

RESOLUTION SPONSORS: _____

RESOLUTION NO. _____

A RESOLUTION ADOPTING REGULATIONS FOR THE UNINCORPORATED AREAS OF BLOUNT COUNTY PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED SECTIONS 5-1-118(c) AND 6-2-201(22).

WHEREAS, the Tennessee General Assembly enacted Chapter No. 969 of the Public Acts of 2000 of the State of Tennessee ("Public Chapter 969"), effective June 21, 2000, which amends Tennessee Code Annotated Section 5-1-118 by adding subsections (b) and (c) thereto relative to county powers shared with municipalities; and

WHEREAS, said new subsection (c) of Tennessee Code Annotated Section 5-1-118 authorizes certain counties, including Blount County, to exercise those powers granted to municipalities by subsections (22) and (23) of Tennessee Code Annotated section 6-2-201, with specified exceptions; provided that any county authorized by subsection (c) to exercise such powers must first approve Public Chapter 969 by the adoption of a resolution by two-thirds (2/3) vote of its legislative body; and

WHEREAS, on September 21, 2000, the Board of County Commissioners of Blount County, Tennessee, by a vote of 20-0 with 1 absent, adopted Resolution No. 00-09-01 approving Public Chapter No. 969 and authorizing Blount County to exercise the powers granted thereunder; and

WHEREAS, upon the adoption of such resolution and pursuant to the provisions of said subsection (22) of Tennessee Code Annotated section 6-2-201, Blount County is authorized to define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the unincorporated areas of the county, and to exercise general police powers; and

WHEREAS, Blount County desires to adopt regulations for the unincorporated areas of the county pursuant to the authority of Tennessee Code Annotated sections 5-1-118(c) and 6-2-201(22).

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Blount County, Tennessee, meeting in regular session assembled this 21st day of February, 2002, as follows:

SECTION 1. Traffic regulations. The following traffic regulations are hereby adopted for the unincorporated areas of Blount County, to wit:

Regulation No. 1. Motor vehicle requirements. No person shall operate a motor vehicle unless such vehicle (1) is equipped with a properly operating muffler, lights, brakes, horn, safety belts and such other equipment as prescribed and required by chapter 9, title 55 of the Tennessee Code Annotated and (2) is registered and/or has a proper certificate of title as described and required by chapters 1, 3 and 4, title 55 of the Tennessee Code Annotated. The provisions of this regulation are deemed conditions precedent to the operation of a motor vehicle upon the highways, streets, roads and public ways of the unincorporated areas of Blount County.

Regulation No. 2. Operators of motor vehicles to be licensed. No person shall operate a motor vehicle unless such person shall have a valid license as an operator or chauffeur under the provisions of and as required by chapter 7, title 55 of the Tennessee Code Annotated. This regulation is deemed a condition precedent to the operation of a motor vehicle upon the highways, streets, roads and public ways of the unincorporated areas of Blount County.

Regulation No. 3. Speed limits generally. No person operating a motor vehicle shall drive upon any highway, street, road or public way at a rate of speed in excess of forty-five (45) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limits shall apply.

Regulation No. 4. Speed limit in school zones. No person operating a motor vehicle shall drive within a posted school zone at a rate of speed in excess of fifteen (15) miles per hour when passing a school during recess or while children are going to or leaving school during its opening or closing hours.

Regulation No. 5. Reckless driving. Irrespective of the posted speed limit, no person, including persons operating emergency vehicles, shall operate a vehicle in willful or wanton disregard for the safety of persons or property.

Regulation No. 6. Miscellaneous traffic-control signals, signs, markings or devices; officer's directions. No person operating a vehicle shall violate or fail to comply with any official traffic-control signal, sign, marking or device unless otherwise directed by a law enforcement officer. No person operating a vehicle shall willfully disobey the reasonable directions of any law enforcement officer.

Regulation No. 7. Traffic-control signals generally. Traffic-control signals exhibiting different colored lights successively one at a time, or with arrows, shall apply to persons operating vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Persons operating vehicles facing the signal may proceed straight through at the intersection or turn right or left unless a sign prohibits such turn. Persons operating

vehicles, including those turning right or left, shall yield the right of way to other vehicles within the intersection and to pedestrians in an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing such signal may proceed across the highway, street, road or public way within any marked or unmarked crosswalk.

