

TITLE 20

MISCELLANEOUS

CHAPTER

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CHAPTER 1

FAIR HOUSING

SECTION

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20-101. Policy. It is the policy of The City of Morristown to provide, within constitutional limitations, for fair housing throughout the community. (1979 Code, § 4-701, as replaced by Ord. #3285, June 2007)

20-102. Definitions. (1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(2) "Family" includes a single individual.

(3) "Person" includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and judiciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(5) "Discriminatory housing practice" means an act that is unlawful under §§ 20-104, 20-108 or 20-106. (1979 Code, § 4-702, as replaced by Ord. #3285, June 2007)

20-103. Unlawful practice. Subject to the provisions of subsection (2) and § 20-107, the prohibitions against discrimination in the sale or rental of housing set forth in § 20-104, shall apply to:

(1) All dwellings except as exempted by subsection (2).

(2) Nothing in § 20-104 shall apply to:

(a) Any single-family house sold or rented by an owner: Provided that such private individual owner does not own more than three (3) such single-family houses at any one time: Provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one (1) such sale within any twenty-four (24) month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one (1) time: Provided further that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented

(i) Without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and

(ii) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-104(3) of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence.

(3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or

(c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (1979 Code, § 4-703, as replaced by Ord. #3285, June 2007)

20-104. Discrimination in the sale or rental of housing. As made applicable by § 20-103 and except as exempted by §§ 20-103(2) and 20-107, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or disability.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or disability.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status or disability, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, national origin, familial status or disability that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status or disability.

(6) To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by that person if such modifications are necessary to afford that person full enjoyment of the premises.

(7) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. (1979 Code, § 4-704, as replaced by Ord. #3285, June 2007)

20-105. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status or disability of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 20-103(2). (1979 Code, § 4-705, as replaced by Ord. #3285, June 2007)

20-106. Discrimination in the provisions of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or disability. (1979 Code, § 4-706, as replaced by Ord. #3285, June 2007)

20-107. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit 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, national origin, familial status or disability. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (1979 Code, § 4-707, as replaced by Ord. #3285, June 2007)

20-108. Administration. (1) The authority and responsibility for administering this Act shall be in the Mayor of Morristown, Tennessee.

(2) The Mayor of Morristown, Tennessee may delegate any of these functions, duties, and powers to employees of the community or to boards of

such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The Mayor of Morristown, Tennessee shall be rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the community, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Mayor of Morristown, Tennessee to further such purposes. (as added by Ord. #3285, June 2007)

20-109. Education and conciliation. Immediately after the enactment of this chapter, the Mayor of Morristown, Tennessee shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (as added by Ord. #3285, June 2007)

20-110. Enforcement. (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the mayor or Tennessee Human Rights Commission. Complaints shall be in writing and shall contain such information and be in such form as the mayor or Tennessee Human Rights Commission requires. Upon receipt of such a complaint, the mayor or Tennessee Human Rights Commission shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (3), the mayor or Tennessee Human Rights Commission shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the mayor or Tennessee Human Rights Commission decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the mayor or Tennessee Human Rights Commission who shall make public any information in violation of this sesction shall be deemed guilty of a misdemeanor and upon conviction

thereof shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year.

(2) A complaint under subsection (1) shall be filed within one hundred and eighty days (180) after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the mayor or Tennessee Human Rights Commission, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty (30) days after a complaint is filed with the mayor, county mayor or Tennessee Human Rights Commission, the mayor, county mayor or Tennessee Human Rights Commission has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The mayor, county mayor or Tennessee Human Rights Commission will assist in this filing.

(4) If the mayor, county mayor or Tennessee Human Rights Commission has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complaint.

(6) Whenever an action filed by an individual shall come to trial, the mayor, county mayor or Tennessee Human Rights Commission shall immediately terminate all efforts to obtain voluntary compliance. (as added by Ord. #3285, June 2007)

20-111. Investigation; subpoenas; giving of evidence. (1) In conducting an investigation, the mayor, county mayor or Tennessee Human Rights Commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however, that the mayor, county mayor or Tennessee Human Rights Commission first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor, county mayor or Tennessee Human Rights Commission

may request subpoenas to compel the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court of the district in which the investigation is taking place. The mayor, county mayor or Tennessee Human Rights Commission may administer oaths.

