in the event of re-development or construction additions. The site referenced in the document will need to be inspected by a Certified TDEC Level 1 individual, and that report shall be submitted to the City of Dickson annually. (See Appendix H) (Ord. #1499, Oct. 2021)

TITLE 19
ELECTRICITY[1] AND GAS[2]

[RESERVED FOR FUTURE USE]

1Municipal code reference
Utility board to have jurisdiction over electrical system: title 2.

2Municipal code reference
Emergency assistance policy for gas department: title 20, chapter 4.

TITLE 20
MISCELLANEOUS

CHAPTER

1. UNION CEMETERY COMMITTEE.
2. FAIR HOUSING REGULATIONS.
3. BURGLARY AND ROBBERY ALARMS.
4. EMERGENCY ASSISTANCE POLICY.
5. UNIFORM NUMBERING SYSTEM.
6. TREE ORDINANCE.

CHAPTER 1
UNION CEMETERY COMMITTEE

SECTION

20-101. Creation and membership.
20-102. Powers and duties.
20-103. Permit required for excavation.
20-104. Sale of cemetery lots.

20-101. Creation and membership. The cemetery committee shall consist of three (3) members appointed by the mayor. Their terms shall be for a two (2) year period and shall be without compensation. (Ord. #944, Nov. 1996)

20-102. Powers and duties. The cemetery committee shall be charged with the following powers and duties:

1) Responsible to the city council for the direct and complete supervision of the cemeteries.

2) Establish reasonable rules and regulations that are conducive to the efficient operation of the cemeteries.

3) Recommends the price of lots, opening and closing fees and developer fees to the city council.

4) Ensures that proper entries are made in all permanent records.

5) Designates the custodian of all maps and deeds.

6) Designates the custodian of all cemetery funds. (Ord. #945, Nov. 1996)

20-103. Permit required for excavation. It shall be unlawful for any person or persons with the exception of City of Dickson employees, or their contract agent, to excavate or open any

grave within the Union or East Dickson cemeteries who has not received a permit from the cemetery committee. (Ord. #949, Nov. 1996)

20-104. Sale of cemetery lots.

1) Prices for cemetery lots owned by the City of Dickson, Tennessee, in the East Dickson Cemetery and Union Cemetery will be established by resolution.

2) The mayor is authorized to execute deeds to any grave or mausoleum space upon notification by the treasurer that the appropriate sum has been received.

3) The cemetery director shall maintain records of those lots available for sale. (Ord. #950, Nov. 1996)

CHAPTER 2
FAIR HOUSING REGULATIONS

SECTION

20-201. Definitions.
20-202. Purposes of law; effect.
20-203. Unlawful housing practices.
20-204. Blockbusting.
20-205. Exemptions from housing provisions.
20-206. Provisions for enforcement.
20-207. Agency no defense in proceeding against real estate dealer.
20-208. Establishment of procedures for conciliation.
20-209. Findings of hearing board; nature of affirmative action.
20-210. Investigation, powers, records.
20-211. Conspiracy to violate this chapter unlawful.
20-212. Effectiveness.

20-201. Definitions. Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

1) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

2) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

3) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, or sex, or the aiding, abetting, inciting, coercing, or compelling thereof.

4) "Hearing board" means that body of citizens duly appointed by the city council to hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

5) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot, or part thereof which is used or occupied as a home or residence of one (1) or more individuals.

6) "Real estate broker" or "affiliate broker" means an individual whether licensed or not who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or

holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these.

7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trust, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the city or county or any of its agencies, or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting, or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental, or lease of real estate; or an individual employed by or acting on behalf of any of these.

8) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above. (1995 Code)

20-202. Purposes of law; effect. The general purposes of this chapter are:

1) To provide for execution within the City of Dickson of the policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended.

2) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, or sex; thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city. Nothing contained in this chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin, or sex. (1995 Code)

20-203. Unlawful housing practices. It is an unlawful practice for a real estate owner or operator or for a real estate broker, affiliate broker, or any individual employed by or acting on behalf of any of these:

1) To refuse to sell, exchange, rent, lease, or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin, or sex;

2) To discriminate against an individual because of his or her race, color, religion, national origin, or sex in the terms, conditions, or privileges of this sale, exchange, rental, or lease of real property or in the furnishings of facilities or services in connection therewith;

3) To refuse to receive or transmit a bona fide offer to purchase, rent, or lease real property from an individual because of his or her race, color, religion, national origin, or sex;

4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, national origin, or sex;

5) To represent to an individual that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin, or sex;

6) To print, circulate, post, or mail or cause to be printed, circulated, posted, or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property, which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, national origin, or sex or an intent to make such a limitation, specification, or discrimination;

7) To offer, solicit, accept, use, or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin, or sex; or

8) Otherwise to deny to or withhold real property from an individual because of race, color, religion, national origin, or sex. (1995 Code)

20-204. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, an affiliate broker, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, or national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located; or

2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located. (1995 Code)

20-205. Exemptions from housing provisions.

1) Nothing in § 20-203 shall apply:

a) To the rental of housing accommodations in a building which contains housing accommodations for not more than four (4) families living independently of each other, if the owner or member of his family resides in one (1) of the housing accommodations;

b) To the rental of one (1) room or one (1) rooming unit in a housing accommodation by an individual if he or a member of his family resides therein;

c) To a landlord who refuses to rent to an unmarried male-female couple.

2) Nothing herein shall prevent a religious organization, association, society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, or national origin.

3) Single sex dormitories or congregate rental property shall be excluded from the provisions of this chapter which relate to discrimination based on sex. (1995 Code)

20-206. Provisions for enforcement. The city may sue in a civil act through a court of competent jurisdiction for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibiting injunctions. Any violation of this chapter may be punishable by a fine not to exceed fifty dollars ($50.00). (1995 Code, modified)

20-207. Agency no defense in proceeding against real estate dealer. It shall be no defense to a violation of this chapter by a real estate owner or operator, real estate broker, affiliate broker, a financial institution, or other person subject to the provisions of this section, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. (1995 Code)

20-208. Establishment of procedures for conciliation.
1) The city shall designate an agent(s) to investigate, make determinations of probable cause, and seek to conciliate apparent violations of this chapter. Conciliation efforts may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

2) The city council shall establish a hearing board which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties of a given charge of discrimination. Hearings by the board shall commence whenever the agent(s) acting on behalf of the city decides a conciliation failure has occurred and the respondent agrees to participate in the hearing board proceedings. Hearings open to the public may be initiated by the responding party at any time during the conciliation process. (1995 Code)

20-209. Findings of hearing board; nature of affirmative action.
1) If the hearing board determines that the respondent has not engaged in an unlawful practice, the board shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the

respondent, the city attorney, and such other public officers and persons as the board deems proper.

2) If the hearing board determines that the respondent has engaged in an unlawful practice, it shall state its findings of fact and conclusions of law and shall negotiate such affirmative action as in its judgment will carry out the purposes of this section. A copy of the findings shall be delivered to the respondent, the complainant, the city attorney, and such other public officials, officers, and persons as the board deems proper.

3) Affirmative action negotiated under this section may include, but not be limited to:

a) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent;

b) Reporting as to the manner of compliance;

c) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing board;

d) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual;

e) Payment to the complainant of damages for injury caused by an unlawful practice including compensation for humiliation and embarrassment, and expenses incurred by the complainant in obtaining alternative housing accommodation and for other costs actually incurred by the complainant as a direct result of such unlawful practice.

4) The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (1995 Code)

20-210. Investigations, powers, records.

1) In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records, and documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

2) Every person subject to this chapter shall make, keep, and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.

3) A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the hearing board for an exemption from the application of the regulational order. If the board finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (1995 Code)

20-211. Conspiracy to violate this chapter unlawful. It shall be an unlawful practice for a person, or for two (2) or more persons to conspire:

1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this chapter; or

2) To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this chapter; or

3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder; or

4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing board, or any of its members or representatives in the lawful performance of duty under this chapter. (1995 Code)

20-212. Effectiveness. This chapter shall cease to be effective upon receipt by the city of written notification from the United States Department of Housing and Urban Development (HUD) that HUD will not recognize this chapter, including any amendments thereto, to be substantially equivalent to the provisions of the Civil Rights Act of 1968 so as to require HUD to refer housing discrimination complaints to the City of Dickson, in accordance with federal law and regulations. (1995 Code)

CHAPTER 3
BURGLARY AND ROBBERY ALARMS

SECTION

20-301. Title and purpose.
20-302. Definitions.
20-303. Alarm users' permits required.
20-304. User instructions for use of alarm systems.
20-305. Automatic dialing device -- certain interconnections to the police department prohibited.
20-306. False alarms -- permit suspension.
20-307. Violations and penalty.

20-301. Title and purpose. This chapter shall be known as "The Burglary and Robbery Alarm Permit Ordinance." The purpose of this chapter is to protect the emergency services of the city from misuse.
This chapter will also set forth regulations governing burglary and robbery alarm systems, require permits, etc. (1995 Code)

20-302. Definitions.
1) "Alarm business" means the business by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed any alarm system in or on any building, structure, or facility.

2) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the presence of illegal entry or activity, requiring urgent attention and to which police are expected to respond.

3) "Alarm user" means the person, firm, partnership, association, corporation, company, or organization of any kind in control of a premise wherein an alarm system is maintained.

4) "Automatic dialing device" means a device which is interconnected to a regular telephone line and is programmed to select a particular phone number so that a pre-recorded voice message or code signal indicating the existence of a situation detected by an alarm system may be transmitted to the selected telephone number.

5) "False alarm" means an alarm signal necessitating response by the police when a situation requiring a response by the police does not, in fact, exist. This does not include an alarm signal caused by violent conditions of a nature or other circumstances not reasonably subject to control by the alarm business operator or alarm user.

6) "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for

the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

7) "Chief of police" means the individual designated by the city to issue permits and enforce the provisions of this chapter.

8) "The police department" is the facility used to receive emergency and general information from the public to be dispatched to the respective departments utilizing the center. (1995 Code)

20-303. Alarm users' permits required.