(2) Steady yellow alone or "Caution":

(a) Persons operating vehicles facing the signal are thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such persons shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not proceed across the highway, street, road or public way unless authorized to do so by a pedestrian or "Walk" signal or sign.

(3) Steady red alone or "Stop":

(a) Persons operating vehicles facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain stopped until the green or "Go" signal is exhibited.

(b) Pedestrians facing such signal shall not proceed across the highway, street, road or public way unless authorized to do so by a pedestrian or "Walk" signal or sign.

(4) Steady red with green arrow:

(a) Persons operating vehicles facing such signal may cautiously enter the intersection only to make the turning movement indicated by such arrow but shall yield the right of way to other vehicles within the intersection and to pedestrians in an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing such signal shall not proceed across the highway, street, road or public way unless authorized to do so by a pedestrian or "Walk" signal or sign.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, this regulation shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop is to be made, but in the absence of any such sign or marking, the stop shall be made a vehicle length short of the signal.

Regulation No. 8. At flashing traffic-control signals.

(1) Whenever an illuminated flashing red or yellow light is used in a traffic signal, persons operating vehicles shall:

(a) When a red lens is illuminated with intermittent flashes, persons operating vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection and shall thereafter proceed subject to the rules applicable after making a stop at a stop signal or sign.

(b) When a yellow lens is illuminated with intermittent flashes, persons operating vehicles may proceed through the intersection or pass such signal only with caution.

(2) This regulation shall not apply at railroad crossings. The conduct of persons operating vehicles approaching railroad crossings shall be governed by the provisions of Regulation No. 13 hereinafter.

Regulation No. 9. At "stop" signs. A person operating a vehicle approaching a "stop" sign at an intersection shall bring such vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection and shall remain stopped until he/she can proceed through the intersection in safety.

Regulation No. 10. At "yield" signs. A person operating a vehicle shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted.

Regulation No. 11. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic signal or sign or otherwise, without first signaling his/her intention in accordance with the requirements of section 143 of chapter 8, title 55 of the Tennessee Code Annotated, except in an emergency.

Regulation No. 12. To prevent obstructing an intersection. No person operating a vehicle shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he/she is operating without obstructing the passage of vehicles in or upon the intersecting street or crosswalk. This regulation shall be effective notwithstanding any traffic-control signal indication to proceed.

Regulation No. 13. Stopping at railroad crossings. A person operating a vehicle approaching a railroad crossing shall stop within not less than fifteen (15) feet from the nearest rail of the railroad and shall not proceed farther while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within one thousand five hundred (1,500) feet of the railroad crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is visible and is in hazardous proximity to the railroad crossing.

Regulation No. 14. Stopping when emerging from alleys, etc. A person operating a vehicle emerging from any alley, parking lot, driveway or building shall stop such vehicle immediately prior to driving upon any sidewalk, highway, road or public way and shall remain stopped until he/she can safely proceed without colliding or interfering with approaching pedestrians or vehicles.

Regulation No. 15. Turning movements generally. No person operating a motor vehicle shall make any turning movement which might affect the operation of any other vehicle or any pedestrian without first ascertaining that such movement can be made in safety and signaling

his/her intention in accordance with the requirements of section 143 of chapter 8, title 55 of the Tennessee Code Annotated.

Regulation No. 16. Right turns. A person operating a motor vehicle shall approach for a right turn and make a right turn as close as practicable to the right hand curb or edge of the highway, street, road or public way.

Regulation No. 17. Left turns on two-way streets. At any intersection where vehicular traffic is permitted to move in both directions on each of the intersecting highways, streets, roads or public ways, a person operating a motor vehicle shall approach for a left turn at the intersection in that portion of the right half of the highway, street, road or public way nearest the centerline thereof and by passing to the right of the intersection of the centerlines of the intersecting highways, streets, roads or public ways.