(2) Upon written application to the mayor, county mayor or Tennessee Human Rights Commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the mayor, county mayor or Tennessee Human Rights Commission to the same extent and subject to the same limitations as subpoenas issued by the mayor, county mayor or Tennessee Human Rights Commission himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoena of the mayor, county mayor or Tennessee Human Rights Commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five (5) days after service of a subpoena upon any person, such person may petition the mayor, county mayor or Tennessee Human Rights Commission to revoke or modify the subpoena. The mayor, county mayor or Tennessee Human Rights Commission shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the mayor, county mayor or Tennessee Human Rights Commission or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the mayor, county mayor or Tennessee Human Rights Commission shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the mayor, county mayor or Tennessee Human Rights Commission, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the mayor, county mayor or Tennessee Human Rights Commission pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct

entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

(7) The city, county or Tennessee Human Right Commission attorney shall conduct all litigation in which the mayor, county mayor or Tennessee Human Rights Commission participates as a party or as amicus pursuant to this chapter. (as added by Ord. #3285, June 2007)

20-112. Enforcement by private persons. (1) The rights granted by §§ 20-104, 20-105 and 20-106 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought to this section or § 20-110(4) from time to time before bringing it to trial or renting dwellings; or

(2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion, sex, national origin, familial status or disability, in any of the activities, services, organizations or facilities; or

(b) Affording another person or class of persons opportunity or protection so to participate, or

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, national origin, familial status or disability, in any of the activities, services, organizations or facilities, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than one thousand dollars (\$1,000.00), or imprisoned not more than one (1) year, or both; and, if bodily injury results, shall be fined not more than ten thousand dollars (\$10,000.00), or imprisoned not more than ten (10) years, or both; and, if death results, shall be subject to imprisonment for any term of years or for life. (as added by Ord. #3285, June 2007)

CHAPTER 2

AMBULANCE SERVICE

SECTION

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- 20-202. Service requirements.
- 20-203. Compliance with standards.
- 20-204. Assignability.
- 20-205. Termination.
- 20-206. Responsibility of operation.
- 20-207. Other ambulance services.

20-201. Franchise. Morristown-Hamblen Emergency Medical Service Company (E.M.S.) is granted an exclusive franchise to locate, maintain and operate an ambulance service within the City of Morristown, to transport both emergency and non-emergency patients in all cases wherein the Morristown-Hamblen Emergency Medical Service Company or Hamblen County Emergency Communication District (E-911) and/or the Hamblen County sheriff's department and/or the police department of the City of Morristown are requested to dispatch an ambulance to transport such patients. (Ord. #2660, Dec. 1991)

20-202. Service requirements. The franchise shall provide all ambulance services that are requested and dispatched, direct or indirect, through the E-911 dispatch number and/or by the Hamblen County sheriff's department and/or the police department of the City of Morristown. Said franchise shall also participate in all activities required of emergency management preparedness planning in Hamblen County including simulations, mock disasters, and training and shall respond to all actual occurrences where lives and property are threatened. (Ord. #2660, Dec. 1991)

20-203. Compliance with standards. All facilities, equipment and personnel of the franchisee shall be maintained and operated in accordance with the requirements and regulations of Tennessee Emergency Medical Services Board and the Commissioner of Health and Environment for the State of Tennessee. (Ord. #2660, Dec. 1991)

20-204. Assignability. The Morristown-Hamblen Emergency Medical Service Company shall have no right to assign this permit without the approval of the city governing body, which approval shall not be unreasonably withheld. (Ord. #2660, Dec. 1991)

20-205. Termination. This franchise may be terminated upon ninety (90) days written notice by the city directed to the Morristown-Hamblen Emergency Medical Service Company or by said Emergency Medical Company directed to the city. Furthermore, said ambulance service will be subject to such reasonable rules and regulations as may be promulgated by said city. (Ord. #2660, Dec. 1991)

20-206. Responsibility of operation. Although the franchisee shall have full responsibility for maintenance, ownership, and operation of the ambulance service, the city shall be furnished copies of financial statements on a quarterly basis and a copy of an annual financial statement to be audited by an independent certified public accountant. (Ord. #2660, Dec. 1991)

20-207. Other ambulance services. All other ambulance services, including Morristown-Hamblen Emergency Medical Services Company, duly licensed by the State of Tennessee and complying with all provisions of the Emergency Medical Services Act of 1983 set out in Tennessee Code Annotated § 68-140-501, as amended, and having obtained a permit from the city, shall be permitted to operate in the City of Morristown, to transport patients in all cases wherein such ambulance service is directly requested to provide such service by such patient and/or on behalf of such patient and not through the E-911 number and/or the Hamblen County sheriff's department or the police department of the City of Morristown provided, however, that no such ambulance service shall fail or refuse to provide such service to any person because of that person's real or perceived inability to pay for such service. A violation of this provision shall be grounds for revocation of the permit. (Ord. #2660, Dec. 1991)

CHAPTER 3

MOVING BUILDINGS

SECTION

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20-301. Permit required. It shall be unlawful for any person or entity to move or cause to be moved any building within, into, through, or from the city without first obtaining a permit therefor from the building inspector. Such permit shall be known as a "building moving permit." (Ord. #2577, July 1989)

20-302. Application for permit. Any person or entity desiring such a permit shall file with the building inspector an application therefor in writing on a form to be furnished by the city for that purpose.

