



Board of Mayor and Aldermen

Meeting Agenda

Town Hall
334 Atoka-Munford Avenue
Tuesday, January 11, 2022
7:00 p.m.

Invocation & Pledge of Allegiance

I. Call to Order & Roll Call

II. Minutes

- a. Regular Board Meeting – December 14, 2021 Exhibit A
- b. Beer Board Meeting – December 14, 2021 Exhibit B

III. Reports

- a. Financial Report ❖ Exhibit C

IV. Old Business

- 1. Ordinance – Final Consideration – Motor Vehicles, Traffic, & Parking - Title 15 Exhibit D
- 2. Ordinance – Final Consideration – Streets and Sidewalks – Title 16 Exhibit E
- 3. Ordinance – Final Consideration - Electronic Participation for Elected Officials Exhibit F

V. New Business

- a. Appointments-
 - 1. Board of Zoning Appeals – Keith Moore
- b. Ordinances & Resolutions
 - 1. Ordinance – First Consideration – Amending Title 8, Chapter 2 - Beer Regulations Exhibit G
 - 2. Resolution – Donation Policy Exhibit H
 - 3. Resolution – Approving Debt Issuance for Fire Apparatus Purchase Exhibit I
 - 4. Resolution – Approval of Fire Staffing (SAFER) Grant Submittal Exhibit J
- c. Miscellaneous Items
 - 1. Approval of Parks and Recreation 2022 Spring Events Exhibit K
 - 2. Job Description – Planner Engineer Exhibit L
 - 3. Donation Request – Fire Department Exhibit M

VI. Departmental Reports

- a. Code Enforcement
- b. Fire Department Chief Posey
- c. Parks Department Director Isbell
- d. Police Department Chief Rudolph
- e. Public Works Department Director Patrick

VII. Miscellaneous Items from the Mayor, Board of Aldermen, Town Administrator

VIII. Citizen Concerns

IX. Adjourn

❖ denotes an item that appears on monitor
Agenda is subject to change up to meeting time



Office of the Town Administrator

MEMORANDUM

To: Honorable Mayor Daryl Walker & Board of Aldermen
From: Marc Woerner, Town Administrator
Re: Agenda items for January 11, 2022

- 1. Exhibit A – Board Meeting Minutes** - The minutes from the Board's regular monthly meeting in December are included for review and approval.
- 2. Exhibit B - Beer Board Meeting Minutes** - The minutes from the Beer Board's public hearing meeting in December are included for review and approval.
- 3. Exhibit C – Financial Reports** – The monthly report detailing fiscal year financial performance through the month of December is included in the packet for your review.
- 4. Exhibit D – Ordinance – Final Consideration - Motor Vehicles, Traffic, & Parking – Title 15** – In response to concerns from Board and Commission members, as well as citizens, town staff has worked to create revisions to the current Title 15 - Motor Vehicles, Traffic, and Parking ordinance. The Public Safety Committee, consisting of Alderman Feldmayer and Alderwoman Renfrow and town staff reviewed the proposed changes on December 7th. Members of the committee were in agreement of the proposed changes. The Board approved the ordinance on the first reading at the December meeting. Staff recommends adopting the proposed ordinance on final consideration.
- 5. Exhibit E – Ordinance – Final Consideration - Streets and Sidewalks – Title 16** – Title 16 coincides in some ways with the previously mentioned Title 15. The proposed revisions were reviewed and discussed by the Public Safety Committee on December 7th. Committee members were in agreement of the proposed changes. The Board approved the ordinance on the first reading at the December meeting. Staff recommends adopting the proposed ordinance on final consideration.
- 6. Exhibit F – Ordinance – Final Consideration for Electronic Participation for Elected Officials** – This ordinance would allow a member of the Board of Mayor and Aldermen to attend and participate sessions of the Board of Mayor and Aldermen by the use of two-way electronic audio-video communications when that member is deployed as a military service

member as defined in the Tennessee Code Annotated § 6-54-143. The Board approved the ordinance on the first reading at the December meeting. Staff recommends adopting the proposed ordinance on final consideration.