1) All users of alarm systems shall obtain an alarm user's permit from the chief of police on or after January 3, 1983, and thereafter must obtain a permit annually no later than the anniversary date of the permit obtained; however, all alarms that are not directly connected to the police department shall be exempt from paying the twelve dollar ($12.00) annual fee. Systems using robbery and burglary alarm capabilities will be required to obtain a permit for each function. Application for the burglary or robbery permit and a twelve dollar ($12.00) fee for each will be filed with the chief of police each year. Each permit shall bear the signature of the chief of police and be for a one (1) year period. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the chief of police or any law enforcement officer. A permit will not be issued unless the chief of police or his designated representative is satisfied that the system meets all reasonable standards for appropriate operation.

2) Suspended user's permits will also be obtainable from the chief of police by filing the required application and a one hundred dollar ($100.00) suspended permit fee. Each permit shall be physically upon the premises using the alarm system and available for inspection by the chief of police or any law enforcement officer.

3) A twenty-five dollar ($25.00) late charge will apply to users who fail to obtain a permit or users sixty (60) days delinquent in obtaining a new permit. (1995 Code)

20-304. User instructions for use of alarm systems.

1) Every alarm business selling or leasing to any user an alarm system which is installed on premises served by the police department shall furnish that person with instructions that provide adequate information to enable persons using such equipment to operate it properly and where to obtain service for the equipment at any time.

2) If the chief of police finds such information to be incomplete, or unclear, or inadequate, he may require the alarm business to revise the information to meet his approval, and then to distribute the revised information to alarm users. (1995 Code)

20-305. Automatic dialing device -- certain interconnections to the police department prohibited.

1) It is unlawful for any person to program an automatic dialing device to select a primary trunk line, the emergency 911 number.

2) It is unlawful for any person to program an automatic dialing device to any telephone line coming into the police department without first obtaining a permit from the city. (1995 Code)

20-306. False alarms -- permit suspension. Signals from an alarm system which are false hereby are declared to be a public nuisance and are subject to permit suspension as provided herein. Suspension of burglary protection equipment does not preclude the uses of robbery equipment, or vice versa. Separate records will be maintained for each function.

If the police department records show four (4) or more false alarms within one (1) year starting from the date of an alarm permit issued until it expires one (1) year later, the chief of police shall proceed to suspend the alarm user's permit. If a reasonable doubt exists as to the cause of a false alarm, the chief of police or coordinator shall resolve it in favor of the alarm user. The chief of police shall notify the alarm user and the alarm business providing service or inspection to the user by certified mail of such fact and direct that the user submit a report to the chief of police within fifteen (15) days of receipt of the notice describing efforts made or to be made to discover and eliminate the cause of the false alarms. The fifteen (15) days response time may be extended by the chief of police upon reasonable cause shown.

If the alarm user submits a report as directed, the chief of police shall determine if the action taken has or will substantially reduce the likelihood of false alarms.

If the chief of police determines that the action taken will satisfy the requirement, he shall give notice to the alarm user thereof; however, should one (1) more false alarm occur within the permit year, the chief of police may proceed with suspension of the user's permit as in the case of an unsatisfactory report.

If the chief of police determines that the report will not satisfy the requirement, he shall give notice thereof to the alarm user and set a date for a hearing.

Upon receipt of a notice of a hearing to revoke or suspend an alarm user's permit pursuant to this section, the alarm user may submit written information setting forth the reason that his permit should not be suspended.

Written notice of the time and place of the hearing shall be served on the user by the chief of police by certified mail at least ten (10) days prior to the date set for the hearing.

At the hearing before the chief of police or his designated representative and a hearing officer, the user, or his authorized representative, shall have the right to present evidence on his own behalf. After the hearing, if the chief of police determines that the false alarms have occurred, he may issue an order suspending the user's permit until such time that he is satisfied that the

cause, or causes, of the false alarms have been eliminated to protect the emergency response capability of the police department.

Upon an order by the chief of police that an alarm user's permit be suspended, a copy of said order shall be forwarded to the city attorney to proceed with legal proceedings to abate the alarm system as a public nuisance if use is not immediately suspended.

A user whose permit has been suspended is not precluded under this section from reapplying for a suspended user's permit as outlined in § 20-303. The chief of police, however, is not required to reinstate the user's permit unless he is satisfied that the alarm user's system has been properly serviced and its deficiencies corrected. The chief of police may impose reasonable restrictions and conditions before issuing a suspended user's permit.

The suspended user's permit shall be required for a one (1) year period. During the one (1) year period, if the police department does not record in excess of four (4) alarms, a suspended user's permit will not be required after the one year period. (1995 Code)

20-307. Violations and penalty. Each alarm user or presiding officer, if the user is not an individual, shall be responsible for violations of this chapter. (1995 Code)

CHAPTER 4
EMERGENCY ASSISTANCE POLICY

SECTION

20-401. Policy and procedures.
20-402. Definitions.
20-403. Requesting assistance.
20-404. Responding to a request for emergency assistance.

20-401. Policy and procedures. Whereas, the City Council for the City of Dickson has previously authorized the water, gas, police and fire departments to establish policies and procedures to be used in requesting and responding to requests for emergency assistance; and, whereas, the water, gas, police and fire departments have adopted the following emergency assistance policy, now, therefore, be it ordained that the following emergency assistance policy as presented by the water, gas, police and fire departments is hereby approved.

The purpose of this document is to establish the policy and procedures that will govern the City of Dickson in the process of requesting emergency assistance of another local government or in responding to the request of another local government for emergency assistance.

The following sections establish the guidelines under which decisions and their extent of implementation will be made regarding emergency assistance. (1995 Code)

20-402. Definitions.

1) "Appropriate senior officer" shall mean the police chief or the fire chief or their respective officer in charge. For departments other than law enforcement or fire services the mayor or the person in charge of the particular service area shall be the appropriate senior officer.

2) "Emergency assistance" as defined in the Local Government Emergency Assistance Act of 1987 shall mean firefighting assistance, law enforcement assistance, public works assistance, emergency medical assistance, civil defense assistance, or other emergency assistance provided by local government or any combination or all of these requested by a local government in an emergency situation in which the resources of the requesting local government are not adequate to handle the emergency.

3) "Local government" shall mean any incorporated city or town, any county, metropolitan government, county, utility district, metropolitan airport authority, or other regional district or authority.

4) "Requesting party" means a local government which requests emergency assistance.

5) "Responding party" means a local government which responds to a request for emergency assistance. (1995 Code)

20-403. Requesting assistance.

1) All requests for emergency assistance made on behalf of the City of Dickson shall be made or authorized by the appropriate senior officer. The City of Dickson through its appropriate

senior officer, in accordance with the provisions of the Local Government Emergency Assistance Act of 1987, will be in full command of its emergency as to strategy, tactics, and overall direction of the operation and shall direct the actions of the responding party by relaying orders to the senior officer in command of the responding party.

2) The City of Dickson accepts liability for damages or injuries, as defined in Tennessee Code Annotated, § 29-20-101, et seq., caused by the negligence of its employees or the employees including authorized volunteers of a responding party while under the command of the senior officer of the City of Dickson. However, the City of Dickson does not accept liability for damages to the equipment or personnel including authorized volunteers of a responding party, noris the City of Dickson liable for any damages caused by the negligence of the personnel of the responding party while en route to or returning from the scene of the emergency.

3) The City of Dickson acknowledges that any party from whom assistance is requested has no duty to respond nor does it have any duty to stay at the scene of the emergency and may depart at its discretion. (1995 Code)

20-404. Responding to a request for emergency assistance.

1) The City of Dickson will respond to calls for emergency assistance only upon request for such assistance made by the appropriate senior officer on duty for the requesting city. All requests for emergency assistance shall be made only to the appropriate senior officer in charge of the particular service area for which services are requested.

2) Upon the receipt of a request for aid as provided for in the preceding subsection the city is authorized to respond as follows:

a) The city is authorized to provide at least one (1) piece of equipment and (1) person or crew from that particular service area from which emergency assistance is requested.

b) The greatest response that the City of Dickson will provide is fifty percent (50%) of the personnel and resources of that particular service for which emergency assistance is requested.

3) The City of Dickson has no duty to respond to a request and will reject a request for emergency assistance or will depart from the scene of the emergency based upon the discretionary judgment of the appropriate senior officer in command at the scene of the emergency or the appropriate senior officer for that service for the City of Dickson. In cases where two (2) or more requests for emergency assistance are made at the same time, the appropriate senior officer of the City of Dickson shall determine, based upon a reasonable appraisal of the emergencies of the requesting jurisdictions, how best to respond to the requests. The appropriate senior officer may determine to send all available resources to the jurisdiction with the most dire emergency, or may send some resources to each requesting jurisdiction.

4) The City of Dickson accepts full liability, as defined in Tennessee Code Annotated, § 29-20-101, et seq., for any damages to its equipment and personnel in responding to a request for

emergency assistance and for damages caused by its equipment or personnel while en route to or returning from the scene of the emergency. However, the City of Dickson shall not be liable for any property damage or bodily injury at the actual scene of any emergency due to actions which are performed in responding to a request for emergency assistance.

5) The personnel of the City of Dickson shall have extended to any geographic area necessary as a result of a request for emergency assistance the same jurisdiction, authority, rights, privileges, and immunities, including coverage under the workers' compensation laws, which they have in the City of Dickson. (1995 Code)

CHAPTER 5
UNIFORM NUMBERING SYSTEM

SECTION

20-501. Each structure to have designated number to be posted and maintained.

20-501. Each structure to have designated number to be posted and maintained. Each building or structure, whether public or private, shall have a number designated to it, consistent with the uniform system of addressing established by the Dickson County Emergency Communications Board and these numbers shall be posted, exhibited and maintained. (Ord. #934, May 1996)

CHAPTER 6
TREE ORDINANCE

SECTION

20-601. Purpose and intent.
20-602. Definitions.
20-603. Tree committee.
20-604. Tree planting.
20-605. Tree protection.
20-606. Activities of developers.
20-607. Mostly highly recommended street and yard tree for Middle Tennessee as recommended by State of Tennessee Forestry Division.
20-608. Tree maintenance.

