

**REGULAR MONTHLY MEETING OF SIGNAL MOUNTAIN TOWN COUNCIL,  
MONDAY, October 11, 2010 TOWN HALL, 6:30 P.M.**

**AGENDA**

- 1.** Pledge
- 2.** Prayer
- 3.** Roll Call
- 4.** Approval of minutes
  
- 5.** Honorary Resolutions
  - a. Recognizing National Pancreatic Cancer month (Nov) – 8/3 email
  
- 6.** State of the Town Address – Mayor Bill Lusk
  
- 7.** Citizens Opportunity to Address Council (Three minute time limit)
  
- 8.** Resolutions
  - a. Authorizing police car purchase
  - b. Authorizing leaf machine purchase
  
- 9.** Ordinances
  - a. Adopting 2009 International Building Codes (1<sup>st</sup> Reading)
  - b. Adopting 2009 International Energy Conservation Code (1<sup>st</sup> Reading)
  - c. Adopting 2009 International Residential Code (1<sup>st</sup> Reading)
  - d. Adopting 2009 International Fuel Gas Code (1<sup>st</sup> Reading)
  - e. Adopting 2009 International Existing Building Code (1<sup>st</sup> Reading)
  - f. Adopting 2009 International Plumbing Code (1<sup>st</sup> Reading)
  - g. Adopting 2009 International Mechanical Code (1<sup>st</sup> Reading)
  - h. Adopting 2009 International Fire Code (1<sup>st</sup> Reading)
  - i. Amending the Animal Control Ordinance (2<sup>nd</sup> Reading)
  - j. Amending the Noise Ordinance (2<sup>nd</sup> Reading)
  - k. Amending the Board Ordinance (2<sup>nd</sup> Reading)
  - l. Amending Solicitation Ordinance (2<sup>nd</sup> Reading)
  - m. Repeal Health Insurance Ordinance (2<sup>nd</sup> Reading)
  
- 10.** Discussions
  - a. Other items of business
  
- 11.** Other Business
  
- 12.** Adjourn

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) 2010 CHEVROLET IMPALA, TENNESSEE STATE BID NUMBER SWC #218, FROM WILSON COUNTY MOTOR CO., IN THE AMOUNT OF TWENTY ONE THOUSAND FOUR HUNDRED TWENTY THREE AND 48/100 (\$21,423.48) DOLLARS TO BE USED BY THE POLICE DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN.

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BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that the Town Manager be and is hereby authorized to purchase one (1) 2010 Chevrolet Impala, Tennessee State Bid Number SWC #218, from Wilson County Motor Co, in the amount of \$21,423.48 to be used by the Police Department for the Town of Signal Mountain.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
RECORDER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION DECLARING THE MONTH OF NOVEMBER AS PANCREATIC CANCER  
AWARENESS MONTH IN THE TOWN OF SIGNAL MOUNTAIN.

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WHEREAS, in 2010, an estimated 43,140 people will be diagnosed with pancreatic cancer in the United States and 36,800 will die from the disease; and,

WHEREAS, pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States; and,

WHEREAS, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 75 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and,

WHEREAS, development of pancreatic cancer is approximately 50 percent higher in African Americans than in other ethnic groups; and,

WHEREAS, approximately 720 deaths occurred last year in Tennessee; and,

WHEREAS, there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years; and the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and,

WHEREAS, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Tennessee and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and,

WHEREAS, the Pancreatic Cancer Action Network and its affiliates in Tennessee support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and,

WHEREAS, the good health and well-being of the residents of Tennessee are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Signal Mountain designates the month of November, 2010 as "Pancreatic Cancer Awareness Month" in the Town of Signal Mountain, Tennessee.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
RECORDER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) LEAF MACHINE FROM OLD DOMINION BRUSH, IN THE AMOUNT OF SIXTEEN THOUSAND SEVEN HUNDRED FORTY ONE AND 00/100 (\$16,741.00) DOLLARS TO BE USED BY THE PUBLIC WORKS DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN.

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WHEREAS, Bid tabulation sheets have been received for a leaf machine for the Public Works Department in the Town of Signal Mountain; and

WHEREAS, the Town Manager has reviewed all bids submitted and has recommended that the bid of Old Dominion Brush be accepted as the lowest and best bid;

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that the Town Manager be and is hereby authorized to purchase one leaf machine from Old Dominion Brush, in the amount of \$16,741.00 to be used by the Public Works Department for the Town of Signal Mountain.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
RECORDER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

**ORDINANCE NO. \_\_\_\_**

AN ORDINANCE TO DELETE TITLE 10, CHAPTER 2  
OF THE SIGNAL MOUNTAIN TOWN CODE IN ITS  
ENTIRETY AND TO SUBSTITUTE IN LIEU THEREOF  
A NEW CHAPTER 2.