- 7. Appointments – Board of Zoning Appeals – Keith Moore** – Mayor Walker will make an appointment to the Board of Zoning Appeals to fill the recent vacated position of Bob Hatton.
- 8. Exhibit G – Ordinance – First Consideration – Amending Title 8, Chapter 2 – Beer Regulations** – Town staff has reviewed the Beer Regulations ordinance and has recommended revisions. The Public Safety Committee, consisting of Alderman Feldmayer and Alderwoman Renfrow and town staff reviewed the proposed changes. Committee members were in agreement of the proposed changes. The draft ordinance revisions with markups are included in your packet for review. Staff recommends adopting the proposed ordinance on first consideration.
- 9. Exhibit H – Resolution – Donation Policy** – The Donation Policy is being revised to include a strong recommendation that a requestor come to a Board of Mayor and Aldermen meeting to present their request for a donation. It is also proposed that there will no longer be any “ongoing” yearly requests. Additionally, any donation requests will need to be presented by a certain date and time for the budget creation process. Staff recommends adopting the proposed policy revisions.
- 10. Exhibit I – Resolution – Approving Debt Issuance for Fire Apparatus Purchase** – The Board approved the purchase of a new Sutphen Quint 75-foot Aerial Apparatus. The Board directed that a discount of \$31,992.92 be obtained through 100% pre-payment. It is necessary to execute a Capital Outlay Note (CON) for the purchase. The CON can be paid off at any time without penalties. The Comptroller’s Office has approved the CON issuance and the resolution is necessary for approval of the debt service. The debt service will not exceed \$660,000 and the remainder of the discounted purchase price of \$963,077.08 will come from the \$214,450 from savings and the \$91,000 budgeted for the current fiscal year. Staff recommends approval of the resolution.
- 11. Exhibit J – Resolution – Approval of Fire Staffing (SAFER) Grant Submittal** – The grant application is for SAFER funds for the purpose of adding full-time personnel to the Atoka Fire Department that will benefit the residents of the Town of Atoka. The SAFER grant provides funding for additional fire personnel for a period of three years, including base salaries and benefits. If the Board approves the SAFER grant submittal for three fire personnel and the grant is awarded, beginning in year 4, the town will need to support the personnel costs.

12. Miscellaneous Items –

1. **Exhibit K** - Approval of Parks and Recreation 2022 Spring Events – Spring events for 2022 have been planned. Food Truck Festival, Atoka BBQ Fest, and Bunny Brunch dates have been set. Staff recommends approval of the spring events.
2. **Exhibit L** - Approval of Planner Engineer Job Description – During the FY2022 budget process, staff discussed with the Board about the position of a Planner Engineer. As Atoka continues to grow, having a staff member who can provide the functions outlined in the job description will become even more important. The job description is included in your packet for review. Staff recommends approval of the position and job description.
3. **Exhibit M** - Donation Request – Fire Department – The donation request of \$1,000 is for the National Fire Safety Council. The organization provides fire prevention education material to elementary schools and childcare facilities. A memo from Fire Chief Posey is included in your packet containing further details. The donation request was not included in the November 2021 requests. Staff recommends approving the donation request.

13. Department Reports – Monthly reports from the Departments have been included in the Board packet for your review.

If you have questions on any of these items prior to the Board meeting, please do not hesitate to call me.



January 11, 2022
Exhibit A

TOWN OF ATOKA
334 Atoka-Munford Avenue
Atoka, Tennessee 38004
Phone: (901) 837-5300
www.TownofAtoka.com

**Town of Atoka Board of Mayor and Aldermen
Public Hearing
December 14, 2021 6:45 pm**

Public Hearing – Amending the Municipal/Regional Zoning Map – 6:45 pm
This time has been reserved to allow any public comments regarding an ordinance to amend the Atoka Municipal/Regional Zoning Map. The first consideration of the ordinance took place on October 19, 2021 and notice of this public hearing was published on November 25th, 2021.

Present: Mayor Daryl Walker, Aldermen Barry Akin, Danny Feldmayer, John Harber, Cody Pace, and Alderwoman Christy Renfrow.

Absent: Alderman Brett Giannini who is away on military service

Also present: Town Recorder Debbie Pickard, Town Administrator Marc Woerner, Town Attorney Kasey Culbreath, Police Chief Anthony Rudolph, Fire Chief Henry Posey, Park Director Dorothy Isbell, and attached list.

Mayor Walker called the public hearing to order at 6:45 p.m.

Administrator Woerner reviewed the proposed Atoka Municipal/Regional Zoning Map as presented.

There were no comments from the public.

Alderman Feldmayer made a motion to close the public hearing. Alderwoman Renfrow seconded the motion. All in favor. Motion carried. The public hearing closed at 6:46 p.m.

**Town of Atoka Board of Mayor and Aldermen
Regular Monthly Meeting
December 14, 2021, 7:00 p.m.**

The Invocation was led by Mayor Daryl Walker. All present joined in the pledge to the flag.

The meeting was called to order by Mayor Walker at 7:06 p.m.

The Town of Atoka Board of Mayor and Aldermen met with the following:

Present: Mayor Daryl Walker, Aldermen Barry Akin, Danny Feldmayer, John Harber, Cody Pace and Alderwoman Renfrow

Also present: Town Recorder Debbie Pickard, Town Administrator Marc Woerner, Town Attorney Kasey Culbreath, Police Chief Anthony Rudolph, Fire Chief Henry Posey, Park Director Dorothy Isbell, and attached list.

Absent: Alderman Brett Giannini who is away on military service, Codes Director Wallace, and Public Works Director Dalton Patrick.