Regulation No. 18. Left turns on other than two-way streets. At any intersection where vehicular traffic is restricted to one direction on one or more of the intersecting highways, streets, roads, or public ways, a person operating a motor vehicle shall approach for a left turn at the intersection in the extreme left hand lane lawfully available to vehicles moving in the direction of travel of such vehicle and after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to vehicles moving in such direction upon the highway, street, road or public way being entered.

Regulation No. 19. U-turns. No person operating a motor vehicle shall make a U-turn upon any highway, street, road or public way.

Regulation No. 20. One-way streets. No person operating a vehicle shall drive upon any highway, street, road or public way designated for one-way traffic with posted signs except in the indicated direction of travel.

Regulation No. 21. Unlaned streets.

(1) A person operating a vehicle shall drive in the right half of any unlaned highway, street, road or public way except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction;

(b) When the right half of the highway, street, road or public way is closed to vehicle traffic while under construction or repair; or

(c) Upon a highway, street, road or public way designated and sign posted or marked for one-way traffic.

(2) A person operating a vehicle at less than the normal speed of vehicular traffic at the time and place and under the conditions then existing, shall drive as close as practicable to the right hand curb or edge of the highway, street, road or public way, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

Regulation No. 22. Laned streets. On highways, streets, roads or public ways marked with traffic lanes, no person operating a vehicle shall fail or refuse to keep such vehicle within the boundaries of the proper lane for his/her direction of travel, except when lawfully passing another vehicle or preparatory to making a lawful turning movement. On highways, streets, roads or public ways with two (2) and three (3) lanes, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On highways, streets, roads or public ways with four (4) or more lanes, either of the right hand lanes shall be proper for travel except that any person operating a vehicle at less than the normal rate of speed shall use the extreme right hand lane. On one-way highways, streets, roads or public ways with more than one (1) lane, any lane is proper for travel in the absence of marking to the contrary.

Regulation No. 23. Passing.

(1) Except when overtaking and passing on the right is permitted, a person operating a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway, street, road, or public way until safely clear of the overtaken vehicle. The person operating the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his/her vehicle until completely passed by the overtaking vehicle.

(2) When the highway, street, road or public way is wide enough, a person operating a vehicle may overtake and pass another vehicle on the right which is making or about to make a left turn.

(3) A person operating a vehicle may overtake and pass another vehicle proceeding in the same direction either on the left or the right upon a highway, street, road or public way with four (4) or more lanes when such movement can be made in safety.

(4) No person operating a vehicle shall drive off the pavement or upon the shoulder of any highway, street, road, or public way in overtaking or passing on the right.

(5) No person operating a vehicle shall overtake and pass another vehicle which is stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross any highway, street, road or public way.

(6) No person operating a vehicle shall attempt to pass another vehicle proceeding in the same direction unless he/she can see that the highway, street, road or public way ahead is sufficiently clear and unobstructed to enable him/her to make the movement in safety.

Regulation No. 24. Yellow lines. On highways, streets, roads or public ways with a yellow line placed to the right of any lane line or centerline, such yellow line shall designate a no-passing zone, and no person shall operate a vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such highway, street, road or public way.

Regulation No. 25. Authorized emergency vehicles defined. Authorized emergency vehicles shall be the vehicles of any law enforcement agency, the vehicles of any fire department and such ambulance and other emergency vehicles as are designated by the sheriff.

Regulation No. 26. Stopping upon approach of authorized emergency vehicles. Upon the immediate approach of any authorized emergency vehicle making use of audible and/or visual signals as required by state law, a person operating any other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the highway, street, road or public way clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a law enforcement officer.

Regulation No. 27. Following emergency vehicles. No person operating a vehicle shall follow within five hundred (500) feet of any authorized emergency vehicle traveling in response to an emergency call and making use of audible and/or visual signals as required by state law.

Regulation No. 28. Following too closely. No person operating a vehicle shall follow another vehicle more closely than is reasonable and prudent having due regard for the speed of such vehicles and the vehicular traffic on and the condition of the highway, street, road or public way upon which such vehicles are being operated.