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SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN  
OF SIGNAL MOUNTAIN, TENNESSEE, that Title 10, Chapter 2 of the Signal  
Mountain Town Code is deleted in its entirety and to substitute in lieu thereof a new  
Chapter 2 as follows:

**CHAPTER 2**

**DOGS AND CATS**

SECTION

- 10-201. Keeping or harboring cat or dog considered ownership thereof.
  - 10-202. Dogs and cats required to be inoculated against rabies.
  - 10-203. Dogs and cats required to be registered and wear tags; dogs and cats without tags to be impounded.
  - 10-204. Allowing dogs and cats to create a nuisance prohibited; disposition of dogs and cats creating a nuisance.
  - 10-205. Disposition of complaints about dogs or cats creating a nuisance.
  - 10-206. Seizure of dangerous dogs and cats.
  - 10-207. Disposition of impounded dogs and cats.
  - 10-208. Female dogs in season to be confined.
  - 10-209. Enforcement.
  - 10-210. Violations.
  - 10-211. Vicious dog.
- 10-201. Keeping or harboring cat or dog considered ownership thereof. If any dog or cat is found on the premises of any person for a period of five (5) or more days such fact shall be prima facie evidence that the dog or cat belongs to the occupant of such premises, and any person keeping or harboring a dog or cat for five (5) consecutive days shall, for the purpose of this chapter, be declared to be the owner and liable for any violations of this chapter. (1985 Code, section 3-201)

10-202. Dogs and cats required to be inoculated against rabies. Whoever owns, keeps, or harbors any dog or cat within the corporate limits of the Town shall have such dog or cat properly inoculated or immunized against rabies and remain current on rabies vaccination in accordance with County and State Law; provided, however, that any dogs and cats need not be inoculated before they reach the age of three (3) months. The record of inoculation or reinoculation shall be subject to inspection by a person appointed by the Town Council, and the owner or keeper of the dog or cat shall secure an approved tag, that shall contain thereof the year of inoculation and a number which shall correspond with the number on the record kept by person inoculating or reinoculating such dog or cat. Such tag shall be securely fastened to the collar worn by the dog. (1985 Code, section 3-2-2, as replaced by Ord. #94-2, section 1, March 1994)

10-203. Dogs required to wear tags; dogs without tags to be impounded.

It shall be unlawful for any person to own, keep or harbor any dog which does not wear a tag evidencing the vaccination required by this chapter. Animals found without a tag shall be impounded by persons duly qualified and appointed by the Town Council for that purpose and may be recovered by the owner on payment of the fee set by the entity the Town Council has designated to enforce animal control.

Unclaimed animals may be disposed of after seven (7) days notice to the owner, if ownership can be determined, in such manner as the Town Council or the designee to enforce animal control may direct. Dangerous or diseased animals may be impounded and destroyed after seven (7) days notice to the owner, if ownership can be determined, in such manner as the entity the Town Council has designated to enforce animal control may direct.

No person shall bring a dog into the Town for sale, exchange or giving away unless such dog has been inoculated by a veterinarian of the state in which the owner lives or by some person authorized to make vaccinations and the owner of such dog or cat in his possession of certificate of the person making the vaccination or inoculation; unless such dog is kept confined or on a leash.

10-204. Allowing dogs and cats to create a nuisance prohibited; disposition of dogs and cats creating a nuisance.

(1) It shall be unlawful for any person to allow any dog or cat owned or under such person's control to create a nuisance. Any dog or cat found creating a nuisance in violation of this chapter, any dog or cat required to be inoculated or immunized against rabies and found to be not inoculated or immunized against rabies, and any dog or cat affected by rabies or reasonably suspected by a veterinarian or the entity designated by the Town

Council to enforce animal control of being affected by rabies, is declared to be a public nuisance animal and the person owning or in control of such animal is liable to pay any costs of impoundment of such animal by the entity the Town Council has designated to enforce animal control.