20-601. Purpose and intent.

1) The purpose of this ordinance is to promote the health, safety, and public welfare in the City of Dickson, and consistent with urban forestry policy and practice for urban areas promulgated by the Division of Forestry of the State of Tennessee:

a) To encourage the planting of trees in the City of Dickson;

b) To encourage the maintenance and protection of existing trees; and

c) To encourage the removal of undesirable or diseased trees.

2) The standards herein are hereby established in order to lessen air pollution, to promote clean air quality by increasing dust filtration, to reduce noise, heat, and glare, to prevent soil erosion, to improve surface drainage and minimize flooding, to ensure that activities in one area do not adversely affect activities within adjacent areas, to emphasize the importance of trees as a visual screen, to beautify and enhance improved and undeveloped land, to maintain the ambience of the city, to ensure that tree planting and removal does not reduce property values, and to minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters. (Ord. #1289, Dec. 2010)

20-602. Definitions. Except where the context otherwise requires, the definitions contained in this section shall govern the construction of this ordinance.

1) "Adjusted Caliper Inches (ACI)." The number value resulting from the multiplication of the tree value factor times the actual measured caliper inches of trees in each respective category of trees.

2) "Caliper inches." For trees larger than four inches (4"), the quantity in inches of the diameter of a tree measured one foot (1') above the ground. For trees smaller than four inches (4"), the quantity of the diameter of a tree measure six inches (6") above the ground.

3) "Conifer tree." Any tree with needle leaves and a woody cone fruit.
4) "Category I Trees." Broad-leaf evergreen overstory, selected hardwoods, and endangered species - Tree value factor = 1.0.

5) "Category II Trees." Some deciduous overstory hardwoods, selected cone-bearing evergreens - Tree value factor= 0.75.

6) "Category III Trees." Some deciduous overstory hardwoods, some cone-bearing evergreens – Tree value factor= 0.5.

7) "Deciduous tree." Any tree which sheds its leaves in the fall or winter.

8) "Developer." A builder, in the private sector, who plans and builds commercial or residential property to specification.

9) "Drip line." A vertical line extending from the outermost portion of a tree to the ground.

10) "Endangered species." Those trees are under the protection of state and/or federal law.

11) "Evergreen." Those trees, including broad-leaf and conifer trees that maintain their leaves year 'round.

12) "Line clearance." Removal of limbs and branches within a set distance of utility lines.

13) "Non-development activity." Any alteration of the natural environment which does not require development plan approval, but which would include the proposed removal or destruction of any tree affected by this ordinance.

14) "Private tree." Any tree in an area owned by a private individual, business, company, industry, or institution, or in any area not owned by a governmental entity.

15) "Protected tree." Any tree in Category I which is six (6) caliper inches or larger, any tree in Category II which is ten (10) caliper inches or larger, and any tree in Category III which is eighteen (18) caliper inches or larger, as listed in Appendix A, as attached hereto.

16) "Pruning." Selective removal of the upper portions of any tree, taking into account the natural shape and structure of the tree.

17) "Public tree." Any tree in an area owned or maintained by the City of Dickson.

18) "Replacement tree." Any tree being planted on a site to replace a tree which has been removed or destroyed for any reason.

19) "Supplemental tree." Any tree being planted on a site which is in addition to existing trees and replacement trees.

20) "Topping." The non-selective removal of the top portions of any tree without regard to the natural shape and structure of the tree.

21) "Tree." Any living, self-supporting woody or fibrous plant which is a conifer, evergreen, deciduous, or ornamental, as defined herein.

22) "Tree value factor." The numerical value assigned to each tree category that represents the importance of that category of trees with respect to visual buffering, growth characteristics, native species, and aesthetics. The tree value factor for trees in Category I is 1.0; Category II - 0.75; and for Category III - 0.5. The Tree Value Factor for all existing protected trees on a development site, regardless of category - 1.0. The tree value factor for all trees in screen areas - 1.0. (Ord. #1289, Dec. 2010)

20-603. Tree committee.

1) Creation of the tree management and beautification board. The creation, purpose, term of office, operation, and compensation of the tree management and beautification board adopted as outlined and defined in chapter 3, §§ 2-301 through 2-306 in the City of Dickson Municipal Code.

2) Duties and responsibilities. The duties of the tree board shall include, but not be limited to the following:

a) Plant trees.

b) Consult on a tree plan for the community, if requested.

c) Coordinate tree-related activities.

d) Acquire, hand out trees to fourth graders in Dickson County in observance of Arbor Day.

e) Provide tree information to the community, as requested.

f) Maintain a recommended tree list for the community.

g) Recognize groups and individuals completing tree projects.

h) Coordinate publicity concerning trees and tree programs.

i) Coordinate donations of trees or money to purchase trees. This may include fundraisers.

j) Adopt rules and regulations pertaining to the tree program.

k) Provide oversight of the Dickson Community Nature Trail/Certified Buckner Park Arboretum.

3) Compensation. Members of the tree board shall serve with compensation as approved by the city council. (Ord. #1289, Dec. 2010)

20-604. Tree planting.

1) Public trees. If the city undertakes to plant trees in any public area, the city may conduct with the tree board to provide systematic maintenance to assure diversity of age, classes, and species.

2) Private trees. Planting of trees on private property is encouraged, especially in areas where the public may have an extraordinary interest. The tree board will provide information about species, planting techniques, and placement guidelines when requested by residents.

3) Replacement trees. The tree board shall in the normal course of its recommendation process, suggest the planting of public trees or private trees to replace trees which have been removed, destroyed, or severely damaged, except that in no case shall replacement trees be required in excess of the minimum ACI density established in section "activities of developers" listed below of this ordinance.

4) Supplemental trees. The planning commission shall, in the normal course of its approval process, recommend the planting of private trees to supplement the trees on any site proposed for development, except that in no case shall supplement trees be required in excess of the minimum ACI density established in section "activities of developers" listed below of this ordinance.

5) Prohibited plantings. It shall be discouraged for any person to plant trees as follows:

a) Within any recorded sewer or water easement: Any species prone to clogging water or sewer lines with roots, including, but not limited to: Poplar, Box Elder, Silver Maple, American Elm, Catalpa, Siberian Elm, Cottonwood, Black Walnut, and Weeping Willow.

b) Within any recorded easement for overhead electric or telephone lines: Any species known to reach a mature height greater than twenty feet (20').

c) On any public lands: Any species known to be undesirable, weak, short-lived, disease prone, or to belong to an overpopulation of its species, including, but not limited to: Box Elder (female), Silver Maple, Hackberry, American Elm, Osage Orange (female), Cottonwood (except hybrids), Bradford Pears and Royal Paulonia (Empress Tree). (Ord. #1289, Dec. 2010)

20-605. Tree protection.

1) Public trees. It shall be unlawful for any person other than authorized city personnel to remove or cause to be removed any public tree or other woody plant whether such plants are trees as defined herein, or small flora which are part of the understory, shrub layer, or herb

layer, or any size or of any species without first obtaining the recommendation of the tree board and the approval of the mayor or his/her designee.

2) Other private flora. Consistent with the expressed purpose of this ordinance, all persons are encouraged to make reasonable efforts to preserve and retain on all private lands any existing woody plants, whether such plants are trees as defined herein, or smaller flora which are part of the understory, shrub layer, or herb layer. (Ord. #1289, Dec. 2010)

20-606. Activities of developers.

1) Protected trees. Developers shall indicate on site plans submitted to the planning commission for approval, the location of protected tress, as defined herein, which are proposed to be destroyed during the course of development. The planning commission may, at its option, do any or all of the following:

a) Encourage that any protected tree(s) that is destroyed be replaced according to the provisions of § 20-604 "tree planting" of this chapter.

b) Encourage that the site plan be altered so as to preserve any protected tree(s).

c) Encourage that developer transplant any protected tree(s) to another location on the site.

d) The tree board suggests that any of the following trees be planted as public or private trees. (Ord. #1289, Dec. 2010)

20-607. Most highly recommended street and yard trees for Middle Tennessee as recommended by State of Tennessee Forestry Division.

1) Small trees (15'-25').
a) American Smoke Tree (Cotinus obovatus).
b) Serviceberry.
c) Crape myrtle.
d) Crabapple.
e) Redbud.
f) Amur Maakia.
g) Globe Norway maple.
h) Wireless Zelkova.
i) Tatarian maple.
j) Fragrant epaulette tree.
2) Mid-sized trees (25'-40').
a) Overcup oak.
b) Chalk maple.
c) American hophornbeam.
d) Persimmon.
e) Chinese pistache.
f) Lacebark elm.

g) Goldenrain tree.
h) Turkish filbert.
3) Large trees (> 40').
a) American elm, resistant.
b) Black maple.
c) Swamp white oak.
d) Bur oak.
e) Willow oak.
f) Ginkgo.
g) Hardy rubber tree.
h) Japanese Zelkova.
Note: columnar (fastigiate) varieties are available for several species where horizontal space is quite limited. (Ord. #1289, Dec. 2010)

20-608. Tree maintenance.
1) Public trees. The City of Dickson shall be responsible for pruning, watering, fertilizing, insect and disease control, and other tree care to keep all public trees reasonably healthy and minimize the risk of hazard to residents and visitors to the city.

2) Private trees. Care and maintenance of private trees are encouraged to minimize health and safety risks to people. The City of Dickson may remove, prune, fertilize, water, or otherwise treat with insecticides, fungicides, herbicides, or other means, any private tree which overhangs any public right-of-way, comes in contact with overhead utility lines, creates any traffic hazard by restricting visibility, or poses a health risk to other plants, animals, or persons by disease or insect infestation.

3) Pruning. Proper pruning with branch removal at branch or trunk junctures is required for all public trees, and strongly encouraged for all private trees. The practice of tree topping is discouraged on public trees and strongly discouraged on private trees.