Such application shall specify the following:

- (1) The character and size of the building to be moved;
- (2) The reason for such moving;
- (3) The use, purpose and occupancy for which said building or structure is to be used;
- (4) The location from which and to which said building is to be moved;

- (5) A plot plan showing the proposed location of the building upon the property to which said building is to be moved, provided said location is in the city;
- (6) The streets on, over or through which it is desired to move said building;
- (7) Whether the building conforms to the zoning laws in the location to which it is to be moved. (Ord. #2577, July 1989)

20-303. Investigation. Upon the filing of the application, the building inspector shall cause an investigation to be made of the building and of the matters addressed by the application. (Ord. #2577, July 1989)

20-304. Denial of permit. No permit shall be issued to move any building or structure which, in the opinion of the building inspector:

- (1) Is so constructed or in such condition as to be dangerous;
- (2) Is infested with pests or unsanitary;
- (3) If it is a dwelling or habitation, is unfit for human habitation;
- (4) Is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of one thousand feet from the proposed site;
- (5) If the proposed use is prohibited by the zoning laws of the city;
- (6) If the structure is of a type prohibited at the proposed location by any ordinance of the city; or
- (7) If the moving of the building or structure causes unreasonable damage to the trees, plants and shrubs on and along the public streets.
- (8) If the building or structure is in such a condition as to be impracticable of repair and restoration to the extent that thereafter, it would meet the minimum standards of applicable building and safety codes and standards.

Provided, however, that if the condition of the building or structure, in the judgment of the building inspector, admits of practicable and effective repair, the permit may be issued upon the terms and conditions as set forth herein. (Ord. #2577, July 1989)

20-305. Terms and conditions of permit. When a building moving permit is granted, such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to, the public streets, or other public property in the city on, over or through which the building or structure shall be moved, and the requirements of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public

welfare or to the property and improvements, or either, in the district to which it is to be moved.

Such terms and conditions shall be written upon the permit or appended in writing thereto. (Ord. #2577, July 1989)

20-306. Estimate of cost and deposit. The applicant shall also deposit with the city clerk a cash deposit sufficient to cover the cost to the city as estimated by the building inspector, of trimming, moving, removing or replanting of trees or shrubs, and of moving, removing, or displacing any pole or other structure, supporting any wires, cables or other equipment belonging to the city or the cutting, displacing or changing the location of any wire, cable or other equipment upon said poles or structures belonging to the city. (Ord. #2577, July 1989)

20-307. Liability insurance. Every person or entity moving a building in the city shall file with the city administrator's office a liability insurance policy issued by a solvent corporation holding a certificate of authority to do insurance business in the state, which policy shall conform in all respects to the requirements of this section.

In lieu of filing the insurance policy herein referred to, a certificate of insurance issued by an insurance corporation may be filed. The certificate must show that a policy meeting the requirements of this section has been issued, and shall set forth the expiration date of said policy.

The liability policy required under this section shall insure the person or entity moving a building against loss from the liability imposed by law for injury to, or death of, any person growing out of the moving of such building, to the amount or limit of \$300,000 exclusive of interest and costs, on account of injury to, or death of, any one person, and \$500,000 exclusive of interest and costs, on account of moving any one building resulting in injury to or death of more than one person, and \$100,000 for damage to property of others, resulting from moving any one building. (Ord. #2577, July 1989)

20-308. Owner's completion bond. Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the building inspector a corporate surety bond, conditioned as follows: That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the said permit shall be fully performed and completed within a reasonable time, (not to exceed one hundred and twenty days), to be specified by the building inspector in the permit. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done plus ten percent thereof, and shall name the city as obligee, and shall be in a form approved by the city attorney.

In lieu of furnishing such a corporate surety bond, the owner or lessee may post a cash deposit in the amount of said bond, or assign a certificate of deposit or other acceptable governmentally insured security instrument in such amount.

An extension of time for said completion may be granted in writing by the building inspector when, in his discretion, circumstances shall so justify, but no such extension shall release any surety or other security. (Ord. #2577, July 1989)

20-309. Clearance of site and safety measures required. Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall file with the city administrator's office a corporate surety bond or other form of security in favor of the city conditioned as follows:

(1) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed.

(2) Immediately after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(3) Within ten days after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

(a) Securely close and seal any sanitary piping located on the property.