Regulation No. 29. Backing vehicles. No person operating a vehicle shall back the same unless such movement can be made with reasonable safety and without interfering with other vehicles.

Regulation No. 30. Causing unnecessary noise. No person operating a motor vehicle shall cause unnecessary noise by sounding the horn, "racing" the motor or causing the "screeching" or "squealing" of the tires thereof.

Regulation No. 31. Driving on streets closed for repairs or other lawful purpose. Except for necessary access to property abutting thereon, no person operating a motor vehicle shall drive upon any highway, street, road or public way that is barricaded or closed for repairs or other lawful purpose.

Regulation No. 32. Driving through funerals or other processions. Except when otherwise directed by a law enforcement officer, no person operating a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while such vehicles are in motion and when such vehicles are conspicuously designated.

Regulation No. 33. Running over fire hoses or fire fighting equipment. No person operating a motor vehicle shall drive over any fire hose line or other fire fighting equipment of any fire department except in obedience to the direction of fire fighting personnel and/or law enforcement personnel.

Regulation No. 34. Damaging pavements. No person shall operate any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of any highway, street, road or public way.

Regulation No. 35. Clinging to vehicles in motion. No person operating or traveling upon any bicycle, motorcycle, coaster, sled, roller skates or any other vehicle shall cling to, or attach himself/herself or such vehicle to any other vehicle moving upon any highway, street, road or public way.

Regulation No. 36. Riding on outside of vehicles. No person shall ride, and no owner or operator shall permit any person to ride, on the outside of any vehicle being operated upon any highway, street, road or public way. This regulation shall not apply to persons engaged in the necessary discharge of lawful duties or to persons riding in the load-carrying space of trucks.

Regulation No. 37. Projections from rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, any person operating such vehicle shall display at the end of any such load or projection a red flag not less than twelve (12) inches square in such position as to be clearly visible from the rear of such vehicle. Between one-half (1/2) hour after sunset and one-half (1/2) before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle.

Regulation No. 38. Bicycles, motorcycles and motorscooters.

(1) Any person operating a bicycle, motorcycle or motorscooter shall be subject to the provisions of all traffic regulations and rules of Blount County applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles or motorscooters.

(2) No person operating a bicycle, motorcycle or motorscooter shall ride other than upon or astride the permanent and regular seat attached thereto nor shall such operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

(3) No person operating a bicycle, motorcycle or motorscooter shall carry more persons at one time than the number for which such bicycle, motorcycle or motorscooter is designed and equipped.

(4) No person operating a bicycle, motorcycle or motorscooter shall carry any package, bundle or article which prevents such person from keeping both hands upon the handlebars thereof.

(5) A person operating a motorcycle or motorscooter and any passenger thereon shall wear a crash helmet of a type approved by the state's commissioner of safety.

(6) No parent or guardian shall permit any minor for whom he/she is responsible to operate a motorcycle or motorscooter in violation of this regulation.

SECTION 2. Miscellaneous regulations. The following miscellaneous regulations are hereby adopted for the unincorporated areas of Blount County, to wit:

Regulation No. 39. Disturbing the peace.

(1) No person shall disturb the peace of others by conduct or language calculated to provoke violence or a violation of the law, and no person shall knowingly permit such conduct or language upon any premises owned or possessed by him/her or under his/her control.

(2) The language prohibited by this regulation is that language which by its common acceptance causes or tends to cause or incite an immediate breach of the peace.

Regulation No. 40. Loitering.

(1) No person shall loiter, wander, stand or remain idle either alone and/or in consort with others in a public place in such a manner as to:

(a) Obstruct any public street, public highway, public sidewalk or any public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

(b) Commit in or upon any public street, public highway, public sidewalk or any public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any public place of building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

(2) For purpose of this regulation "loitering" means to be idle in essentially one location and includes the concepts of spending time idly, being dilatory, lingering, staying, moving slowly and standing around. "Public place" means any place to which the general public has access and a right to resort for business, entertainment or other lawful purposes, but does not necessarily mean a place devoted solely to the uses of the public, and includes, but is not limited to, streets; highways; places of business; the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops; the front or immediate area of any store, shop, restaurant or other place of business; and public grounds, areas or parks.