4) Hazardous trees. Trees standing on public land or standing on private land adjacent to any public land that are designated hazardous trees by the city may be removed or repaired (by means of trimming, pruning, or treating) if the public works director or his/her designee determines the removal or repair is necessary to protect the public health and safety. If the hazardous tree is on private land, the public works director or his/her designee may notify the owner of the private land in writing of said risk and request the removal or repair of the hazardous tree within a prescribed period of time.

If the owner of the private land does not remove or repair the hazardous tree within the prescribed time, then the public works director or his/her designee shall have the authority to enter upon the private land and remove or repair the hazardous tree. The cost of removal or repair including stump removal to below ground level may be charged against the owner.

TREE EQUIVALENCY TABLE

CATEGORY I	CATEGORY II	CATEGORY III
Bradford Pear	Bitternut Hickory	Lombardy Poplar
Ginkgo	Pignut Hickory	Black Willow
Black Walnut	Shellbark Hickory	Hackberry
American Chestnut/hybrids	Shagbark Hickory	Winged Elm
Southern Magnolia	Mockernut Hickory	English Elm
Bigleaf Magnolia	Butternut	Slippery Elm
Saucer Magnolia	Shingle Oak	Rock Elm
Umbrella Magnolia	Bur Oak	Paper Mulberry
Franklinia	Blackjack Oak	White Mulberry
Pin Oak	Chinkapin Oak	Red Mulberry
White Oak	Post Oak	Cumcumbertree
Scarlet Oak	Black Oak	Pawpaw
Southern Red Oak	Weeping Willow	Sassafras
Willow Oak	River Birch	Downy Serviceberry
Chestnut Oak	European White Birch	Black Cherry
Northern Red Oak	Eastern Hophornbeam	Honeylocust
Shumard Oak	Sweetgum	Black Locust
Chinese Elm	London Planetree	White Basswood
American Hornbeam	Sycamore	Black Tupelo
American Beech	Eastern Redbud	Persimmon
Yellow Poplar	Yellowwood	Shortleaf Pine
Ohio Buckeye	Horse Chestnut	Virginia Pine
Japanese Zelkova	Yellow Buckeye	Eastern Redcedar
Black Maple	Chinese Parasol Tree	Eastern Cottonwood
Norway Maple	Mountain Laurel	(hybrid only)
Red Maple	Sourwood	
Sugar Maple	White Ash	
English Holly	Green Ash	
American Holly	Blue Ash	
Flowering Dogwood	White Pine	

(Ord. #1289, Dec. 2010; amended Ord. #1310, Nov. 2012)

CERTIFICATE OFAUTHENTICITY
City of Dickson County of Dickson State of Tennessee

I, Kimberly Givens, hereby certify that I am the Recorder of the City of Dickson, Tennessee, duly appointed and qualified; that as such, I am the official custodian of the minute books of the city and of the books, papers, records, and documents of the city and, that the foregoing pages of the "Dickson Municipal Code" contain a true, perfect, and correct copy of the city's code of ordinances and the ordinance adopting the same passed on final reading the 1st day of June, 2020.

In witness whereof, I have hereunto subscribed my name this 5th day of June, 2020.

Kimberly Givens
Recorder

The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, disability, or veteran status in provision of educational programs and services or employment opportunities and benefits. This policy extends to both employment by and admission to The University.

The University does not discriminate on the basis of race, sex, or disability in its education programs and activities pursuant to the requirements of Title V I of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.

Inquiries and charges of violation concerning Title VI, Title IX, Section 504, ADA, or the Age Discrimination in Employment Act (ADEA) or any of the other above referenced policies should be directed to the Office of Diversity Resources (DRES), 2110 Terrace Avenue, Knoxville, Tennessee 37996-3560, telephone (865) 974-2498 (V/TTY available) or (865) 974-2440. Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Human Resources, 600 Henley Street, Knoxville, Tennessee 37996- 4125.

MTAS
Municipal Technical Advisory Service
In cooperation with the Tennessee Municipal League

APPENDIX A
OCCUPATIONAL SAFETY AND HEALTH PROGRAM

(Ord. #1417, Dec. 2017)

CITY OF DICKSON, TENNESSEE, OCCUPATIONAL SAFETY AND HEALTH PROGRAM

Submitted to the Tennessee Department of Labor and Workforce Development
Presented to the Dickson City Council
December 4, 2017

A guide to provide occupational safety and health standards, inspection and abatement procedures and reporting instructions for employees of the City of Dickson and to establish a Safety Director for enforcement.

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN FOR THE EMPLOYEES OF CITY OF DICKSON

SECTION		PAGE
I	PURPOSE AND COVERAGE	363
II	DEFINITIONS	364
II	EMPLOYER'S RIGHTS AND DUTIES	365
IV	EMPLOYEE'S RIGHTS AND DUTIES	365
V	ADMINISTRATION	367
VI	STANDARDS AUTHORIZED	369
VII	VARIANCE PROCEDURE	369
VIII	RECORDKEEPING AND REPORTING	370
IX	EMPLOYEE COMPLAINT PROCEDURE	371
X	EDUCATION AND TRAINING	372
XI	GENERAL INSPECTION PROCEDURES	373
XII	IMMINENT DOMAIN PROCEDURES	375
XIII	ABATEMRNT ORDERS AND HEARINGS	376
XIV	PENALTIES	376
XV	CONFIDENTIALITY OF PRIVILEGED INFORMATION	377
XVI	DISCRIMINATION INVESTIGATIONS AND SANCTIONS	377
XVII	COMPLIANCE WITH OTHER LAWS NOT EXCUSED	377

APPENDICES

I	WORK LOCATION	378
II	NOTICE TO ALL EMPLOYEES	380
III	PROGRAM PLAN BUDGET	382
IV	ACCIDENT REPORTING PROCEDURES	383

I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of the City of Dickson.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Dickson, in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees,

a) Provides a safe and healthful place and condition of employment.

b) Requires the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.

c) Makes, keeps, preserves, and makes available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

d) Consults with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.

e) Consults with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.

f) Assists the Commissioner of Labor and Workforce Development or his monitoring activities to determine Program Plan effectiveness and compliance with the occupational safety and health standards.

g) Makes a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the Occupational Safety and Health Program Plan.

h) Provides reasonable opportunity for and encourages the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this Program Plan, the following definitions apply:

a) COMMISSIONER OF LABOR AND WORKFORCE DEVELOPMENT means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.

b) EMPLOYER means the City of Dickson and includes each administrative department, board, commission, division, or other agency of the City of Dickson.

c) SAFETY DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH or SAFETY DIRECTOR means the person designated by the establishing ordinance or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program Plan for the employees of City of Dickson.

d) INSPECTOR(S) means the individual(s) appointed or designated by the Safety Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Safety Director of Occupational Safety and Health.

e) APPOINTING AUTHORITY means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department, board, commission, division, or other agency of this employer.

f) EMPLOYEE means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as “volunteers” provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.

g) PERSON means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.

h) STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.

i) IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or

serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

j) ESTABLISHMENT or WORKSITE means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.

k) SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:

1) A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
2) A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

3) On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.
l) ACT or TOSH ACT shall mean the Tennessee Occupational Safety and Health Act of 1972.

m) GOVERNING BODY means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.

n) CHIEF EXECUTIVE OFFICER means the chief administrative official, County Judge, County Chairman, County Mayor, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYER'S RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

a) Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

b) Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.

c) Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employer's place(s) of business.

Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.

d) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.

e) Employer is entitled to request an order granting a variance from an occupational safety and health standard.

f) Employer is entitled to protection of its legally privileged communication.

g) Employer shall inspect all worksites to ensure the provisions of this Program Plan are complied with and carried out.

h) Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.

i) Employer shall notify all employees of their rights and duties under this Program Plan.

IV. EMPLOYEE'S RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

a) Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this Program Plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.

b) Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.

c) Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.

d) Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this Program Plan may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.

e) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.

f) Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Safety Director or Inspector at the time of the physical inspection of the worksite.

g) Any employee may bring to the attention of the Safety Director any violation or suspected violations of the standards or any other health or safety hazards.

h) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this Program Plan.

i) Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Safety Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

j) Nothing in this or any other provisions of this Program Plan shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others or when a medical examination may be reasonably required for performance of a specific job.

k) Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Safety Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

1) The Safety Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program Plan.

a. The Safety Director may designate a person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this Program Plan.

b. The Safety Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Safety Director.

c. The Safety Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this Program Plan.

d. The Safety Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this Program Plan.

e. The Safety Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.

f. The Safety Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.

g. The Safety Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.

h. The Safety Director shall maintain or cause to be maintained records required under Section VIII of this plan.

i. The Safety Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees, ensure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours. All work-related inpatient hospitalizations, amputations, and loss of an eye must be reported to TOSHA within 24 hours.

2) The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this Occupational Safety and Health Program Plan within their respective areas.

a. The administrative or operational head shall follow the directions of the Safety Director on all issues involving occupational safety and health of employees as set forth in this plan.

b. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Safety Director within the abatement period.

c. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.

d. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Safety Director along with his findings and/or recommendations in accordance with APPENDIX IV of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. Note: 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, CHAPTER 0800-01-1 through CHAPTER 0800-01-11 are the standards and rules invoked.

VII. VARIANCE PROCEDURE

The Safety Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Safety Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

1. The application for a variance shall be prepared in writing and shall contain:

a. A specification of the standard or portion thereof from which the variance is sought.

b. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.

c. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.

d. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.

e. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to

inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.

2. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.

3. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:

a. The employer:

i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.

ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.

iii. Has an effective Program Plan for coming into compliance with the standard as quickly as possible.

b. The employee is engaged in an experimental Program Plan as described in subsection (b), section 13 of the Act.

4. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

5. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.

6. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (1)(e) of this section).

VIII. RECORDKEEPING AND REPORTING

Recording and reporting of all occupational accidents, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Recordkeeping from the internet. Go to ww.osha.gov and click on Recordkeeping Forms located on the home page.

The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix IV to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the record keeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan.

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, CHAPTER 0800-01-03, as authorized by T.C.A., Title 50.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Safety Director of Occupational Safety and Health.

a) The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).

b) Upon receipt of the complaint letter, the Safety Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Safety Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.

c) If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.

d) The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.

e) After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce

Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Safety Director and the Chief Executive Officer or the representative of the governing body.

f) Copies of all complaints and answers thereto will be filed by the Safety Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

A. Safety Director and/or Compliance Inspector(s):

1. Arrangements will be made for the Safety Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of Seminars can be obtained.

2. Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

B. All Employees (including supervisory personnel):

1. A suitable safety and health training program for employees will be established. This program will, as a minimum:

a. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.

b. Instruct employees who are required to handle or use poisons, acids, caustics, toxicants, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, personal hygiene, etc., which may be required.

c. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.

d. Instruct all employees of the common deadly hazards and how to avoid them, such as Falls; Equipment Turnover; Electrocution; Struck by/Caught In; Trench Cave In; Heat Stress and Drowning.

e. Instruct employees on hazards and dangers of confined or enclosed spaces.

i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4) in depth such as pits, tubs, vaults, and vessels.

ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.

iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger or hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an Occupational Safety and Health Program Plan that will ensure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

1. In order to carry out the purposes of this Ordinance, the Safety Director and/or Compliance Inspector(s), if appointed, is authorized:

a. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;

b. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.

2. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety Director or Inspector during a routine inspection, he shall immediately inspect the

imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.

3. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Safety Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

4. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
5. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.

6. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.

7. Advance Notice of Inspections.

a. Generally, advance notice of inspections will not be given as this presents the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.

b. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.

8. The Safety Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:

a. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Safety Director.

b. Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the Safety Director.

9. The Safety Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Those inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

A. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:

1. The Safety Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.

2. If the alleged imminent danger situation is determined to have merit by the Safety Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.

3. As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the Safety Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.

4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Safety Director or Compliance Inspector and to the mutual satisfaction of all parties involved.

5. The imminent danger shall be deemed abated if:

i. The imminence of the danger has been eliminated by removal of employees from the area of danger.

ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.

6. A written report shall be made by or to the Safety Director describing in detail the imminent danger and its abatement. This report will be maintained by the Safety Director in accordance with subsection (9) of Section XI of this plan.

B. Refusal to Abate.

1. Any refusal to abate an imminent danger situation shall be reported to the Safety Director and Chief Executive Officer immediately.

2. The Safety Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

A. Whenever, as a result of an inspection or investigation, the Safety Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Safety Director shall:

1. Issue an abatement order to the head of the worksite.

2. Post or cause to be posted a copy of the abatement order at or near each location referred to in the abatement order.

B. Abatement orders shall contain the following information:

1. The standard, rule, or regulation which was found to be violated.

2. A description of the nature and location of the violation.

3. A description of what is required to abate or correct the violation.

4. A reasonable period of time during which the violation must be abated or corrected.

C. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Safety Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Safety Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Safety Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

A. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this Program Plan.

B. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:

1. Oral reprimand.

2. Written reprimand.

3. Suspension for three (3) or more working days.

4. Termination of employment.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Safety Director pursuant to this plan of operation or the legislation (ordinance or executive order) enabling this Occupational Safety and Health Program Plan which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this Program Plan or when relevant in any proceeding under this Program Plan. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency/safety Safety Director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file his complaint with the Commissioner of Labor and Workforce Development within the same 30-day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

A. Compliance with any other laws, statutes, ordinances, or executive orders, which regulate safety and health in employment and places of employment, shall not excuse the employer, the employee, or any other person from compliance with the provisions of this Program Plan.

B. Compliance with any provisions of this Program Plan or any standard, rule, regulation, or order issued pursuant to this Program Plan shall not excuse the employer, the employee, or any other person from compliance with the laws, statutes, ordinances, or executive orders, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed.

APPENDIX I
WORK LOCATIONS (ORGANIZATIONAL CHART)

LOCATION	EMPLOYEES
Dickson City Hall 600 East Walnut Street Dickson, TN 37055 615-441-9508	16 FT
Dickson Municipal Building 202 South Main Street Dickson, TN 37055 615-446-5403	59 FT 1 PT
Dickson Fire Department #1 100 Church Street Dickson, TN 37055 615-446-6331	27 FT
Dickson Fire Department #2 501 Pringle Drive Dickson, TN 37055 615-441-1035	15 FT
Dickson Senior Center 206 West Walnut Street Dickson, TN 37055 615-446-9350	7 FT 3 PT
Dickson Cemetery Services 200 Ray Street Dickson, TN 37055 615-446-0147	3 FT
Dickson Maintenance Garage Clifton Park Drive Dickson, TN 37055	13 FT
Dickson Parks Department 213 Bruce Drive Dickson, TN 37055 615-446-1721	4 FT 3 PT 31 S
Dickson Emergency Communications 201 West Chestnut Street Dickson, TN 37055 615-441-9509	18 FT 2 PT
Dickson Building and Grounds 299 Bruce Drive Dickson, TN 37055 615-441-9508	10 FT 4 S

LOCATION	EMPLOYEES
Dickson Sanitation Department Flowers Street Dickson, TN 37055 615-441-9508	4 FT
TOTAL EMPLOYEES = 220	FULL-TIME (FT) 176 PART-TIME (PT) 9 SEASONAL (S) 35

APPENDIX II
NOTICE TO ALL EMPLOYEES

NOTICE TO ALL EMPLOYEES OF THE CITY OF DICKSON

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to ensure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Program Plan which are applicable to his or her own actions and conduct.
Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.
Any employee who may be adversely affected by a standard or variance issued pursuant to this Program Plan may file a petition with the Safety Director or his department head.
Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative(s) of employees shall be given the right to request an inspection.
No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this Program Plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the City Administrator for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of the City of Dickson is available for inspection by any employee at Dickson City Hall, 600 East Walnut Street, Dickson, TN 37055 during regular office hours.

APPENDIX III
PROGRAM PLAN BUDGET

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that the City of Dickson has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards.

APPENDIX IV
ACCIDENT REPORTING PROCEDURES

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Safety Director as soon as possible, but not later than twenty-four (24) hours after the occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Safety Director will ensure completion of required reports and records in accordance with Section VIII of the basic plan.

- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after the occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Safety Director and/or record keeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.

- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after the occurrence. The supervisor will provide the Safety Director and/or record keeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the record keeper.

- (251-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Safety Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the record keeper.

Since Workers Compensation Form 6A or OSHA NO. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address, and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 4 listed under PROGRAM PLAN in Section V. ADMINISTRATION, Part b of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

The four (4) procedures listed above are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation. Note also that the specific information listed for written reports applies to all three of the procedures listed for those organizations with sixteen (16) or more employees.

DICKSON MUNICIPAL CODE INDEX

SECTION			PAGE
TITLE	**1**	**GENERAL ADMINISTRATION**	
Chapter	***1***	***City Council***	***75***
Section	1-101	Time and Place of Regular Meetings	75
Section	1-102	Order of Business	76
Section	1-103	General Rules of Order	76
Chapter	***2***	***Mayor***	***77***
Section	1-201	Generally supervises city's affairs	77
Section	1-202	Executes city's contracts	77
Chapter	***3***	***Recorder***	**78**
Section	1-301	To be bonded	78
Section	1-302	To perform general administrative duties, etc.	78
Section	1-303	Offices of recorder and tax collector combined	78
Chapter	***4***	***Treasurer***	**79**
Section	1-401	To be bonded	79
Section	1-402	To keep corporate bonds	79
Chapter	***5***	***Code of Ethics***	***80***
Section	1-501	Applicability	80
Section	1-502	Definition of “personal interest.”	80
Section	1-503	Disclosure of personal interest by official with vote	81
Section	1-504	Disclosure of personal interest in non-voting matters	81
Section	1-505	Acceptance of gratuities, etc	81
Section	1-506	Use of information	82
Section	1-507	Use of municipal time, facilities, etc	82
Section	1-508	Use of position or authority	82
Section	1-509	Outside employment	82
Section	1-510	Ethics complaints	82
Section	1-511	Violations and penalty	83
TITLE	**2**	**BOARDS AND COMMISSIONS**	
Chapter	***1***	***Dickson Parks and Recreation Advisory Board***	***84***
Section	2-101	Creation and membership	84
Section	2-102	Powers and duties	84
Chapter	***2***	***Utilities Board***	***85***
Section	2-201	Creation and membership	85
Chapter	***3***	***Tree Mangement and Beautification Board***	***86***
Section	2-301	Purpose	86
Section	2-302	Creation of a tree management and beautification board	86

Section	2-303	Term of office	86
Section	2-304	Operation	86
Section	2-305	Duties and responsibilities	86
Section	2-306	Compensation	87
Chapter	***4***	***Compensation for Boards and Commissions***	***88***
Section	2-401	Compensation	88

TITLE 3 BOARDS AND COMMISSIONS

Chapter	***1***	***City Judge***	***89***
Section	3-101	City judge	89
Section	3-102	Municipal jurisdiction	89
Section	3-103	Qualifications	89
Section	3-104	Appointment and term	90
Section	3-105	Vacancies	90
Section	3-106	Salary	90
Section	3-107	Appointing a judge pro tempore	90
Chapter	***2***	***Court Administration***	***91***
Section	3-201	Municipal court established	91
Section	3-202	Maintenance of docket	91
Section	3-203	Imposition of fines and costs	91
Section	3-204	Disposition of fines and costs	92
Section	3-205	Disturbance of proceedings	92
Section	3-206	Trial and disposition of cases	92
Section	3-207	Issuance of subpoenas	92
Section	3-208	Appeals	93

TITLE 4 MUNICIPAL PERSONNEL

Chapter	***1***	***Vacation Sick Leave***	***94***
Section	4-101	Applicability of chapter	94
Section	4-102	Vacation leave	94
Section	4-103	Sick leave	95
Section	4-104	Bereavement leave	96
Section	4-105	Leave records and charges for leave	96
Section	4-106	Holidays	96
Section	4-107	Overtime	97
Chapter	***2***	***Personnel System***	***99***
Section	4-201	Title	99
Section	4-202	Purpose	99
Section	4-203	General policy declared	100
Section	4-204	Definitions	100
Section	4-205	Classification	100
Section	4-206	Application of remainder of chapter	101