(b) Fill with dirt or sand any septic tanks or cesspools located on the property.

(c) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the building inspector.

(d) Remove any buried underground tanks formerly used for storage of flammable liquids.

(e) Remove all refuse, debris and waste materials from the property.

The bond required by this section shall be in an amount equal to the cost of the work proposed to be done, as estimated by the building inspector.

In lieu of furnishing such a corporate surety bond, the owner or lessee may post a cash deposit in the amount of said bond, or assign a certificate of deposit or other acceptable governmentally insured security instrument in such amount.

An extension of time for completion of the work required by this section may be granted by the building inspector, when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this section. (Ord. #2577, July 1989)

20-310. Permit fee. A permit fee in the amount of \$50.00 in town and \$100 out-of-town shall be paid to the city upon the issuance of each house moving permit. (Ord. #2577, July 1989)

20-311. Issuance of permit. The building inspector shall approve the issuance of a building moving permit when all the necessary requirements and conditions of this article have been complied with. (Ord. #2577, July 1989)

20-312. Suspension or revocation of permit. The building inspector, at any time, for sufficient cause, may revoke or suspend any permit granted under this chapter. (Ord. #2577, July 1989)

20-313. Control and supervision. Every building which is moved on, over or through any public street, way or park in the city shall be under the control of the building inspector and every such building shall be moved in a careful manner and the work shall be prosecuted with diligence to the satisfaction and approval of said building inspector. This section in no way relieves the person or entity having charge of the moving of any building of his obligation to furnish proper supervision. (Ord. #2577, July 1989)

20-314. Notice required. Notice must be given by the person to whom the permit is issued, or his representative, to both the department of public works and the police department of the city not less than thirty-six hours nor more than forty-eight hours before the actual work of moving a building or structure is to commence. (Ord. #2577, July 1989)

20-315. Default in performance of conditions. Whenever a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the permittee by the building inspector, said notice to state the work to be done, the estimated cost thereof, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the permittee must, within the time therein specified, either cause the work to be done or pay over to the city the estimated cost of doing the work, as set forth in the notice, plus ten percent of said estimated cost. Upon receipt of notice from the city that the permittee has deposited such money, the building inspector shall cause the required work to be performed and completed.

If the permittee defaults, the city shall have the option, in lieu of completing the work required, to demolish the building or structure and to clear, clean and restore the site or sites. (Ord. #2577, July 1989)

20-316. Approval of route. The streets over which any building or structure is to be moved must be approved by the building inspector and the chief of police. (Ord. #2577, July 1989)

20-317. Obstructing streets. No person owning or having charge of the moving of any building into, on, over, through, or from any public streets, ways or parks in the city, shall permit said building to remain in any one location on any such street, way or park for a period longer than twenty-four hours except by written permission obtained from the chief of police, or to obstruct traffic on any railroad. (Ord. #2577, July 1989)

20-318. Lights and barricades. The person having charge of the moving of any structure shall maintain proper lights and barricades whenever such structure is on any public street, way or park during the hours of darkness. (Ord. #2577, July 1989)

20-319. Wires and structural supports. In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables or other equipment of any public entity or of the city or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the person or entity to whom such permit has been granted, or his authorized representative, shall obtain permission in writing from the owner or owners of such pole, structure or the wires, cables or other equipment thereon, and shall notify such owner or owners at least forty-eight hours prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person or entity to whom said permit is granted shall not at the expiration of said time of notice or any time, cut, move or in any way disturb said public utility or city property; and such work shall be done only by the authorized workmen of the utility or the city, whichever is the owner or is by agreement, responsible for the utility.

The person or entity to whom said permit is granted shall pay to said public utility, or to said city, as the case may be, any and all costs or expenses for the removal, rearrangement or replacement of any pole or structural support of wires, cables or equipment thereon or of any damage to such property. (Ord. #2577, July 1989)

20-320. Trees, plants and shrubs. In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to trim, move, remove or replant any tree, plant or shrub belonging to or under the control of the city, the person or entity to whom such permit has been granted, or his authorized representative, shall notify the building inspector at least forty-eight hours prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person or entity to whom said permit is granted shall not at the expiration of said time of notice or at any time trim, move, remove, replant or otherwise disturb such trees, plants or shrubs; and such work shall be done only

by the authorized workmen of the city unless otherwise approved and so ordered by the building inspector.