(2) The term "public nuisance animal" shall mean, but not be limited to, any dog or cat or other domestic animal that on one or more occasion commits any of the following acts of nuisance in the Town:

- (a) is found at large;
- (b) damages the property of anyone other than its owner;
- (c) molests or intimidates pedestrians or passersby;
- (d) chases vehicles;
- (e) excessively makes disturbing noises;
- (f) causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premise where the animal is kept or harbored;
- (g) causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (h) attacks other domestic animals.

(3) No dog may run at large or astray on the premises of another or upon any public street or sidewalk or other public property in the Town unless such dog is on a leash and attended by the owner or his representative on a leash or other physical confinement.

(4) Any animal running at large committing an act of nuisance as above defined shall be subject to impoundment by the entity the Town Council has designated to enforce animal control or other person appointed by the town council, and any costs associated with such impoundment may be recovered from its owner, or such animal may be disposed of as provided in section 10-207.

(5) If a dog or cat commits one of the above acts of nuisance, in lieu of picking up the dog or cat and impounding it, the owner or person having control of the dog or cat may be cited to court, and if found guilty, the owner or person having control of the dog or cat shall be fined according to the general penalty provision of this code of ordinances.

(6) If a person is found guilty of allowing any dog or cat to commit a nuisance offense as defined in section (2) above, then such person may be required to confine the dog or cat and never permit it to run at large in the Town again. If it is again found committing a nuisance, the Town Judge may order such person to remove the dog or cat from the Town, or it may be disposed of as directed by the entity the Town Council has designated to enforce animal control.

10-205. Seizure of dangerous dogs and cats. The entity the Town Council has designated to enforce animal control, police or other designated person shall seize any impound and dog or cat under the following circumstances:

- (1) If the dog or cat is rabid, or the entity the Town Council has designated to enforce animal control, or other designated person has reasonable cause to suspect the dog or cat to be rabid, or
- (2) If the dog or cat has been bitten by another dog or cat which is under suspicion of being rabid, or
- (3) The dog or cat is behaving viciously or out of control, or
- (4) If in the attempt to seize any dog or cat, it is impossible or impractical to secure it safely with the hands, the entity the Town Council has designated to enforce animal control or other designated person may apprehend the dog or cat by use of a tranquilizer gun (or other similar device not intended to kill or maim the dog or cat). If such method of apprehension fails, and a representative of the town is convinced that public welfare and safety demand prompt and drastic action, he may destroy the animal by shooting it, provided he is close enough to the animal to kill it humanely and in a manner that no human life may be imperiled by his action. (1985 code, 3-206)

10-207. Disposition of impounded dogs and cats. Dogs and cats impounded under the provisions of this chapter shall be disposed of as follows:

- (1) Any dog or cat impounded in violation of this chapter shall be kept for a period established by Tennessee Code Annotated 39-14-207 or 39-14-210 after notice actually served upon the owner and after all reasonable attempts to notify the owner; and if such dog or cat is not redeemed within such period, it may be humanely destroyed or otherwise disposed of as the entity the Town Council has designated may direct pursuant to Tennessee law.
- (2) The owner of any dog or cat may claim and redeem it by paying the person designated by the Town Council an impoundment fee set by the entity the Town Council has designated to enforce animal control.
- (3) Every dog or cat which has bitten a human or has been exposed to rabies or which is suspected of having rabies shall be impounded for a period of ten (10) days or more the by entity the Town Council has designated to enforce animal control, or, at the option of the owner of such dog or cat, shall be detained in a reputable veterinary hospital on condition that such owner shall make arrangements with such veterinary hospital and shall be liable for the charges while such dog or cat is confined therein. During such confinement the dog or cat shall be under the observation and supervision of the Hamilton County Director of Public Health, and it shall be released or humanely destroyed by the poundkeeper after the termination of the observation

period according to the instructions from the director of Public Health. The Director of Public Health may order the poundkeeper to destroy such dog or cat at any time during the period of observation of evidence is such as to convince the director that the dog or cat has rabies. During the period of observation, the owner of such dog or cat shall be liable for reasonable board fees, if such dog or cat is confined at the pound.