Section	4-207	Mayor's duties	101
Section	4-208	Duties of personnel officer	102
Section	4-209	Personnel board	103
Section	4-210	Adoption and amendment of personnel rules	104
Section	4-211	Contents of personnel rules	104
Section	4-212	Classification plan	105
Section	4-213	Compensation plan	105
Section	4-214	Appointments	106
Section	4-215	Public safety eligibility lists	107
Section	4-216	Certification	108
Section	4-217	Veteran's preference	108
Section	4-218	Probationary period	108
Section	4-219	Status of present employees	109
Section	4-220	Promotions	109
Section	4-221	Disciplinary actions	109
Section	4-222	Reductions in work force	110
Section	4-223	Appeals	111
Section	4-224	Political activity	111
Section	4-225	Interruption in service	114
Section	4-226	Records	114
Section	4-227	Right to contract for special services	114
Section	4-228	Discrimination	114
Section	4-229	Review of actions of personnel officer	114
Section	4-230	Jury duty/court duty	115
Section	4-231	Leaves of absence	115
Section	4-232	Nepotism	115
Section	4-233	Workers' compensation	115
Section	4-234	Construction and application to other laws	115
Chapter	***3***	***Occupational Safety and Health Program***	***116***
Section	4-301	Title	116
Section	4-302	Purpose	116
Section	4-303	Coverage	117
Section	4-304	Standards authorized	117
Section	4-305	Variances from standards authorized	117
Section	4-306	Administration	117
Section	4-307	Funding the program plan	117
Chapter	***4***	***Infectious Disease Control Policy***	***118***
Section	4-401	Purpose	118
Section	4-402	Coverage	118
Section	4-403	Administration	119
Section	4-404	Definitions	119

Section	4-405	Policy statement	120
Section	4-406	General guidelines	120
Section	4-407	Hepatitis B vaccinations	122
Section	4-408	Reporting potential exposure	122
Section	4-409	Hepatitis B virus post-exposure management	123
Section	4-410	Human immunodeficiency virus post-exposure management	123
Section	4-411	Disability benefits	123
Section	4-412	Training regular employees	124
Section	4-413	Training high risk employees	124
Section	4-414	Training new employees	124
Section	4-415	Records and reports	124
Section	4-416	Legal rights of victims of communicable diseases	124
Section	4-417	Amendments	126

TITLE 5 MUNICIPAL FINANCE AND TAXATION

Chapter	***1***	***Miscellaneous***	***127***
Section	5-101	Official depositories for city funds	127
Chapter	***2***	***Property Taxes***	***127***
Section	5-201	When due and payable	127
Section	5-202	Delinquency -- penalty and interest	127
Chapter	***3***	***Privilege Taxes Generally***	***129***
Section	5-301	Tax levied	129
Section	5-302	License required	129
Chapter	***4***	***Wholesale Beer Tax***	***130***
Section	5-401	To be collected	130
Chapter	***5***	***Litigation Tax***	***131***
Section	5-501	Tax levied	131
Section	5-502	Portion to be credited to municipal court	131
Chapter	***6***	***Purchasing Procedures***	***132***
Section	5-601	Purchases amounting to or more than $25,000.00	132
Chapter	***7***	***Hotel / Motel Tax***	***133***
Section	5-701	Short title	133
Section	5-702	Definitions	133
Section	5-703	Levy of tax authorized	134
Section	5-704	Disposition of proceeds	134
Section	5-705	Collection and refund	134
Section	5-706	Remittance of tax	134
Section	5-707	Monthly tax return – annual audit	134
Section	5-708	No advertising of rebates	135
Section	5-709	Delinquent taxes – interest and penalty	135
Section	5-710	Records – inspection	135

Section	5-711	Administration and enforcement	135
Section	5-712	Deposits of funds	135
Section	5-713	Severability clause	136

TITLE 6 LAW ENFORCEMENT

Chapter	***1***	***Police and Arrest***	***137***
Section	6-101	Police officers subject to chief's orders	137
Section	6-102	Police officers to preserve law and order, etc	137
Section	6-103	Police officers to wear uniforms and be armed	137
Section	6-104	When police officers to make arrests	137
Section	6-105	Disposition of persons arrested	138
Section	6-106	Police department records	138

TITLE 7 FIRE PROTECTION AND FIREWORKS

Chapter	***1***	***International Fire Code***	***139***
Section	7-101	International Fire Code adopted	139
Section	7-102	Modifications	139
Section	7-103	Permit fees	139
Section	7-104	Available in Recorder’s office	139
Section	7-105	Violations	140
Chapter	***2***	***Fire Department***	***141***
Section	7-201	Establishment, equipment, and membership	141
Section	7-202	Objectives	141
Section	7-203	Organization, rules, and regulations	141
Section	7-204	Records and reports	141
Section	7-205	Tenure and compensation of members	142
Section	7-206	Chief responsible for training	142
Section	7-207	Chief to be assistant to state officer	142
Chapter	***3***	***Fire Service Outside City Limits***	***143***
	7-301	Equipment to be used only within corporate limits generally	143
Chapter	***4***	***Fireworks***	***144***
Section	7-401	Definitions	144
Section	7-402	Permissible fireworks	145
Section	7-403	Fireworks permits required	145
Section	7-404	Permit revocations	145
Section	7-405	Permits for the sale of fireworks	146
Section	7-406	Permits for the public displays	147
Section	7-407	Conditions for the sale of fireworks	147
Section	7-408	Requirements for the public display of fireworks	148
Section	7-409	Storing and structures	151
Section	7-410	Unlawful use of fireworks	151
Section	7-411	Limited time for the use of fireworks	151

Section	7-412	Violations and penalty	151

TITLE 8 ALCOHOLIC BEVERAGES

Chapter	***1***	***Intoxicating Liquors***	***152***
Section	8-101	Definitions	152
Section	8-102	Scope of chapter	153
Section	8-103	State law controlling	153
Section	8-104	Restrictions	153
Section	8-105	Privilege license required	154
Section	8-106	Regulation of retail liquor stores and retail food stores licensed to sell wine	154
Section	8-107	Sales locations to conform to zoning laws	155
Section	8-108	Control of locations	155
Section	8-109	Inspection fees	155
Section	8-110	Contents of application for certificate of compliance	155
Section	8-111	Issuance of certificate of compliance	156
Section	8-112	No restrictions on number of stores	157
Section	8-113	Processing applications	157
Section	8-114	Advertising	157
Section	8-115	Certificate revoked by non-use	157
Section	8-116	Consumption of liquor in certain places unlawful	157
Section	8-117	Privilege tax on selling at retail alcoholic beverages for consumption on the premises.	158
Section	8-118	Violations and penalty	158
Chapter	***2***	***Beer***	***159***
Section	8-201	Beer board established	159
Section	8-202	Meetings of the beer board	159
Section	8-203	Record of beer board proceedings to be kept	159
Section	8-204	Requirements for beer board quorum and action	160
Section	8-205	Powers and duties of the beer board	160
Section	8-206	“Beer” defined	160
Section	8-207	Permit required for engaging in beer business	160
Section	8-208	Privilege tax	161
Section	8-209	Beer permits shall be restrictive	162
Section	8-210	Limitation on permits	163
Section	8-211	Issuance of permits to persons convicted of certain crimes prohibited	163
Section	8-212	Prohibited conduct or activities be beer permit holders	163
Section	8-213	Revocation or suspension of beer permits; civil penalty in lieu of suspension	164
Section	8-214	Responsible beer vendors	166

Section	8-215	Loss of clerk's certification for sale to minor	167
Section	8-216	Violations and penalty	167

TITLE 9 BUSINESS, PEDDLERS, & SOLICITORS, ETC

Chapter	***1***	***Miscellanous***	***168***
Section	9-101	"Going out of business" sales	168
Section	9-102	Location of produce houses restricted	168
Chapter	***2***	***Peddlers, Etc.***	***169***
Section	9-201	Definitions	169
Section	9-202	Permit required	170
Section	9-203	Exemptions	170
Section	9-204	Application for permit	170
Section	9-205	Issuance or refusal of permit	171
Section	9-206	Appeal	171
Section	9-207	Bond	171
Section	9-208	Loud noises and speaking devices	172
Section	9-209	Use of streets	172
Section	9-210	Peddler/transient vendor/open-air flea market requirements	172
Section	9-211	Exhibition of permit	174
Section	9-212	Enforcement	174
Section	9-213	Revocation or suspension of permit	174
Section	9-214	Reapplication	175
Section	9-215	Expiration and renewal of permit	175
Chapter	***3***	***Charitable Solicitors***	***175***
Section	9-301	Permit required	176
Section	9-302	Prerequisites for a permit	176
Section	9-303	Denial of a permit	176
Section	9-304	Exhibition of permit	176
Section	9-305	Prohibition of roadblocks for charitable solicitations	176
Chapter	***4***	***Pool Rooms***	***177***
Section	9-401	Prohibited in residential areas	177
Chapter	***5***	***Cable Television***	***178***
Section	9-501	To be furnished under franchise	178
Chapter	***6***	***Broadband Communication***	***179***
Section	9-601	Purpose	179
Section	9-602	Definitions	179
Section	9-603	License requirement; authority granted by a license	182
Section	9-604	Terms and conditions for each license	182
Section	9-605	Selection of grantee	183
Section	9-606	License agreements	185
Section	9-607	License fee	186