Regular Monthly Meeting November 09, 2021 – Exhibit A – Alderman Feldmayer made a motion to accept the minutes as presented. Alderman Harber seconded the motion. All in favor. Motion carried.

Beer Board Meeting November 09, 2021 – Exhibit B – Alderman Feldmayer made a motion to accept the minutes as presented. Alderman Pace seconded the motion. All in favor. Motion carried.

Financial Report: Exhibit C – Administrator Woerner reviewed the financial report as presented. Alderman Feldmayer made a motion to accept the report as presented. Alderwoman Renfrow seconded the motion. All in favor. Motion carried.

Old Business:

Ordinances and Resolutions:

- 1. Ordinance 21-12-01 – Final Consideration – Amending the Municipal/Regional Zoning Map – Exhibit D** – The Board had no objection to reading the ordinance by title only. The Recorder read the ordinance by title only. Alderman Feldmayer made a motion to approve the ordinance on final consideration. Alderwoman Renfrow seconded the motion. Roll Call. Akin-yes, Renfrow-yes, Pace-yes, Harber-yes, Feldmayer-yes, and Giannini-absent. Motion carried.

New Business:

Ordinances and Resolutions:

- 1. Resolution – 21-12-01 – Approving and Accepting Oak Creek Phase Two Subdivision – Exhibit E-** Administrator Woerner reviewed the resolution as presented. Alderman Feldmayer made a motion to accept the resolution as presented. Alderman Harber seconded the motion. After discussion Alderman Feldmayer rescinded the first motion. Alderman Feldmayer then made a motion to accept Oak Creek Phase 2 completely removing the language “excluding the temporary turn around at the end of East Cherrybark”. Alderman Harber seconded the motion. Roll call. Renfrow-yes, Pace-yes, Harber-yes, Feldmayer-yes, Akin-yes and Giannini-absent. Motion carried.
Alderman Akin then made a motion to direct town staff to pursue legal means with the homeowners at the end of East Cherrybark to obtain an easement and a release of liability. Alderman Pace seconded the motion. Roll call. Pace-yes, Harber-yes, Feldmayer-yes, Akin-yes, Renfrow-yes and Giannini absent. Motion carried.
- 2. Resolution – 21-12-02 – Approving and Adopting a Hazard Mitigation Plan– Exhibit F-** Administrator Woerner reviewed the resolution as presented. Alderman Feldmayer made a motion to approve the resolution. Alderman Akin seconded the motion. All approved. Motion carried.
- 3. Bid Award – RFP for Early Warning Sirens – Exhibit G** – Administrator Woerner reviewed the bid tab as presented. Alderman Feldmayer made a motion to approve proposal #2 (5) rotating sirens. Hearing no second motion the motion failed. Alderman Akin made a motion to accept proposal #1 (2) Omni Directional Sirens to be awarded to Precision Communications for \$108,813.37. Roll call. Pace-yes, Harber-yes, Feldmayer-no, Akin-yes, Renfrow-yes, and Giannini-absent. Motion carried.
Alderman Pace made a motion to authorize a change order to add a third Omni Directional 10 cell siren. Alderman Akin seconded the motion. Roll call. Harber-yes, Feldmayer-no, Akin-yes, Renfrow-yes, Pace-yes, and Giannini-absent. Motion carried.
- 4. Resolution – 21-12-03 – Approving a Fire Apparatus Grant Submittal– Exhibit H-** Administrator Woerner reviewed the resolution as presented. Alderman Feldmayer made a motion to approve the resolution. Alderman Pace seconded the motion. All approved. Motion carried.
- 5. Resolution – 21-12-04 – Approving a Fire Equipment Safety and Operations Grant Submittal– Exhibit I-** Administrator Woerner reviewed the resolution as presented. Alderman Feldmayer made a motion to approve the resolution as presented. Alderman Pace seconded the motion. All approved. Motion carried.
- 6. Ordinance – First Consideration – Title 15 – Motor Vehicles, Traffic & Parking – Exhibit J** – The Board had no objection to reading the ordinance by title only. The recorder read the ordinance by title only. Alderman Feldmayer made a motion to approve the ordinance as presented. Alderwoman Renfrow seconded the motion. Roll Call. Feldmayer-yes, Akin-yes, Renfrow-yes, Pace-yes, Harber-yes, and Giannini-absent. All approved. Motion carried.
- 7. Ordinance – First Consideration – Title 16 – Streets and Sidewalks – Exhibit K** – The Board had no objection to reading the ordinance by title only. The recorder read the ordinance by title only. Alderman Feldmayer made a motion to approve the ordinance as presented. Alderman Pace seconded the motion. Roll Call. Harber-yes, Feldmayer-yes, Akin-yes, Renfrow-yes, Pace-yes, and Giannini-absent. All approved. Motion carried.
- 8. Ordinance – First Consideration – Electronic Participation for Elected Officials – Exhibit L** – The Board had no objection to reading the ordinance by title only. The recorder read the ordinance by title only. Alderman Feldmayer made a motion to approve the ordinance as presented. Alderman Pace seconded the motion. Roll Call. Pace-yes, Renfrow-yes, Akin-yes, Feldmayer-yes, Harber-yes, and Giannini-absent. All approved. Motion carried.