- 10-208. Female dogs in season to be confined. Every owner of a female dog in season is required to confine the same in such manner as not to attract other dogs for twenty-four (24) days during the time that she is in season. (1985 Code, 3-208)
- 10-209. Enforcement. The entity the Town Council has designated to enforce animal control or other person appointed by the Town Council, shall implement and enforce the provisions of this chapter and shall have the power to make citations for any violation thereof to the Town Judge. It shall be unlawful for any person to hinder, molest or interfere with such society or person in the performance of their duties hereunder. (1985 Code, 3-209)
- 10-210. Violations. Any person who owns, keeps, or harbors a dog or cat, in violation of any provision of this chapter, who fails or refuses to have such dog or cat inoculated or reinoculated against rabies, or who obstructs or interferes in any manner with the enforcement of this chapter, shall be cited to the Town Judge and is subject to punishment of fines, costs, and penalties as set forth in this municipal code and authorized by TCA 6-54-308. (1985 Code, 3-210).
- 10-211. Vicious dog.
- (1) For the purpose of this section “vicious dog” means:
- (a) Any dog which has attacked a human being or domestic animal one or more times without provocation; or
  - (b) Any dog that is reported and confirmed by an investigating authority to have a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
  - (c) Any dog that snaps, bites, or manifest a disposition to snap or bite; or
  - (d) Any dog that has been trained for dog fighting, animal fighting or animal bating, or is owned or kept for such purposes; or
  - (e) Any dog trained to attack human beings, upon command or spontaneously in response to human activities except dogs owned by and under the control of the police department, a law

enforcement agency of the State of Tennessee or the United States or a branch of the armed forces of the United States;

(2) An application to license a vicious dog must include, in addition to any information required above, the following:

(a) Presentation by the applicant of a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$100,000 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner, or his or her agents, in the keeping or owning of such vicious dog. Said certificate shall require notice to the town, in conformity with general town standards for certificates of insurance in the event the underlying policy of insurance is cancelled for any reason.

(b) The application must be presented to the town recorder with two color photos of the dog. The owner of the vicious dog shall be required to notify the town within 24 hours of any transfer of ownership of the dog, the dog's escape or death; and change of address by the owner, or birth of offspring to the dog.

(3) All unlicensed vicious dogs shall be deemed illegal animals. The person harboring or keeping an unlicensed vicious dog may have the animal removed from the town, if, however, the animal is again found unlicensed in the town or if the person holding or keeping the animal chooses not to remove it from the town then the dog shall be destroyed. This section shall not apply to a dog which, upon initial notice to its owner, the owner agrees to properly license and confine; or to a dog for which a hearing has been requested under this chapter to determine if it is vicious until there has been a final decision on the questions raised at hearing at which time the owner may, if the dog is found vicious, properly license and confine said dog.

(4) Seizure, impoundment and disposition of vicious dogs;

(a) The Town Manager or designee, in his or her discretion or upon receipt of complaint alleging that a particular dog is a vicious dog as defined herein, may initiate an investigation to declare such dog a vicious dog. If the Town Manager or designee determines such dog a vicious dog, the dog's owner shall be notified by certified mail return receipt requested or personal delivery with a witness and give the owner 24 hours to deliver the dog to the pound where the dog will be kept at the owner's expense until the remaining administrative procedure shown below is resolved or the dog is removed from the town permanently, whichever occurs first.

(b) If the owner fails to deliver the dog to the pound, the Town Manager or designee shall confiscate the dog and take it to the

pound. If the owner fails to deliver the dog to the pound, the town manager or designee shall confiscate the dog and take it to the pound.

(c) If the owner contests said designation within seven days of receipt of the letter from the Town Manager or designee declaring the dog vicious, a hearing on the matter shall be conducted by the Town Manager. The person, firm or corporation owning, keeping, sheltering or harboring the dog in question shall be given not less than 72 hours written notice of the time and place of said hearing. Said notice shall set for the description of the dog in question and the basis for the allegation of viciousness. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

(d) If, after a hearing, the Town Manager or designee determines a dog is a vicious dog, or a vicious dog held in violation of this chapter as set out in the notice of hearing, the Town Manager or designee shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to license and confine the dog as required by this chapter, or remove it from the Town.

(e) The order shall immediately be served upon the individual or entity that owns or is in control of this dog in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the Town Manager or designee is authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the order of the Town Manager or designee was issued has not appealed such order to the town council or has not complied with the order, the Town Manager or designee shall cause the animal or dog to be destroyed.

(5) The order to license, confine or remove a vicious dog from the Town issued by the Town Manager or his or her designee may be appealed to the town council. In order to appeal such order written notice of appeal must be filed with the Town Recorder within three days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Town Manager or designee.