Regulation No. 41. Prowling.

(1) No person shall prowl in the day or night upon or about the grounds of any dwelling or business house, outbuilding, school or other building when he/she has no right to occupy the same.

(2) For the purpose of this regulation, "prowling" shall mean roaming about in a secretive or furtive manner.

Regulation No. 42. Resisting or interfering with official duties. No person shall knowingly resist or in any way interfere with or attempt to interfere with any law enforcement officer

or employee of the county while such law enforcement officer or employee is performing or attempting to perform his/her official duties.

Regulation No. 43. Unauthorized depositing of sand, gravel, asphalt and other loose material on streets.

(1) No person shall operate, drive or move any truck, trailer or other vehicle upon any highway, street, road or public way that is so constructed or loaded as to allow the contents thereof to drop, sift, leak or otherwise escape therefrom.

(2) Any such vehicle hauling sand, gravel, asphalt or any other loose material shall be loaded so that any such material transported therein remains at least four (4) inches below the walls of such vehicle's bed as measured at the front, back and sidewalls, but such load may be piled higher in the center of the bed such vehicle. Loose material shall include any substance which could spill, drop off or blow away from the bed when the vehicle is in operation.

(3) This regulation shall not apply to the Blount County Highway Department or its employees when depositing sand, salt or other material necessary for snow and ice removal or when spraying water on the highways, streets, roads or public ways of the county for purposes of sanitation.

Regulation No. 44. Possessing an open container of or consuming any alcoholic beverage or beer on certain property prohibited.

(1) No person shall possess an open container of or consume any alcoholic beverage or beer as defined by state law on the premises of any business selling alcoholic beverages or beer at retail which does not have a by-the-drink and/or on-premises permit; on any public street, sidewalk, playground, school property, public park or recreational facility or parking lot; and on any privately owned parking lot held open to use by the public.

(2) For the purposes of this regulation, an "open container" is one which has an opening through which its contents may pass in order to be consumed by any person.

Regulation No. 45. Antinoise regulations. No person shall create or cause any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare.

(1) The following noises are declared to be in violation of this regulation, but this enumeration shall not be deemed to be exclusive, to wit:

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

(b) Radios, phonographs, etc. The playing of any radio, phonograph, tape recorder or player or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently or in connection with motion pictures, radio or television, in such a manner or with such volume, particularly during the hours of 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person in any office or hospital, or of any person in any dwelling, hotel or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling or singing on any highway, street, road or public way, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any office or hospital, or of any person in any dwelling, hotel or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the quiet, comfort or repose of any person in the vicinity.

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

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

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

(h) Noises to attract attention. The use of any drum(s), loudspeaker or other instrument or device emitting noise for the purpose of attracting attention to any performance, show or sale or display of merchandise.

(i) Loudspeakers or amplifiers on vehicles. The use of loudspeakers or amplifiers on motor vehicles, either moving or standing, for advertising or other purposes.

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

(a) Government vehicles and authorized emergency vehicles. Any vehicle of any government while engaged in necessary public business and any authorized emergency vehicle.

(b) Repair of streets, etc. Excavations or repairs of bridges, highways, streets, roads or public ways by or on behalf of any government.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of loudspeakers or amplifiers in the course of noncommercial public addresses and in the course of noncommercial functions of nonprofit organizations.

SECTION 3. Jurisdiction. The General Sessions Court for Blount County, Tennessee, shall have jurisdiction to enforce the provisions of this resolution and the regulations herein contained by assessing the monetary penalty hereinafter provided.

SECTION 4. Penalty. A violation of any provision of this resolution or any regulation herein contained is punishable by a civil penalty of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00); provided, that Blount County carries the burden of proof of such violation by a preponderance of the evidence.

SECTION 5. Initiation of proceedings.