The person or entity to whom said permit is granted shall pay to said city any and all costs or expenses for the trimming, moving, removing or replanting of any trees, plants or shrubs or of any damage thereto. (Ord. #2577, July 1989)

20-321. Repairs to public property. In the event that the moving of any building for which a permit shall have been granted hereunder causes damage to the public streets or other public property, in addition to any other remedies the city may have, the building inspector may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or he may require the person or entity to whom such a permit has been granted or his authorized representative, upon written notification from the building inspector to make all necessary repairs to such streets or property; provided, however, that should said person to whom said permit has been granted, and to whom said notice has been given, or his authorized representative, fail to make said necessary repairs within the period of time designated in said written notice, said building inspector may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein. (Ord. #2577, July 1989)

20-322. Refunding of deposits. When the moving of any building for which a permit has been granted is completed, and all damage to public streets or other public property has been repaired to the satisfaction of the building inspector and all costs of repairing damage or performing other work as provided herein, have been paid, and the deposit as required by § 20-306 hereof, or such portion thereof then remaining unused under the provisions of this article shall be refunded upon surrender of the deposit receipt representing the said money so deposited. Should the cost, however, of repairing damages and/or performing other work as in this article provided, said permit was granted shall be held liable for the amount of damage and/or other costs which are in excess of the amount deposited, and it shall be the duty of the city administrator, upon receipt of the request from the building inspector, to collect such part of the claim which is in excess of the deposit from the person or entity to whom the permit was granted. (Ord. #2577, July 1989)

CHAPTER 4

SMOKE DETECTORS

SECTION

- 20-401. Definitions.
- 20-402. Regulations for apartments and hotels.
- 20-403. General requirements.
- 20-404. Tampering with detectors unlawful.
- 20-405. Violations and penalties.
- 20-406. Existing building requirements.
- 20-407. Compliance with other laws.

20-401. Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Approved smoke detector" means a device which senses visible or invisible particles of combustion and has been investigated and listed in accordance with standards prescribed by:

(a) A nationally recognized and approved independent testing agency or laboratory, such as Underwriters' Laboratories' Standard for Single and Multiple Station Smoke Detectors (UL 217); or

(b) An agency authorized to make independent inspections by the state fire marshal.

(2) "Hotel" means any building providing sleeping accommodations for guests, travelers, or semi-permanent residents. The term includes motels, inns, boarding homes, lodging homes, rooming houses, tourist homes, hostels, dormitories, and so-called apartment hotels.

(3) "Apartment building" means any building containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartment, or by any other name. The term does not include condominium projects. (Ord. #2487, Oct. 1986)

20-402. Regulations for apartments and hotels. (1) Any smoke detector required in an apartment building by this chapter shall be maintained by the tenant of the living unit where the smoke detector is located in accordance with the manufacturer's instructions. However, upon termination of a tenancy in a unit, the owner of the apartment building shall ensure that any required smoke detector is operational prior to reoccupancy of the unit.

(2) The owner or manager of a hotel shall be responsible for performance of such maintenance, repairs, and tests as are necessary to ensure that every smoke detector required in such hotel is operational at all times.

(3) No alarm silencing switch or audible trouble silencing switch shall be provided unless its silenced position is indicated by a readily apparent signal.

(4) It shall be unlawful to: (a) Own or operate a hotel without installing an approved smoke detector in every room of the building which is ordinarily used for sleeping purposes: or

(b) Own or operate an apartment building without installing an approved smoke detector in every living unit within the apartment building. When activated, the detector shall initiate an alarm which is audible in the sleeping room of the unit. (Ord. #2487, Oct. 1986)

20-403. General requirements. All smoke detectors required by this chapter:

(1) Shall be installed in accordance with the manufacturer's directions, unless they conflict with applicable law; and

(2) May be wired directly ("hardwired") to the building's power supply, powered by a self-monitored battery, or operated with a plug-in outlet fitted with a plug restrainer device (provided the outlet is not controlled by any switch other than the main power supply). (Ord. #2487, Oct. 1986)

20-404. Tampering with detectors unlawful. It shall be unlawful for any person to tamper with or remove any smoke detector required by this chapter, or a component thereof. (Ord. #2487, Oct. 1986)

20-405. Violations and penalties. Any person violating the provisions of this chapter shall be guilty of a misdemeanor, and shall be subject to a penalty not to exceed \$50.00 and court costs. Each day on which a violation continues shall constitute a separate offense under this section. (Ord. #2487, Oct. 1986)

20-406. Existing building requirements. The provisions of this chapter shall apply only to existing buildings. Smoke detectors shall be installed and maintained in new buildings in accordance with the applicable building construction safety standards as provided in Tennessee Code Annotated, § 68-18-101. (Ord. #2487, Oct. 1986)

20-407. Compliance with other laws. Compliance with this chapter shall not relieve any person from the requirements of any other applicable law, ordinance, rule or regulation. (Ord. #2487, Oct. 1986)

CHAPTER 5

CITY PHYSICIAN

SECTION

20-501. City physician--appointment; term of office.