(6) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Town Recorder. The hearing of such appeal shall be scheduled within twenty days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the Town Council may affirm or reverse the order of the

Town Manager or his or her designee. Such determination shall be contained in a written decision and shall be filed with the Town Recorder within three days after the hearing, or any continued session thereof. The hearing shall be confined to the record made before the Town Manager or designee and the arguments of the parties or their representative, but no additional evidence shall be taken.

(7) If the Town Council affirms the action of the Town Manager or his or her designee, the Town Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious dog, shall license and confine said dog as required by this chapter or remove such animal from the town. The decision and order shall immediately be served upon the person or entity against who rendered in the same manner as the notice set out in subsection (a) of this section. If the original order of the Town Manager or his or her designee is not appealed and is not complied with within three days or the order of the town council after appeal is not complied with within three days of its issuance, the chief of police or his or her designee is authorized to seize and impound such vicious dog. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the Town Manager or his or her designee or the Town Council was issued has not petitioned the Town Judge for a review of said order, or has not complied with the order, the Town manager or his or her designee shall cause the dog to be destroyed in a humane manner.

(8) Any dog which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the dog is determined to be vicious. If the dog is not determined to be vicious, all costs shall be paid by the town except costs attributable to initial confinement prior to notice or cost of any required quarantine which shall nonetheless be paid by the owner.

(9) Any animal found at large which displays dangerous tendencies or is an illegal animal may be processed as a dangerous animal and said animal may be immediately seized anywhere within the Town apprehended, in which case the chief of police or his or her designee is authorized to destroy it immediately. Any dog which has been previously declared vicious or which is believed to be vicious and is not property confined may be treated as a dangerous animal, and be immediately seized anywhere within the town.

(10) Any animal required by any provision of this chapter to be removed, voluntarily or otherwise from the Town, shall be so removed by its owner or the person harboring or having control of such animal who shall provide the chief of police a notarized statement designating the place to which the animal has been removed. An animal not removed as required, or an animal which has been removed and which is again found illegally within the Town shall be destroyed. (Ord.#90-5, Nov. 1990, as amended by Ord. #98-4, March 1998)

(11) The owner shall also post in a conspicuous place at each entrance to such building or enclosure, a clearly legible and visible sign warning all persons preparing to enter said building or enclosure of the dangerous or vicious animal confined therein.

(12) The owner shall confine within a building or secure enclosure, any fierce, dangerous, or vicious animal, and not take such animal out of the building or secure enclosure unless such animal is securely muzzled.

SECTION 2. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading \_\_\_\_\_, 2010.

Passed Second Reading \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Recorder

**ORDINANCE NO. \_\_\_\_**

AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN TOWN CODE, TITLE 11, TO AMEND TITLE 11 BY DELETING CHAPTER 10 IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 10 ENTITLED "AGAINST THE PEACE AND QUIET".

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SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that Title 11 of the Signal Mountain Town Code is amended to delete Chapter 10 in its entirety and to substitute a new Chapter 10 in lieu thereof entitled "Against the Peace and Quiet" as follows:

**AGAINST THE PEACE AND QUIET**

**SECTION**

- 11-1001. Disturbing the peace.
- 11-1002. Anti-noise regulations.
- 11-1003. Declared Unnecessary noises enumerated.
- 11-1004. Nonvehicular noises restricted.
- 11-1005. Vehicular noise regulations.
- 11-1006. Excessive noise from motor vehicles.
- 11-1007. Exemptions.

11-1001. 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. (1985 Code, § 10-1001)

11-1002. Anti-noise regulations.

(1) The making, creation or permitting of any unreasonably loud, disturbing or unnecessary noise in the Town which may disturb the peace and quiet of residential neighbors is prohibited.

(2) The making, creating or permitting of any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual or which

either steadily or intermittently annoys, disturbs, injures or endangers the comfort, repose, peace or safety of any individual is prohibited.

(3) To assist in applying uniform standards for the enforcement of noise problems within the Town, the following standards shall apply:

(a) Within all Residential zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, between designated hours is in excess of:

(i) 7:00 A.M. to 9:00 P.M.:

(A) Continuous airborne sound which has a sound level of 60 dbA's.

(B) Impulsive sound in air with an impulsive sound level of 80 dbA's.

(ii) 9:00 P.M. to 7:00 A.M.:

(A) Continuous airborne sound which has a sound level of 50 dbA's.

(B) Impulsive sound in air with an impulsive sound level of 70 dbA's.