Miscellaneous Items:

1. **Fire Engine Purchase Approval – Exhibit M** – Administrator Woerner reviewed the proposal to purchase a fire engine as presented. Alderman Feldmayer made a motion to purchase the fire engine in full to save the \$32,000.00, with a 100% pre-payment discount and give the town administrator the authority to seek the best financing for the fire engine, Alderman Pace seconded the motion. Roll call. Akin-yes, Renfrow-yes, Pace-yes, Harber-yes, Feldmayer-yes, and Giannini-absent. All approved. Motion carried.

Departmental Reports:

1. **Code Enforcement:** Director Wallace was absent. The Board reviewed the report as presented.
2. **Fire Department:** Chief Posey reviewed the report as presented. Chief Posey advised the Board of the following: Chief Posey has been appointed by Dyersburg State Community College to serve on their Advisory Committee for EMS Services. Chief Posey advised he would like to create a new position due to the new fire truck. It would be a fire apparatus/engineer. It would have to have two certifications. One certification is a PDO-pumper driver operator, and the other is a AAO-arial apparatus operator. Both of them are 40-hour certification classes. Santa’s Ride was a huge success.
3. **Parks Department:** Director Isbell reviewed the report as presented. Director Isbell advised the Board of the following: The Tree Lighting attendance was a huge success. Santa’s Ride and Santa’s Meet and Greet both were also a huge success.
4. **Police Department:** Chief Rudolph reviewed the report as presented. Chief Rudolph advised the Board of the following: Chief Rudolph introduced the new promotions within the department. They are Sgt. Jay Black, Sgt. James Perry, Investigator Amanda Swain, Cpl. Chris Covarrubias, and Cpl. Dylan Daniel.
5. **Public Works Department:** Director Patrick was absent. The Board reviewed the report as presented.

Miscellaneous Items from the Mayor, Board of Aldermen, Town Administrator:

1. Administrator Woerner advised the Board that several Town employees worked together to put together a parade float to enter into the Munford, Brighton and Covington Christmas parades. Town staff won 2nd place in the Covington Christmas parade and won 3rd place in the Brighton Christmas parade. Munford’s placement is yet to be determined.

Citizen Concerns:

1. Brett Pickard of 165 Adkison asked that the Town ask the County for some money to help with the purchase of the fire truck.
2. County Commissioner Stephen Shopher advised that he is in favor of the request and recommended that the Town submit a letter to the County.

Alderman Feldmayer motioned to adjourn the meeting. Alderman Pace seconded the motion. The meeting ended at 8:36 pm.

W. Daryl Walker, Mayor

Deborah Pickard, Recorder



January 11, 2022

Exhibit B

TOWN OF ATOKA
334 Atoka-Munford Avenue
Atoka, Tennessee 38004
Phone: (901) 837-5300
www.TownofAtoka.com

**Town of Atoka Beer Board Meeting
Public Hearing
December 14, 2021, 6:15 p.m.**

The Town of Atoka Beer Board met with the following members:

Present: Mayor Daryl Walker, Aldermen Barry Akin, Danny Feldmayer, John Harber, Cody Pace and Alderwoman Christy Renfrow.

Also Present: Town Recorder Debbie Pickard, Town Administrator Marc Woerner, Town Attorney Kasey Culbreath, Police Chief Anthony Rudolph, Fire Chief Henry Posey and the attached list.

Absent: Alderman Brett Giannini who is away on military service, Codes Director Rex Wallace

Mayor Walker called the Beer Board meeting to order at 6:16 p.m.

Old Business: None

New Business:

Application for Beer Permit – Exhibit A – Mayor Walker reviewed the application for Rafat Morshid to obtain Class C (on-site) permit for the sale of beer located at 11180 Highway 51 S., Suite 8 in Atoka Tennessee. Mayor Walker reviewed the October 19 and November 09 minutes. Chief Rudolph reviewed the law regarding the sale of beer to someone under twenty-one (21) years of age. Mayor Walker made a motion to deny the application due to the applicant/owner under the age of twenty-one years of age and the incomplete application. After discussion Mayor Walker withdrew the motion. Alderman Harber made a motion to deny the application due to the incomplete information on the application. Alderman Akin seconded the motion. All in favor. Motion carried.