Section	9-608	Nature of the system: technical standards	187
Section	9-609	Nature of the system: services	188
Section	9-610	Construction of the system	190
Section	9-611	Operation and maintenance of the system	193
Section	9-612	Rates and charges	194
Section	9-613	Records and reports	195
Section	9-614	Indemnification and insurance	197
Section	9-615	Reviews, modifications, and renewal of the license	198
Section	9-616	Termination of the license by reason of default	199
Section	9-617	Insolvency proceedings	200
Section	9-618	Procedures following revocation or expiration of license	201
Section	9-619	Hiring and employment practices	202
Section	9-620	Prohibition of preferential practices: other business activities	202
Section	9-621	Subscriber privacy	202
Section	9-622	Sanctions	203
Section	9-623	Rights reserved to the city	203
Section	9-624	Continuing regulation and administration by the city	204
Section	9-625	Disputes	204
Section	9-626	Unlawful acts	204
Section	9-627	Miscellaneous	205
Chapter	***7***	***Mobile Food Vendors***	***207***
Section	9-701	Definitions	207
Section	9-702	Permit required	208
Section	9-703	Application for permit	209
Section	9-704	Business license, health and safety inspections required	209
Section	9-705	Exhibition of permit, license and inspection records	210
Section	9-706	Suspension/revocation of permit	210
Section	9-707	Appeal of denial or suspension/revocation of permit	212
Section	9-708	Location restricted	213
Section	9-709	Location may not interfere with ingress/egress	214
Section	9-710	Location may not create building code or municipal code violation(s)	214
Section	9-711	Waste disposal	214
Section	9-712	Loud noises, amplification and speaking devises prohibited	214
Section	9-713	Expiration and renewal of permit	214
Section	9-714	Enforcement and inspection	214
Section	9-715	Beer and alcohol sales prohibited	215
Section	9-716	Vendors to comply with all health regulations	215
Section	9-717	Traveling food vendors	215
Section	9-718	Dickson County Fair and Spring Festival exempt	216
Section	9-719	Private catered event exemption	216

TITLE	10	ANIMAL CONTROL	
Chapter	*1*	*In General*	*217*
Section	10-101	Running at large prohibited	217
Section	10-102	Keeping near a residence or business restricted	217
Section	10-103	Pen or enclosure to be kept clean	217
Section	10-104	Adequate food, water, and shelter, etc. to be provided	218
Section	10-105	Keeping in such manner as to become a nuisance prohibited	218
Section	10-106	Cruel treatment prohibited	218
Section	10-107	Seizure and disposition of animals	218
Section	10-108	Restrictions on selling or giving away domestic animals	218
Section	10-109	Disposal of animal waste in any city park or other public places	218
Chapter	*2*	*Dogs and Cats*	*219*
Section	10-201	Rabies vaccination and registration required	219
Section	10-202	Dogs and cats to wear tags	219
Section	10-203	Running at large prohibited	219
Section	10-204	Vicious dogs to be securely restrained	219
Section	10-205	Noisy dogs prohibited	219
Section	10-206	Confinement of dogs or cats suspected of being rabid	219
Section	10-207	Seizure and disposition of dogs or cats	220
Chapter	*3*	*Keeping of Domestic Bees*	*221*
Section	10-301	Definitions	221
Section	10-302	Registration requirements	222
Section	10-303	Genetic stock	222
Section	10-304	Creating nuisance	222
Section	10-305	Colony density	222
Section	10-306	Property lines	223
Section	10-307	Water supply	223
Section	10-308	Apiaries	223
Section	10-309	Violations and penalty	223

TITLE	11	MUNICIPAL OFFENSES	
Chapter	*1*	*Micellaneous*	*224*
Section	11-101	Abandoned refrigerators, etc	224
Section	11-102	Caves, wells, cisterns, etc	224
Section	11-103	Posting notices, etc	225
Section	11-104	Curfew for minors	225
Section	11-105	Wearing masks	225
Section	11-106	Fishing in municipal lakes, ponds or bodies of water	225
Section	11-107	Prohibited uses of municipally owned lakes, ponds or bodies of water	225

Section	11-108	Public cemetery to be used for burial of humans only	225
Section	11-109	Possession of certain wildlife in residential zones be prohibited	226
Chapter	***2***	***Alcohol***	***227***
Section	11-201	Alcoholic beverages in public places	227
Section	11-202	Minors in beer places	227
Chapter	***3***	***Offenses Against The Person***	***228***
Section	11-301	Assault and battery	228
Chapter	***4***	***Offenses Against The Peace and Quiet***	***229***
Section	11-401	Disturbing the peace	229
Section	11-402	Anti-noise regulations	229
Section	11-403	Domestic animals regulated within city parks	231
Chapter	***5***	***Interference With Public Operations and Personnel***	***232***
Section	11-501	Escape from custody or confinement	232
Section	11-502	Impersonating a government officer or employee	232
Section	11-503	False emergency alarms	232
Section	11-504	Resisting or interfering with city personnel	232
Chapter	***6***	***Firearms, Weapons, and Missiles***	***233***
Section	11-601	Pellet guns, air rifles, etc	233
Section	11-602	Throwing missiles	233
Section	11-603	Discharge of firearms	233
Chapter	***7***	***Tresspassing and Interference With Traffic***	***234***
Section	11-701	Trespassing	234
Section	11-702	Trespassing on cemetery property	234
Section	11-703	Interference with traffic	234
Chapter	***8***	***Alcohol and Drugs on Park and Recreation Property***	***235***
Section	11-801	Definitions	235
Section	11-802	Prohibitions	235
Section	11-803	Violations and penalty	235
Chapter	***9***	***School Safety Zones***	***237***
	11-901	School safety zones established	237

TITLE	**12**	**BUILDING, UTILITY, ETC., CODES**	
Chapter	***1***	***International Building Code***	***239***
Section	12-101	Building code adopted	239
Section	12-102	Modifications	239
Section	12-103	Permit fees	239
Section	12-104	Available in Recorder's Office	240
Section	12-105	Violations	240
Chapter	***2***	***Residential Building Code***	***241***
Section	12-201	Building code adopted	241

Section	12-202	Modifications	241
Section	12-203	Permit fees	241
Section	12-204	Available in Recorder's Office	242
Section	12-205	Violations	242
Chapter	***3***	***Plumbing Code***	***243***
Section	12-301	Building code adopted	243
Section	12-302	Modifications	243
Section	12-303	Permit fees	243
Section	12-304	Available in Recorder's Office	244
Section	12-305	Violations	244
Chapter	***4***	***Existing Building Code***	***245***
Section	12-401	Existing building code adopted	245
Section	12-402	Modifications	245
Section	12-403	Available in Recorder's Office	245
Section	12-404	Violations	245
Chapter	***5***	***Energy Conservation Code***	***246***
Section	12-501	Energy conservation code adopted	246
Section	12-502	Modifications	246
Section	12-503	Available in Recorder's Office	246
Section	12-504	Violations	246
Chapter	***6***	***Excavation and Grading Code***	***247***
Section	12-601	Excavation and grading code adopted	247
Section	12-602	Modifications	247
Section	12-603	Available in Recorder's Office	247
Section	12-604	Violations	247
Section	12-605	Penalties	247
Section	12-606	Fees	247
Chapter	***7***	***Property Maintenance Code***	***248***
Section	12-701	Property maintenance code adopted	248
Section	12-702	Modifications	248
Section	12-703	Available in Recorder's Office	248
Section	12-704	Violations	248
Chapter	***8***	***Assessibility Code***	***249***
Section	12-801	Assessibility code adopted	249
Section	12-802	Modifications	250
Section	12-803	Available in Recorder's Office	250
Section	12-804	Violations	250
Chapter	***9***	***International Fire Code***	***251***
Section	12-901	International fire code adopted	251
Section	12-902	Modifications	251
Section	12-903	Permit fees	251

Section	12-904	Available in Recorder's Office	251
Section	12-905	Violations	251
Chapter	***10***	***International Fire Gas Code & International Mechanical Code***	***252***
Section	12-1001	International fire gas code and international mchanical code adopted	252
Section	12-1002	Modifications	252
Section	12-1003	Permit fees	252
Section	12-1004	Available in Recorder's Office	252
Section	12-1005	Violations	252
Chapter	***11***	***National Electric Code***	***253***
Section	12-110	National electric code adopted by local utility provider (Dickson Electric System)	253
Chapter	***12***	***Stormwater (See Title 18 Water & Sewer)***	***254***

TITLE 13 PROPERTY MAINTENCE REGULATIONS

Chapter	***1***	***Micellaneous***	***255***
Section	13-101	Health officer	255
Section	13-102	Smoke, soot, cinders, etc	255
Section	13-103	Stagnant water	255
Section	13-104	Removal of vegetation and debris from lots	256
Section	13-105	Dead animals	257
Section	13-106	Health and sanitation nuisances	257
Section	13-107	House trailers	257
Section	13-108	Littering streams, lakes, etc. prohibited	257
Section	13-109	Violations and penalty	257
Chapter	***2***	***Junkyards***	***258***
Section	13-201	Junkyards	258
Chapter	***3***	***Outdoor Burning***	***259***
Section	13-301	Permit must be secured	259
Section	13-302	Restrictions	259
Section	13-303	Types of materials to be burned	260
Section	13-304	Bonfires or cookouts	260
Section	13-305	Use of fire for demolition, clean-up, clearing	260
Section	13-306	Liability	261
Section	13-307	Violations and penalty	261
Chapter	***4***	***Slum Clearance***	***262***
Section	13-401	Findings of council	262
Section	13-402	Definitions	262
Section	13-403	“Public Officer” designated; powers	263
Section	13-404	Initiation of proceedings; hearings	263

Section	13-405	Orders to owners of unfit structures	263
Section	13-406	When public officer may repair, etc.	264
Section	13-407	When public officer may remove or demolish	264
Section	13-408	Lien for expenses; sale of salvaged materials; other powers not limited	264
Section	13-409	Basis for a finding of unfitness	264
Section	13-410	Service of complaints or orders	265
Section	13-411	Enjoining enforcement of orders	265
Section	13-412	Additional powers of public officer	265
Section	13-413	Powers conferred are supplemental	266
Section	13-414	Structures unfit for human habitation or use deemed unlawfu	266
Chapter	***5***	***Litter***	***267***
Section	13-501	Definitions for litter control.	267
Section	13-502	Criminal littering -- penalty.	267
Section	13-503	Hauling litter.	268
Chapter	***6***	***Maintenance of private drives, roads, streets, and alleys***	***269***
Section	13-601	Maintenance of private drives, roads, streets, and alleys	269