(b) Within all Commercial zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, between designated hours is in excess of:

(i) 7:00 A.M. to 9:00 P.M.:

(A) Continuous airborne sound which has a sound level of 65 dbA's.

(B) Impulsive sound in air with an impulsive sound level of 80 dbA's.

(ii) 9:00 P.M. to 7:00 A.M.:

(A) Continuous airborne sound which has a sound level of 55 dbA's.

(B) Impulsive sound in air with an impulsive sound level of 80 dbA's.

11-1003. Declared unnecessary noises enumerated. The following acts, among others, are declared to be loud or disturbing or unnecessary noises in violation of this chapter even if the noises referred to do not violate the standard noise level for the Town.

(1) Horns, signal devices and the like.

(a) The sounding of any horn or signal device of any automobile, motorcycle, bus or other vehicle:

(i) While not in motion or unless minimal by use of a key fob, except as a danger signal that another vehicle is approaching apparently dangerously; or

(ii) If in motion:

(A) after or as brakes are being applied and deceleration of the vehicle is intended;

(B) before passing another vehicle as a signal of intent to so pass;

(C) where state motor vehicle statutes require the sounding of such a horn or signaling device; or,

(D) when otherwise necessary as a danger signal.

(b) Wherever the sounding of any horn or signal device is permitted or required such sound shall not be unreasonably loud or harsh and shall not be for an unreasonable duration of time.

(2) Animals and birds. The keeping of any animal or bird which, by causing frequent or long-continued noise, disturbs the comfort and repose of any person in their vicinity.

(3) Defect in vehicle or noisy load. The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(4) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle engine except through a muffler or other device which meets the standards established for such devices by applicable state laws and regulations.

(5) Mechanical devices. The use of mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced to the extent required by state laws and regulations.

(6) Schools, courts, and churches. The creation of any loud or excessive noise on any street adjacent to any school or institution of learning, church or judicial court while the same are in session, which noise unreasonably interferes with the workings of such institutions; this restriction shall be in force only if signs are displayed in such streets indicating the same is a school, church, or court street or quiet zone.

(7) Loading or unloading of vehicles; opening or destruction of boxes. The creation of a loud or excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates, and containers. Commercial refuse collection is prohibited between the hours of 10:00 P.M. and 7:00 A.M.

(8) Devices attached to buildings. The sounding of any bell, gong or device attached to any building or premises, particularly during the hours between 10:00 P.M. and 7:00 A.M., which disturbs the quiet or repose of any persons in the vicinity of the devices. This rule shall not apply if the bell, gong or device is a sounded as a warning of danger.

(9) Vehicles and buses. The unnecessary or prolonged blowing or sounding of any horn, whistle, bell or other device attached to any motor vehicle, bus or truck while passing through the town or while loading passengers or freight within the town.

(10) Loudspeakers and amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other vehicles for advertising or other commercial purposes.

(11) Construction or repair of buildings. Construction, demolition, repair, paving or alteration of buildings or streets or excavation when conducted between the hours of 7:00 P.M. and 7:00 A.M. (8:00 A.M. on Saturdays and Sundays), except

in emergencies. Property owners making repairs and/or alterations on their own property of residence may work until 9:00 P.M.

11-1004. Non-vehicular noises restricted. No person shall use or operate any facility, machine or instrument or produce or cause to be produced any sound in the town, when the same shall produce noise, the sound-pressure level of which, measured at the point of annoyance complained of, shall exceed the standard noise level of the town established for that location and time of day. In measuring noises to determine if the standard noise level of the town has been exceeded, the measurement shall be measured on the A-weighting of an accurate sound-level meter. The background or ambient sound level is defined as the sound present when the offending noise source is silenced.

11-1005. Vehicular noise regulations.

(1) No person shall operate, within the limits of the town, any vehicle which will emit noise which will exceed the standard noise level of the town established for the type vehicle when used under ordinary circumstances. For vehicles, the standard noise level of the town is hereby established as follows:

Type of vehicle	Maximum noise level (dbA's)
Vehicle other than motorcycles	76
Motorcycles	82

(2) Measurements shall be taken fifty feet from the source.

11-1006. Excessive noise from motor vehicles.

(1) No person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway within the Town, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loudspeaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle. For the purpose of this section "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet, however, words or phrases need not be discernible and such sound shall include base reverberation.

(2) This section shall not be applicable to emergency or public safety vehicles, vehicles owned or operated by a municipal or county government or any utility company, for sound emitted unavoidably during a job-related operation, school or community sponsored activities, or any motor vehicle used in an authorized public activity, such as a parade.