Miscellaneous Items:

- 1. Compliance Checks for Beer Permits** – Administrator Woerner gave an update to the Beer Board from the last beer board meeting. The Magic Mart/Shell Station and Los Alebrijes Restaurant were assessed a suspension but were given the opportunity to pay a civil penalty in lieu of the suspension. Both entities and permit holders have paid their civil penalties which clears the suspension.
- 2. Beer Ordinance** – Administrator Woerner advised the Beer Board that town staff has been working on a beer board ordinance revision to provide additional clarity and expects to bring it to the Board of Mayor and Aldermen in the near future for their consideration.

Adjournment: Mayor Walker made motion to adjourn the meeting. Alderman Feldmayer seconded the motion. All approved motion carried. The meeting ended at 6:42 p.m.

W. Daryl Walker, Mayor

Deborah Pickard, Recorder

SUMMARY OF FINANCIAL CONDITION VS. BUDGET

For the Six Months Ending December 31, 2021

<u>General Fund</u>	6 months	% of Budget	Total Budget
Revenues:	Actual	Budget	Total Budget
Property Tax	1,720,017	74.9%	2,295,420
Sales Tax	1,663,021	53.9%	3,084,681
Grants	1,393,726	246.0%	566,652
Other Revenues	530,019	44.5%	1,191,322
Total	5,306,783		7,138,075
Expenditures:			
Legislature & Judicial	29,603	45.0%	65,800
Finance & Administration	236,202	43.3%	544,890
Police	1,050,391	47.0%	2,234,518
Fire	742,593	41.8%	1,778,528
Planning & Inspection	117,487	27.6%	426,370
Streets	2,189,210	177.9%	1,230,754
Parks & Recreation	450,607	68.5%	658,215
Total	4,816,093		6,939,075
Excess Revenue Over Expenditures	490,690		199,000
Cash on Hand at End of Period (1)	4,363,523		

<u>State Street Aid Fund</u>	6 months	% of Budget	Total Budget
Revenue	183,438	54.5%	336,360
Expenditures	0	0.0%	336,360
Excess Revenue Over Expenses	183,438	0	
Cash on Hand at Beginning of Year	203,178		
Cash on Hand at End of Period	386,616		

<u>Drug Fund</u>	6 months	% of Budget	Total Budget
Revenue	10,080	32.5%	31,000
Expenditures	22,700	73.2%	31,000
Excess Revenue Over Expenses	-12,620	0	0
Cash on Hand at Beginning of Year	44,454		
Cash on Hand at End of Period	31,834		

(1) Does not include Fire Dept, Celebrate, and Park AC of:

360,247

January 11, 2022

Exhibit C

Solid Waste Collections				
Revenue		332,034	55.3%	600,000
Expenditures		328,366	45.6%	720,000
Excess Revenue Over Expenses		3,668	0	-120,000
Cash on Hand at Beginning of Year		116,211		120,000
*Cash on Hand at End of Period		241,258		0

SUMMARY OF FINANCIAL CONDITION WATER FUND

For the Six Months Ended December 31, 2021

Cash on Hand at Beginning of Year	\$ 523,465
Cash on Hand at End of Period	\$ 785,059
Total Bonds/Notes outstanding 12/31/21	\$ 908,951

Net Income(Regulatory Basis) vs. Prior Year				
	Actual			Prior Year
	12/31/2021	% of Budget	Total Budget	12/31/2020
Revenues	\$ 582,182	33.59%	\$ 1,733,002	\$ 1,307,262
Expenses				
(353) Water Purchases	\$ 262,614	59.69%	\$ 440,000	\$ 270,401
(100's) Payroll and Benefits	\$ 165,272	60.57%	\$ 272,874	\$ 319,081
(260) Repair Maintenance Services	\$ 27,500	38.19%	\$ 72,000	\$ 228,798
(241) Utility (Electric) Operations	\$ 2,580	28.97%	\$ 8,905	\$ 52,978
(211,290,292,310) Prof Service / Office Supplies	\$ 16,063	72.81%	\$ 22,061	\$ 42,345
* Other Operating Expenses	\$ 110,257	15.41%	\$ 715,623	\$ 110,822
(540) Depreciation	\$ 100,581	50.00%	\$ 201,163	\$ 237,500
Total	\$ 684,867	39.53%	\$ 1,732,626	\$ 1,325,065
Net Income (loss)	\$ (102,685)		\$ 376	\$ (17,803)

WT/SW combined
previous year column

* Other Operating Expenses include: Uniforms - Vehicle Maintenance - Liability, Property
& Work Comp Insurance - Building Utilities & Maintenance

January 11, 2022

Exhibit D

ORDINANCE NUMBER _____

AN ORDINANCE TO AMEND TITLE 15, MOTOR VEHICLE, TRAFFIC AND PARKING OF THE TOWN OF ATOKA MUNICIPAL CODE OF ORDINANCES.