TITLE 14 ZONING AND LAND USE CONTROL

Chapter	***1***	***Municipal Planning Commission***	***270***
Section	14-101	Creation and membership	270
Section	14-102	Organization, powers, duties, etc.	270
Section	14-103	Additional powers	270
Chapter	***2***	***Zoning Ordinance***	***271***
	14-201	Land use to be governed by zoning ordinance	271
Chapter	***3***	***Trailer Coach Parks***	***272***
Section	14-301	Definitions	272
Section	14-302	License required	272
Section	14-303	Application for license	272
Section	14-304	Park plan	273
Chapter	***4***	***Earthen Berms and Retainig Structures***	***275***
Section	14-401	Purpose	275
Section	14-402	Plans required	275
Section	14-403	Definitions	275
Section	14-404	Earth retaining structures	275
Section	14-405	Earthen berms/mounds	276
Section	14-406	Violations and penalty	278

TITLE 15 MOTOR VEHICLES, TRAFFIC, AND PARKING

Chapter	***1***	***Micellaneous***	***279***

Section	15-101	Motor vehicle requirements	280
Section	15-102	Driving on streets closed for repairs, etc.	280
Section	15-103	Reckless driving	280
Section	15-104	One-way streets	280
Section	15-105	Unlaned streets	280
Section	15-106	Laned streets	281
Section	15-107	Yellow lines	281
Section	15-108	Miscellaneous traffic-control signs, etc.	281
Section	15-109	General requirements for traffic-control signs, etc.	281
Section	15-110	Unauthorized traffic control signs, etc.	281
Section	15-111	Presumption with respect to traffic-control signs, etc.	281
Section	15-112	School safety patrols	281
Section	15-113	Driving through funerals or other processions	282
Section	15-114	Clinging to vehicles in motion	282
Section	15-115	Riding on outside of vehicles	282
Section	15-116	Backing vehicles	282
Section	15-117	Projections from rear of vehicles	282
Section	15-118	Causing unnecessary noise	282
Section	15-119	Vehicles and operators to be licensed	282
Section	15-120	Passing	283
Section	15-121	Damaging pavements	283
Section	15-122	Motorcycles, motor-driven cycles, motorized bicycles, bicycles, etc.	283
Section	15-123	Anti-cruising	285
Section	15-124	Operation of tractor-trailers along certain streets prohibited	285
Section	15-125	Adoption of state traffic statutes	285
Chapter	***2***	***Emergency Vehicles***	***287***
Section	15-201	Authorized emergency vehicles defined	287
Section	15-202	Operation of authorized emergency vehicles	287
Section	15-203	Following emergency vehicles	287
Section	15-204	Running over fire hoses, etc.	288
Chapter	***3***	***Speed Limits***	***289***
Section	15-301	In general	289
Section	15-302	At intersections	289
Section	15-303	In school zones	289
Section	15-304	In congested areas	289
Chapter	***4***	***Turning Movements***	***290***
Section	15-401	Generally	290
Section	15-402	Right turns	290
Section	15-403	Left turns on two-way roadways	290
Section	15-404	Left turns on other than two-way roadways	290

Section	15-405	U-turns	290
Chapter	***5***	***Stopping and Yielding***	***291***
Section	15-501	Upon approach of authorized emergency vehicles	291
Section	15-502	When emerging from alleys, etc.	291
Section	15-503	To prevent obstructing an intersection	291
Section	15-504	At railroad crossings	291
Section	15-505	At “stop” signs	292
Section	15-506	At “yield” signs	292
Section	15-507	At traffic-control signals generally	292
Section	15-508	At flashing traffic-control signals	293
Section	15-509	Stops to be signaled	293
Chapter	***6***	***Parking***	***295***
Section	15-601	Definitions	295
Section	15-602	"Illegal parking" generally	296
Section	15-603	Angle parking	297
Section	15-604	Occupancy of more than one space	297
Section	15-605	Loading/unloading zones and service/delivery vehicles	297
Section	15-606	Where parking is prohibited	297
Section	15-607	Presumption with respect to illegal parking	298
Section	15-608	Presumption with respect to legal parking	298
Chapter	***7***	***Enforcement***	***299***
Section	15-701	Issuance of traffic citations	299
Section	15-702	Failure to obey citation	299
Section	15-703	Illegal parking	299
Section	15-704	Impoundment of vehicles	299
Section	15-705	Violations and penalty	300

TITLE 16 STREETS AND SIDEWALKS, ETC

Chapter	***1***	***Micellaneous***	***301***
Section	16-101	Obstructing streets, alleys or sidewalks prohibited	301
Section	16-102	Trees projecting over streets	301
Section	16-103	Obstructing view at intersections prohibited	301
Section	16-104	Projecting signs, awnings and structures restricted	301
Section	16-105	Gates or doors opening over streets, alleys, or sidewalks prohibited	302
Section	16-106	Banners and signs across streets and alleys restricted	302
Section	16-107	Littering streets, alleys or sidewalks prohibited	302
Section	16-108	Obstruction of drainage ditches	302
Section	16-109	Abutting occupants to keep sidewalks clean	302
Section	16-110	Use of public streets and rights-of-way regulated	302
Section	16-111	Animals and vehicles on sidewalks	302

Section	16-112	Fires in streets and public rights-of-way prohibited	302
Section	16-113	Acceptance of streets, easements and rights-of-way	303
Chapter	***2***	***Excavation and Cuts***	***304***
Section	16-201	Permit required	304
Section	16-202	Applications	304
Section	16-203	Fees for excavations and cuts	305
Section	16-204	Manner of excavating – barricades and lights – temporary sidewalks	305
Section	16-205	Performance bond	305
Section	16-206	Restoration of streets, etc.	305
Section	16-207	Insurance	305
Section	16-208	Time limits	306
Section	16-209	Supervision	306
Section	16-210	Driveway curb cuts	306

TITLE 17 REFUSE AND TRASH DISPOSAL

Chapter	***1***	***Refuse***	***307***
Section	17-101	Definitions	307
Section	17-102	Premises to be kept clean	308
Section	17-103	Storage	308
Section	17-104	Location of containers	308
Section	17-105	Disturbing containers	308
Section	17-106	Collection	308
Section	17-107	Collection vehicles	308
Section	17-108	Disposal	309
Section	17-109	Unauthorized containers to be confiscated	309
Section	17-110	Yard refuse	309
Section	17-111	Leaf refuse	309
Section	17-112	Violations and penalty	309

TITLE 18 WATER AND SEWER

Chapter	***1***	***Stormwater***	***310***
Section	18-801	General provisions	310
Section	18-802	Definitions	314
Section	18-803	Illicit discharges	318
Section	18-804	Objectives, policy, and stormwater design	320
Section	18-805	Enforcement response plan	329
Section	18-806	Rule making authority	332
Section	18-807	Sinkholes	332
Section	18-808	Stream buffer zones	332

Section	18-809	Post-Construction stormwater facility operations, Maintenance and BMP agreements	333

TITLE	**19**	**ELECTRICITY AND GAS**	
Section		Reserved for future use	335

TITLE	**20**	**MISCELLANEOUS**	
Chapter	***1***	***Union Cemetery Committee***	***336***
Section	20-101	Creation and membership	336
Section	20-102	Powers and duties	336
Section	20-103	Permit required for excavation	336
Section	20-104	Sale of cemetery lots	337
Chapter	***2***	***Fair Housing Regulations***	***338***
Section	20-201	Definitions	338
Section	20-202	Purposes of law; effect	339
Section	20-203	Unlawful housing practices	339
Section	20-204	Blockbusting	340
Section	20-205	Exemptions from housing provisions	340
Section	20-206	Provisions for enforcement	341
Section	20-207	Agency no defense in proceeding against real estate dealer	341
Section	20-208	Establishment of procedures for conciliation	341
Section	20-209	Findings of hearing board; nature of affirmative action	341
Section	20-210	Investigation, powers, records	342
Section	20-211	Conspiracy to violate this chapter unlawful	343
Section	20-212	Effectiveness	343
Chapter	***3***	***Burgulary and Robbery Alarms***	***344***
Section	20-301	Title and purpose	344
Section	20-302	Definitions	344
Section	20-303	Alarm users' permits required	345
Section	20-304	User instructions for use of alarm systems	345
Section	20-305	Automatic dialing device -- certain interconnections to the police department prohibited	346
Section	20-306	False alarms -- permit suspension	346
Section	20-307	Violations and penalty	347
Chapter	***4***	***Emergency Assistance Policy***	***348***
Section	20-401	Policy and procedures	348
Section	20-402	Definitions	348
Section	20-403	Requesting assistance	348
Section	20-404	Responding to a request for emergency assistance	349
Chapter	***5***	***Uniform Numbering System***	***351***

Section	20-501	Each structure to have designated number to be posted and maintained	351
Chapter	***6***	***Tree Ordinance***	***352***
Section	20-601	Purpose and intent	352
Section	20-602	Definitions	352
Section	20-603	Tree committee	354
Section	20-604	Tree planting	355
Section	20-605	Tree protection	355
Section	20-606	Activities of developers	356
Section	20-607	Mostly highly recommended street and yard tree for Middle Tennessee as recommended by State of Tennessee Forestry Division	356
Section	20-608	Tree maintenance	357
Appendix	***A***	***Occupational Health and Safety***	
Section	I	Purpose and coverage	363
Section	II	Definitions	364
Section	III	Employer's rights and responsibilities	365
Section	IV	Employee's rights and responsibilities	366
Section	V	Administration	367
Section	VI	Standards authorized	369
Section	VII	Variance procedure	369
Section	VIII	Recordkeeping and reporting	370
Section	IX	Employee complaint procedure	371
Section	X	Education and training	382
Section	XI	General inspection procedures	373
Section	XII	Imminent danger procedures	375
Section	XIII	Abatement orders and hearings	376
Section	XIV	Penalties	376
Section	XV	Confidentiality of privileged information	377
Section	XVI	Discrimination investigations and sanctions	377
Section	XVII	Compliance with other laws not excused	377
Appendix	***I***	***Work Locations***	***378***
Appendix	***II***	***Notice to All Employees***	***380***
Appendix	***III***	***Program Plan Budget***	***382***
Appendix	***IV***	***Accident Reporting Procedures***	***383***