11-1007. Exemptions. Exemptions from noise level limits shall be as follows:

(1) Emergency construction, repair, pavings demolition, or alteration of a street or building. Permission of the town administrator shall be proof that such emergency exists.

(2) Emergency activities of municipal, county, state, or federal government agencies and emergency activities of public utilities when they are seeking to

provide electricity, water or other public utility services and the public health, safety or welfare are involved.

(3) Warning devices on authorized emergency vehicles and on vehicles used for traffic safety purposes.

(4) Attendant on-site noise connected with the actual performance of sporting events, parades, auctions, fairs and festivals.

(5) Power lawn mowers and other lawn care equipment, when operated between the hours of 8:00 A.M. (9:00 A.M. on Saturdays and Sundays) and 9:00 P.M.

(6) Air conditioners that increase the background or ambient sound level no more than five dbA's.

SECTION 2. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading \_\_\_\_\_, 2010.

Passed Second Reading \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Recorder

**ORDINANCE NO.**

AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN TOWN CODE, TITLE 2, TO AMEND TITLE 2 BY DELETING CHAPTER 12, SECTION 2-1202 AND ADDING NEW CHAPTERS 12, SECTION 2-1202.

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SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that Title 2 of the Signal Mountain Town Code be amended to delete Chapter 12, Section 2-1202 in its entirety and to add new Chapters 12, Section 2-1202 as follows:

2-1202. Organization and Membership. (See General Board Requirements, Chapter 1, Section 1-101 to 1-105.) The Board shall consist of seven (7) residents of the Town and shall make annual reports to the Town Council as well as other reports from time to time, as requested.

SECTION 2. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading \_\_\_\_\_, 2010.

Passed Second Reading \_\_\_\_\_, 2010.

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Mayor

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Town Recorder

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO DELETE, TITLE 9, CHAPTER 1, SECTION 113 OF THE SIGNAL MOUNTAIN TOWN CODE AND TO SUBSTITUTE IN LIEU THEREOF A NEW SECTION 9-113 ENTITLED "HOURS OF PERMITTED SOLICITATION UNDER THIS CHAPTER."

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SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that Title 9, Chapter 1, Section 113 of the Signal Mountain Town Code be amended to delete said section in its entirety and to substitute a new Section 113 in lieu thereof as follows:

**9-113. Hours of Permitted Solicitation Under this Chapter.**

Any permittee under this chapter shall not be allowed to solicit for sale, enter in, or to go upon any premises of any property owner within the Town except as provided in this chapter. No permittee shall be allowed to solicit for sale, enter in, or to go upon any premise which displays a blue circular sticker or decal, supplied by the Town. Permitted solicitation shall only occur within the Town by permittees during normal business hours from 9:00 A.M. through 5:00 P.M. Monday through Friday or during the hours of 10:00 A.M. through 2:00 P.M. on Saturday. No permitted solicitation or sales may occur outside these permitted hours and a copy of this chapter shall be provided to all applicants for permits by the Town Manager. This provision shall automatically expire on April 30, 2011 unless it is approved to extend beyond that date by the Town Council.

SECTION 2. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading \_\_\_\_\_, 2010.

Passed Second Reading \_\_\_\_\_, 2010.

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MAYOR

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RECORDER

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RESCINDING ORDINANCE NO. 2007-14,  
AND DELETING TITLE 1, CHAPTER 1, SECTION 1-105 TO  
THE SIGNAL MOUNTAIN TOWN CODE RELATIVE TO  
HEALTH INSURANCE FOR TOWN COUNCIL MEMBERS  
WHILE IN OFFICE FOR THE TOWN OF SIGNAL  
MOUNTAIN, TENNESSEE.

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SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN  
OF SIGNAL MOUNTAIN, TENNESSEE, That Ordinance No. 2007-14, which was passed on  
Second Reading on November 12, 2007, is hereby rescinded and Title 1, Chapter 1, Section 1-  
105 relative to Health Insurance for Town Council members while in office is deleted in its  
entirety from the Signal Mountain Town Code.

SECTION 2. That this Ordinance shall become effective two (2) weeks from and  
after its passage as provided by law.

Passed First Reading \_\_\_\_\_, 2010.

Passed Second Reading \_\_\_\_\_, 2010.

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MAYOR

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RECORDER

PAN/kac