WHEREAS, Tennessee Code Annotated allows municipalities to create codes to promote the health, safety, and welfare of its citizens; and

WHEREAS, Title 15 of the Town of Atoka Municipal Code of Ordinances regulates Motor Vehicles, Traffic and Parking; and

WHEREAS, The Town of Atoka's Public Safety Committee held a work session and recommends amendments to Title 15;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, THAT TITLE 15 OF THE MUNICIPAL CODE BE DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING LANGUAGE :

SECTION 1. Title 15 of the Atoka Municipal Code is amended to read as follows.

SECTION 2. TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING

1. Miscellaneous
2. Emergency Vehicles
3. Speed Limits
4. Turning Movements
5. Stopping and Yielding
6. Parking
7. Enforcement
8. Operation of heavy or large vehicles on city streets within residential neighborhoods prohibited
9. General Penalty

CHAPTER 1 MISCELLANEOUS

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. Driving under the influence.
- 15-105. One-way streets.
- 15-106. Unlaned streets.
- 15-107. Laned streets.
- 15-108. Yellow lines.
- 15-109. Miscellaneous traffic control signs, etc.

15-110. General requirements for traffic control signs, etc.

Municipal code reference Excavations and obstructions in streets, etc.: title 16.

State law references Under Tennessee Code Annotated, section 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, section 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, section 55-10-101 et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, section 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, section 55-10-501.

- 15-111. Unauthorized traffic control signs, etc.
- 15-112. Presumption with respect to traffic control signs, etc.
- 15-113. School safety patrols.
- 15-114. Driving through funerals or other processions.
- 15-115. Clinging to vehicles in motion.
- 15-116. Riding on outside of vehicles.
- 15-117. Backing vehicles.
- 15-118. Projections from the rear of vehicles.
- 15-119. Causing unnecessary noise.
- 15-120. Vehicles and operators to be licensed.
- 15-121. Passing.
- 15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-123. Delivery of vehicle to unlicensed driver, etc.
- 15-124. Duty to drive at safe speed, maintain lookout and keep vehicle under control.
- 15-125. Compliance with financial responsibility law required.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9.

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose.

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property.

15-104. Driving under the influence. (See Tennessee Code Annotated, sections 55-10-401, 55-10-303, and 55-10-307).

15-105. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction.

15-106. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

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

direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the town for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

15-107. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four

(4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary.

15-108. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street.

15-109. Miscellaneous traffic control signs, etc. It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer.

15-110. General requirements for traffic control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,¹ published by the U.S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive.

15-111. Unauthorized traffic control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal.

15-112. Presumption with respect to traffic control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper town authority.

15-113. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of

police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals.

15-114. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated.

15-115. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place.

15-116. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks.

15-117. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

15-118. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle.

15-119. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle.

15-120. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law."

15-121. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety.

15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.

(1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor capacity that does not exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

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

(4) No bicycle, motorcycle, motor driven cycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

(6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

(7) Each driver of a motorcycle, motor driven cycle, or motorized bicycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section.

15-123. Delivery of vehicle to unlicensed driver, etc. (1) Definitions.

(a) "Adult" shall mean any person eighteen years of age or older.

(b) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(e) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the Town of Atoka unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the town in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the town.

15-124. Duty to drive at safe speed, maintain lookout and keep vehicle under control. Notwithstanding any speed limit or zone in effect at the time, or right of way rules that may be applicable, every driver shall:

(1) Operate his vehicle at a safe speed.

(2) Maintain a safe lookout.

(3) Use due care to keep his vehicle under control.

15-125. Compliance with financial responsibility law required. (1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under Title 55, Chapters 8 and 10, parts 1-5, Chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, Chapter 12, Title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility

Law of 1977, compiled in Tennessee Code Annotated, Chapter 12, Title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #02-03-01, April 2002)

CHAPTER 2 EMERGENCY VEHICLES

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police.

15-202. Operation of authorized emergency vehicles.¹ (1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one

(1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(2) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(3) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any

authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman.

SPEED LIMITS

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. Along Highway 51.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of twenty miles per hour (20 mph) except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (as amended by Ord. #14-02-01, Feb. 2014)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets.

15-303. In school zones. Pursuant to Tennessee Code Annotated, section 55-8-152, the town shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving.

15-304. Along Highway 51. The speed limit on Highway 51 shall be forty- five (45) miles per hour for one-half (1/2) mile north and south of Atoka-Munford Avenue and Munford-Atoka Avenue. (Ord. No. 87-2)

Ord. #14-02-01, Feb. 2014 (of record in the recorder's office) sets speed limits for specific roads.

TURNING MOVEMENTS

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways. 15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first

ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways.

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

15-405. U-turns. U-turns are prohibited.
State law reference Tennessee Code Annotated, section 55-8-143.

CHAPTER 5 STOPPING AND YIELDING

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic control signals generally.
- 15-508. At flashing traffic control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled
- 15-511 Right of way in a roundabout

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles.

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed.

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety.

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted.