20-502. Duties of city physician.

20-501. City physician--appointment; term of office. The city council shall appoint, at the first regular meeting of the council every two years, a competent resident physician, who shall be known as the city physician, who shall hold such office for two years and until his successor is appointed and confirmed. (1979 Code, § 8-102)

20-502. Duties of city physician. It shall be the duty of the city physician to render medical and surgical attention to patients confined in the city jail, and to exercise watchful care over the general health of the city. (1979 Code, § 8-103)

CHAPTER 6

CITY PARKS RULES AND REGULATIONS

SECTION

20-601. Definitions.

20-602. City parks rules and regulations.

20-603. Penalties.

20-604. [Deleted.]

20-601. Definitions. The following definitions shall apply throughout this section:

(1) "City code." A reference to, or a section of, the Morristown Municipal Code.

(2) "City council." The governing body of the City of Morristown.

(3) "City recreation commission." The appointed eleven-member body of the City of Morristown.

(4) "Department." The City of Morristown Parks and Recreation Department.

(5) "Director." The Director of Morristown Parks and Recreation, or his designate.

(6) "Park" shall include any city owned or leased park, open space area, recreation area, natural area, or building or facility located within such area, of the City of Morristown. (as replaced by Ord. #3285, June 2007, and replaced by Ord. #3355, January 2010)

20-602. City park rules and regulations. (1) Abandonment of any vehicle or other personal property is prohibited in a park.

(2) Leaving any vehicle or other personal property unattended for longer than twenty-four (24) hours, without prior permission of the director is prohibited. In the event an unattended vehicle interferes with the safe and orderly management of the park area, it may be towed immediately at the owner's expense.

(3) No person, organization, firm or corporation shall post and/or distribute handbills, circulars, bulletins, banners, signs, or other printed materials within city parks without first having obtained written permission from the director and a written permit from the City of Morristown. Commercial notices or advertisements shall not be displayed, posted or distributed on park area lands unless prior written permission has been granted by the director. Such permission may be granted if the notice or advertisement is of goods, services, or facilities available within the park area or, if in the opinion of the director, such notices and advertisements are found to be desirable or necessary for the convenience and guidance of the public.

(4) Engaging in or soliciting any business in a park area, except in accordance with the provisions of a permit, contract, or other written agreement with the Morristown Parks and Recreation Department is prohibited.

(5) No person shall erect any structure, stand, or platform, or hold any organized sponsored athletic contest in any park or recreation area without the written approval of the director. This provision does not prohibit informal games or athletic activities such as casual matches, scrimmages, pick-up games, etc.

(6) The fastening of any show card, poster, or other advertising device upon any park or park property without written permission from the director is prohibited.

(7) Any concessionaire, which through contractual agreement with the department operates any concession, shall supply and provide the required permits for such operation.

(8) All concession areas operated by the Morristown Parks and Recreation Department shall be operated according to the concession lease agreement of the department.

(9) Consumption of alcoholic beverages within a park is prohibited.

(10) Charitable solicitation within a park is prohibited unless the solicitor fully complies with the city's solicitation ordinance.

(11) Commercial peddling and soliciting of any kind is strictly prohibited. This section shall not apply to transactions with authorized concessionaires within a park.

(12) Bicycle riders must comply with all applicable traffic regulations and safety equipment requirements. Use of bicycles shall be confined to approved trails or designated areas.

(13) The director may close or otherwise restrict the use of any park or recreation facility when necessary to protect life or property, or for any other emergency. Such restricted area shall be defined, whenever practicable, by signs, markers, and through public notice.

(14) Camping, whether tent, trailer, or other types of units, is prohibited in all parks, except with the written approval of the director. Such approval shall be given only in unique situations, i.e., Boy Scout/Girl Scout overnight group camp out. In such cases, all camping equipment shall be completely removed and camping sites cleaned by campers before departure.

(15) Construction of any building, structure, utility or any other entity upon, across, over, through, or under any park area, except in accordance with the provisions of a valid permit and contract and with the written approval of the director is prohibited.

(16) No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct.

(17) The playing of any of the following devices in such a manner and at such times so as to unreasonably annoy persons within the park is prohibited. Radio, television set, musical instrument, loud speaker, or other device for amplification of sound. Noise producing devices such as electric generating or

other equipment driven by motors or engines in such a manner and at such times so as to unreasonably annoy persons within the park is also prohibited.

(18) The operation or use of public address systems, whether fixed, portable, or vehicle mounted is prohibited except when such use or operation is in connection with public gatherings or special events which have been approved by the director.