(1) All proceedings for the violation of any provision of this resolution or any regulation herein contained shall be initiated by the issuance of a citation by a law enforcement officer. The citation shall:

- (a) State the name and address of the person cited, the name of the issuing officer and the violation charged;
- (b) Demand the person cited to appear in court at a stated time; and
- (c) Give notice to the person that failure to appear as ordered is punishable as contempt of court.

(2) The citation shall be executed in triplicate, the original to be delivered to the court specified therein, and one (1) copy to be given to the person cited and one (1) copy to be retained by the officer issuing the citation. The original citation delivered to the court shall be sworn to by the issuing officer.

(3) The person cited shall signify the acceptance of the citation and the agreement to appear in court as directed by signing the citation.

(4) Whenever a citation has been prepared, accepted and the original delivered to the court as herein provided, the original citation delivered to the court shall constitute a complaint to which the person cited must answer and the officer issuing the citation shall not be required to file any other affidavit of complaint with the court.

(5) Prior to the time set for the person cited to appear in court to answer the violation charged, the person cited may elect not to contest the charge and may, in lieu of appearance in court, submit the fine and costs to the clerk of the court. The submission to fine must be with the approval of the court.

(6) If the person cited has not paid the citation upon submission to fine as herein provided, and the person cited fails to appear in court at the time specified, or such later date as may be fixed by the court, the court may declare a judgment of forfeiture for the violation charged and assess a civil penalty within the limits provided in this resolution and court costs which may be collected in the same manner as a judgment in a civil action.

SECTION 6. Effective date. This resolution shall take effect upon its adoption, the public welfare requiring it.

ADOPTED this 21st day of February, 2002.

Chairman

Attest:

County Clerk

Resolution Sponsors:

Commissioner

Commissioner

Approved: _____

Vetoed: _____
County Executive

_____ Date

RESOLUTION No. _____

Sponsored by Commissioners Steve Hargis and Kenneth Melton

A RESOLUTION AMENDING RESOLUTION NO. 02-02-004 ENTITLED "A RESOLUTION ADOPTING REGULATIONS FOR THE UNINCORPORATED AREAS OF BLOUNT COUNTY PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED SECTIONS 5-1-118© AND 6-2-201(22)."

WHEREAS, on February 21, 2002, the Board of County Commissioners of Blount County, Tennessee, adopted Resolution No. 02-02-004 entitled "A Resolution Adopting Regulations for the Unincorporated Areas of Blount County Pursuant to the Authority of Tennessee Code Annotated Sections 5-1-118 (c) and 6-2-201(22)"; and

WHEREAS, it has been determined that it is necessary and proper to amend said Resolution No. 02-02-004 as hereinafter provided.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Blount County, Tennessee, meeting in regular session assembled this 16th day of May, 2002 as follows:

SECTION 1. Miscellaneous regulations. The following miscellaneous regulations are hereby added to Section 2 of Resolution No. 02-02-004 and adopted for the unincorporated areas of Blount County, to wit:

Regulation No. 46. No sale or distribution of beer without identification. No person shall sell or distribute beer pursuant to a permit issued by the Blount County Beer Committee unless that person shall have had produced to him/her a facially valid picture identification document issued by a state or the Federal government, or an agency thereof, showing that the prospective purchaser or distributee of the beer is not less than twenty-one (21) years of age. This regulation shall be mandatory for every sale or distribution of beer and shall apply in all cases regardless of the apparent age of the prospective purchaser or distributee.

Regulation No. 47. Signs required. No person shall engage in selling or distributing beer pursuant to a permit issued by the Blount County Beer Committee unless signs not less than six (6) inches in height and ten (10) inches in width are prominently displayed at the entrance to or on the front door of the location or building where such sale or distribution of beer will take place and at the point within such location or building where the beer is displayed for sale or distribution, which provide as follows:

Any person less than twenty-one (21) years of age attempting to purchase or obtain beer will be prosecuted to the fullest extent of the law.

SECTION 2. Penalty The wording "fifty dollars (\$50.00)" is hereby deleted from Section 4 of Resolution No. 02-02-004, and the wording "ten dollars (\$10.00)" is substituted in lieu thereof.