15-507. At traffic control signals generally. Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

- (1) Green alone, or "Go":
 - (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- (2) Steady yellow alone, or "Caution":
 - (a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
 - (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.
- (3) Steady red alone, or "Stop":
 - (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.
 - (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

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

15-508. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town it shall require obedience by vehicular traffic as follows:

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

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in section 15-504 of this code.

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the town, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing.

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency.

15-511. Right of way in a roundabout.

(a) For the purposes of this section, a "roundabout" is a circular intersection where all entering traffic must yield to the vehicles within the intersection.

(b) A vehicle passing around a rotary traffic island or a roundabout may be driven only to the right of the island.

(c) When approaching or driving through a roundabout, a person driving a vehicle shall yield the right-of-way to the driver of a vehicle that is driving through the roundabout at the same time or as so closely as to present an immediate hazard and shall slow down or stop if

necessary to yield. However, this subsection does not require a person who is driving a vehicle through a roundabout to yield the right-of-way to the driver of a vehicle that is approaching the roundabout.

(d) If two (2) vehicles approach or drive through a roundabout at the same time or so closely as to present an immediate hazard, the driver on the right shall yield the right-of-way to the driver on the left and shall slow down or stop if necessary to yield.

State law reference Tennessee Code Annotated, section 55-8-143.

CHAPTER 6 PARKING

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Owner's Responsibility
- 15-607. Storage of Property on public street and Right-of-way
- 15-608. Stopping or parking left side of curb

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this town shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the town has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley for more than twelve (12) consecutive hours without the prior approval of the chief of police. No truck, truck trailer, or tractor or bus having declared maximum gross vehicle weight rating of more than eight thousand (8,000) pounds shall be parked or left unattended on any residential street, except while actively being loaded or unloaded, or while such vehicle is being used in connection with any work or service being performed on adjacent property.

No recreation vehicle shall be parked or left unattended on any residential street or in any residential district, except while actively being loaded or unloaded.

The Atoka Police Department is authorized to remove any vehicle found parked in violation of this section when such vehicle constitutes a traffic hazard or obstruction of traffic. Such vehicle may be impounded by the police department. (as amended by Ord. #01-01-02, Feb. 2001)

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet.

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the

vehicle is too large to be parked within a single designated space.

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or town, nor:

(1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic.

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Obstructing fire access areas and fire hydrants.

(a) Within fifteen feet (15') of a fire hydrant;

(b) No obstruction of any kind, including motor vehicles or trailers, whether attended or unattended, shall be placed, stored, parked or permitted to remain for any period of time in any area required for the access of fire equipment to any public or private residential or business building or complex of such buildings, which may, in the discretion of the Chief of the Fire Department, and with the consent of the owner when such areas are not public property, be designated as "fire access areas."

(c) Such fire access areas may include both public and private streets and alleys designated by the Chief of the Fire Department, and off-street driveways or alleyways owned by such buildings or complexes of such buildings, designated by the Chief of the Fire Department with the consent of the owner thereof, and shall be marked by official signs designed and approved by the Chief of the Fire Department indicating that approval is pursuant to this section, which design shall be used exclusively by the Town and Fire Department. A record of all approved fire access areas shall be kept on file at the Fire Department.

(d) Any and all signs erected, or areas marked or posted as a fire access area, by any owner of private property must bear different identification and color scheme, and such signs must indicate that such designation is not an official fire access area enforceable by the Town Fire Department and Police Department. For the purposes of this section the terms "fire access areas" and "fire lanes" are synonymous.

(e) No such obstruction of any kind, including motor vehicles or trailers, whether attended or unattended, shall be placed, stored or parked or permitted to remain for any period of time within fifteen (15) feet of a fire hydrant, whether such fire hydrant is located on public streets, alleys, off-street driveways or alleyways or on public or private property, including, but not limited to residential or business buildings or complexes.

(f) When used herein, "owner" means individuals, partnerships or corporations actually legal owners or otherwise entitled to occupancy, use or possession thereof.

(g) Any person violating this section shall be guilty of a misdemeanor and such motor vehicles or trailers found in violation hereof may be impounded and towing and storage charges assessed under the provisions of the Town of Atoka ordinances.

(h) The amount of forfeiture which may be paid at the Municipal Court Clerk's Office for violation of this section is designated as \$50.00, which amount shall be added to the Municipal Court Clerk's Office schedule of forfeitures contained in Town of Atoka codes.

(5) Within a pedestrian crosswalk;

(6) Within twenty feet (20') of a crosswalk at an intersection;

(7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;

(8) Within fifty feet (50') of the nearest rail of a railroad crossing;

(9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;

(10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(11) No driver shall stop, stand, or park a vehicle abreast, or adjacent to, another vehicle parallel to the curb or in any other manner so as to interrupt or interfere with the passage of other vehicles on the street except in the case of public emergency or when directed by a police officer. (a) It is unlawful to leave any vehicle standing in any street when such vehicle constitutes a hazard to public safety or an obstruction to traffic.