(19) No person shall disobey the lawful and reasonable order of a park employee in the discharge of his/her duties, or disobey or disregard the notices, prohibitions, instructions, rules or regulations on any park sign.

(20) All animals are prohibited within the parks with the exception of parks designated by General Pet Guidelines and sight or guide dogs used by the visually impaired, or events at Frank Lorino Park horse ring and barn area.

(21) The use or possession of explosives is prohibited.

(22) The use or possession of fireworks and firecrackers is prohibited except for community fireworks display with written permission from director. The director shall require of the user of such devices such reasonable all risk insurance coverage as he deems appropriate.

(23) It shall be unlawful for any person to carry in any manner whatsoever, with the intent to go armed, any razor, dirk, knife, blackjack, brass-knuckles, pistol, revolver, air rifle, air gun "BB gun," or any other dangerous weapon such as hand thrown spears, bows and arrows or crossbows, or any other implements designed to discharge missiles in the air or under the water which are capable of destroying animal life. The possession of such objects or implements is prohibited unless they are unarmed and adequately cased in such a way as to prevent their use while in the park area. Exception 1: Shooters may use any recreational target shooting ranges specifically designed for such use. Exception 2: Authorized federal, state, county and city law enforcement officers may carry firearms in the performance of their official duties.

(24) The creation of any fire in any park outside a specifically designed picnic grill, fireplace or other similarly designed enclosure is prohibited without the written permission of the director.

(25) Only approved material may be used in the creation of such fires. No live plant material may be used for the creation of any fire.

(26) Tobacco products (smoking and smokeless) are prohibited in and within twenty feet (20') of all athletic bleachers areas or where otherwise posted.

(27) All lighted cigarettes, cigars, smoking pipes, matches or other burning materials must be extinguished before disposing of same in a proper container or area.

(28) Digging is prohibited within all park areas.

(29) All persons must properly dispose of trash and debris caused by them to be in a park.

(30) Flea markets, garage sales, rummage sales, and all other such sales by a person, persons or organizations for either private or non-profit purposes are prohibited in park and recreation areas.

(31) Horses and other saddle animals in an approved park are allowed only on trails or facilities designated for them. Such animals may be allowed in parks only in special circumstances approved by the director.

(32) Opening and closing hours for all parks and recreation areas shall be from 7:00 A.M. until dusk unless specifically posted otherwise, or after regularly scheduled events requiring lights, in which case the closing hour shall be extended until the conclusion of the event.

(33) Nothing in this section shall restrict any official work or activity in said areas during restricted hours by any department of the City of Morristown.

(34) Entering or leaving any park or recreation facility except at established entrance ways or exits is prohibited. Presence in any park or recreational facility other than during posted operating hours is prohibited.

(35) The installation and planting of any memorial tree, or any memorial tree marker, without the permission of the director is prohibited. Memorial trees may be planted in designated areas as defined within the memorial tree guidelines at that time. Flush to the ground markers may be purchased and will be installed by park crews upon approval of the director.

(36) The department of parks and recreation is granted by the governing body the authority to promulgate additional rules and regulations as it deems necessary to insure the orderly growth and protection of the park, recreation and natural resource areas under its control consistent with and in furtherance of the intent of this chapter. Such additional rules and regulations shall have the force and effect of law ten (10) days after their adoption by the commission, after their publication once a week for two (2) weeks in a local newspaper and after a copy thereof has been posted near each gate or principal entrance to the public ground to which they apply. In addition, a copy of this ordinance and any future additional rules and regulations adopted by the commission pursuant to this chapter shall be posted near each gate or principal entrance to the public ground to which they apply and made available for public inspection or review at the principal office of the commission and the municipal building.

(37) The director shall be the final authority in interpreting the rules and regulations relating to the park, recreation, natural resources, historical, and cultural areas of the City of Morristown. He shall also be responsible for the administration of the ordinance comprising this chapter. An appeal from the director's decision or action shall lie with the city recreation commission. An appeal of the director's decision shall be filed in writing with the city recreation commission within ten (10) days of the rendering of a final decision or adverse action by the director. The recreation commission shall render its decision at the next regularly scheduled monthly meeting if the director's decision is rendered at least ten (10) days prior thereto. If the director's decision is rendered within ten (10) days of the next regular meeting of the commission, then the commission may, but shall not be required to hear the appeal at the second regular commission meeting following the director's decision.

(38) Interfering with, encumbering, obstructing or rendering dangerous any part of a park is prohibited.

(39) The intentional or wanton destruction, injury, defacement, or removal of any natural or cultural feature or non-renewable natural resource is prohibited, without specific written permission from the director.