SECTION 3. Initiation of Proceedings. A new subsection (6) is added to Section 5 of Resolution 02-02-004 as follows:

(6) The fine for a first offender shall be ten dollars (\$10.00). A first offender may, with the approval of the court, submit such fine to the clerk of the court prior to the time set for the first offender to appear to answer the violation charged, and in such event, the costs may be suspended by the court.

Old subsection (6) of said Section 5 of Resolution No. 02-02-004 is renumbered as new subsection (7).

SECTION 4. Effective date. This resolution shall take effect upon its adoption, the public welfare requiring it.

ADOPTED this 16th day of May, 2002.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Executive

Date

PROCLAMATION

Sponsored by Commissioners _____ and _____

A RESOLUTION AMENDING REGULATION NO. 46 OF RESOLUTION NO. 02-02-004 ENTITLED "A RESOLUTION ADOPTING REGULATIONS FOR THE UNINCORPORATED AREAS OF BLOUNT COUNTY PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED SECTIONS 5-1-118(c) AND 6-2-201(22)."

WHEREAS, on February 21, 2002, the Board of County Commissioners of Blount County, Tennessee, adopted Resolution No. 02-02-004 entitled "A Resolution Adopting Regulations for the Unincorporated Areas of Blount County Pursuant to the Authority of Tennessee Code Annotated Sections 5-1-118(c) and 6-2-201(22)."; and

WHEREAS, on May 16, 2002, the Board of County Commissioners of Blount County, Tennessee, amended said Resolution No. 02-02-004, which amendment, among other things, added Regulations Nos. 46 and 47 thereto; and

WHEREAS, it has been determined that it is necessary and proper to amend Regulation No. 46 of said Resolution No. 02-02-004 as hereinafter provided.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Blount County, Tennessee, meeting in regular session assembled this 17th day of October, 2002 as follows:

SECTION 1. Regulation No. 46. A semicolon (;) is substituted for the period (.) at the end of the first sentence of Regulation No. 46, and the following language is added at the end of such sentence, to wit:

provided, however, any such prospective purchaser or distribute who is sixty (60) years of age or older may produce a valid identification document issued by a state or the Federal government, or an agency thereof, which verifies his/her age but does not have a picture of the person or distribute thereon.

SECTION 2. Effective date. This resolution shall take effect upon its adoption, the public welfare requiring it.

ADOPTED this 17th day of October, 2002.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____
County Executive

Date

RESOLUTION NO. _____

Sponsored by: Commissioner Mike Walker

A RESOLUTION AMENDING RESOLUTION NO. 02-05-011 REGARDING ADOPTING REGULATIONS FOR THE UNINCORPORATED AREAS OF BLOUNT COUNTY PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED SECTIONS 5-1-118© AND 6-2-201 (22).

WHEREAS, on May 16, 2002, the Board of County Commissioners of Blount County, Tennessee, adopted Resolution No. 02-05-011 which was an amendment to Resolution No. 02-02-004 which lowered the fine amount of first time offenders from “fifty dollars” (\$50.00) to “ten dollars” (\$10.00); and

WHEREAS, it has been determined that it is necessary and proper to amend said Resolution No. 02-05-011 increasing the ten dollar (\$10.00) fine to twenty dollars (\$20.00) and to designate such fine(s) collected for “Officer Training Programs”.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, meeting in regular session assembled this 20th day of September, 2007 as follows:

SECTION 2. Penalty. The wording “ten dollars” (\$10.00) is hereby deleted from Section 4 of Resolution No. 02-05-011, and the wording “twenty dollars” (\$20.00) is substituted in lieu thereof.

SECTION 3. Initiation of Proceedings.

(7) The fine for a first offender shall be “twenty dollars” (\$20.00). A first offender may, with the approval of the court, submit such fine to the clerk of the court prior to the time set for the first offender to appear to answer the violation charged, and in such event, the costs may be suspended by the court.

SECTION 4. Effective date. This resolution shall take effect upon its adoption, with all monies collected funding Officer Training Programs as offered by the Sheriff’s Department and as the public welfare requiring it.

ADOPTED this 20th day of September, 2007.

Certification of Action

Attest

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Mayor

Date