(40) The intentional or wanton destruction, injury, defacement, removal or disturbance in any manner of any public buildings, signs, equipment, monument, marker, or other structure or of any relic, artifact, and historic structure or of any other similar public property is prohibited. The unauthorized possession of park equipment is prohibited without the written permission of the director.

(41) The gathering or collecting of natural products of a renewable living resource such as plant material for personal use or for commercial sale is prohibited. The destroying, digging, cutting, removing, or possession of any tree, shrub, or other plant is prohibited absent a permit granted by the director.

(42) No person shall molest, kill, wound, hunt, or remove any animal, reptile, bird, or eggs of such animals in any park.

(43) Persons, corporations, or organizations may not conduct public meetings, assemblies, worship services, entertainment, demonstrations, or political rallies, within the general confines of a park or recreational area without written permission of the director.

(44) Written approval from the director for uses described in (43) above may be denied based on the following:

(a) A prior application for the same time and place has been made which has been or will be granted; or

(b) The event will present a clear and present danger to the public health safety or welfare; or

(c) The event will cause a nuisance and disturbance to a significant number of other users of the park; or

(d) The event is of such nature or duration that it cannot reasonably be accommodated in the particular park area for which application is made.

(45) No park or recreation area or facility may be used for a religious activity on a regular or permanent basis.

(46) No park or facility within a park with the exception of picnic shelters may be reserved for the exclusive use of an individual or group. All play equipment, athletic facilities, parking areas, and other amenities are for the use of the public at large.

(47) The creation or maintenance of a nuisance upon City of Morristown properties is prohibited.

(48) Reserved.

(49) Polluting or contaminating in any manner any watershed or water supply is prohibited.

(50) Depositing of any bodily waste in or on any portion of any restroom facility or other public structure except into fixtures provided for that purpose is prohibited. Placing any item in any of the plumbing fixtures in such a station or facility for the purpose of interfering with or blocking the plumbing is prohibited. All restroom facilities shall be used in a clean and sanitary manner.

(51) Using the public waste containers for dumping of household or commercial garbage or trash brought as such from off premises, except for trash reasonably incidental to a visit to a park or recreational facility, is prohibited.

(52) Reserved.

(53) Sports events, pageants, reenactments, regattas, entertainments and the like, characterized as public spectator attractions are prohibited without the prior written approval of the director.

(54) Swimming and bathing are prohibited except in municipal swimming pools specifically designed for such.

(55) Violators of posted rules governing the use of swimming in municipal pools will be subject to removal from the premises if the violation is flagrant or repeated or the continued presence of the violator would create a hazardous condition in the area.

(56) Specific rules governing the usage of municipal swimming pools in the City of Morristown are codified in the Swimming Pool Policy Manual and are incorporated herein by reference.

(57) Motorized vehicles are prohibited on trails, with the exception of maintenance vehicles of the City of Morristown, authorized contractors and motorized wheel chairs.

(58) All operators of motor vehicles in parks must conform to all traffic rules and regulations of the City of Morristown and the State of Tennessee.

(59) The speed limit in all parks and recreation areas is fifteen miles per hour (15 m.p.h.).

(60) No driver shall stop, park, or leave any vehicle, whether attended or unattended, upon the paved or maintained surface of a road or parking area so as to leave less than ten feet (10') of the width of the same traffic lane for the free or unobstructed movement of other vehicles, except in the event of an accident or as otherwise directed by an authorized person.

(61) Pedestrians have right-of-way over motor vehicles in all parks.

(62) Operating a motor vehicle in areas other than established roadways, parking areas, or designated routes is prohibited.

(63) All operators of motorcycles, trail bikes, off-road vehicles and other motorized vehicles must conform to the same rules and regulations as those of any other motor vehicle.

(64) No person shall grease, lubricate, or make repairs to any vehicle in a park or recreation area except those of a minor nature, and then only in case of emergency.

(65) Roller blades, roller skates, skate boards and bicycles, are prohibited on all tennis courts, basketball courts, shelters, pavilions, bleacher areas, splashpad, and pedestrian areas, unless specified by signage.

(66) The hitting of golf balls and use of glass containers in any park is prohibited.

(67) Reserved. (Ord. #2888, July 1997, as replaced by Ord. #3355, Jan. 2010)

20-603. Penalties. Any violation of these rules and regulations for the care and management of such properties as may be made under the authority of Tennessee Code Annotated, § 11-24-112, and the Morristown Municipal Code governing the appropriate violation, shall be subject to enforcement by a civil penalty of not more than fifty dollars (\$50.00) for each violation. (Ord. #2888, July 1997, as replaced by Ord. #3355, Jan. 2010)

20-604. [Deleted.] (Ord. #2888, July, 1997, as replaced by Ord. #3355, Jan. 2010)