(12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(13) A person who parks a vehicle in violation of this section, as hereinafter set out in subsections A, B or C of this section shall be subject to a fine of not more than \$50.00, for each violation, or as provided in Town Ordinances, Title 3, Chapter 2 (Imposition of penalties and costs). This section shall be enforceable on public property or on private property where a business, firm or other person transacting business with the public from a permanent location, has provided especially marked parking spaces for the exclusive use of handicapped drivers or passengers, as set forth in T.C.A. § 55-21-101 et seq., and T.C.A. § 68-120-204. Notwithstanding any other provision set out in this Code, a \$50.00 penalty shall be automatically assessed with each violation, as authorized under T.C.A. §§ 55-21-108(a) and 55-21-108(b).

A. Vehicles parked adjacent to handicapped spaces. No person shall stop, stand, or park a vehicle in any space immediately adjacent to a designated handicapped space, so as to restrict, or unreasonably restrict, a handicapped person from exiting or entering a motor vehicle properly parked within such designated handicapped parking space.

B. Vehicles parked so as to encroach in to handicapped spaces. No person shall stop, stand or park a vehicle in any space immediately adjacent to a designated handicapped space, so that a portion of such vehicle encroaches into a handicapped parking space in a manner which restricts, or reasonably could restrict, a handicapped person from exiting or entering a motor vehicle properly parked within such handicapped parking space.

C. Vehicles parked so as to prevent use of curb cut or ramp by handicapped person. No person shall stop, stand or park a vehicle in a manner which restricts, or reasonably could restrict, a mobility impaired person, or a physically handicapped person, from using a curb cut or ramp designed to provide access to and from a sidewalk or parking area.

(14) Within twelve feet of the traffic lanes of U.S. Highway 51 for a distance of three hundred feet north and south of its intersection with the Tracy Road, Watson Road, Tipton Road, Munford-Atoka Road, Kimbrough Road, Main Street and Michael Drive. (Ordinance No. 35)

(15) Upon any roadway, parking or standing, for the principal purpose of (a) displaying it for sale or rent; (b) washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone.

15-606. Violation of this section shall be a misdemeanor punishable as provided in section 11-101. Proof of ownership, as identification on registration records maintained by the Tennessee Department of Safety, or similar agency of other relevant state and as certified by the Municipal Court Clerk's Office, of any vehicle found parked in violation of this section shall be prima facie evidence that the vehicle, at the time of the violation, was operated and used by the owner, or by the owner's employee or agent while acting in the scope of their employment or agency and with the owner's authority, consent, and knowledge.

15-607. Storage of property on public streets and right of way unlawful.

(a) It is unlawful for any person to use a public street or public right-of-way along the street, for the purpose of storing any item, except where otherwise lawfully provided.

(b) "Storage" is defined, for the purposes of this section, as the placing of any property in such public street or right-of-way in such a manner as to preclude the use of such street or right-of-way by the general public or the normal flow of vehicular or pedestrian traffic.

15-608 Stopping or parking left side to curb. No vehicle shall stop or park with its left side to the curb; provided, however, that this prohibition shall not apply to one-way streets when such stopping has been authorized by the Town engineer and is not prohibited.

CHAPTER 7 ENFORCEMENT

15-701. Issuance of traffic citations. 15-702. Failure to obey citation.

15-703. Illegal parking.

15-704. Impoundment of vehicles.

15-705. Disposal of abandoned motor vehicles. 15-706. Deposit of driver license in lieu of bail.

15-701. Issuance of traffic citations.1 When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address.

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued.

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within fifteen (15) days during the hours and at a place specified in the citation.

Municipal code reference Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 3. State law reference Tennessee Code Annotated, section 7-63-101 et seq.

15-704. Impoundment of vehicles.

(a) Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been issued and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and

pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of.

(b) Vehicles with outstanding traffic tickets violations. Any unattended motor vehicle found parked at any time upon any public thoroughfare, street, alleyway or other public property of the town against which there is either a traffic citation or traffic summons that has not been paid 60 days after final adjudication may, by or under the direction of an officer or a member of the police department, either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the Chief of Police. The town shall not be liable for any damage to such vehicle while such vehicle is towed or impounded.

(c) It shall be the duty of the officer or a member of the police department removing such motor vehicle, or under whose direction such vehicle is removed to inform in writing, as soon as practicable, the owner of an impounded vehicle of the nature and circumstances of the prior unsettled traffic citation(s), traffic summons(es), or warrant(s), for which, or on account of which, such vehicle was impounded. The notice shall also inform the owner that if he or she feels that the vehicle was towed, impounded in error, he or she may arrange for a prompt hearing before the Town Recorder, or his or her designee, by contacting him or her during normal business hours. The notice shall also state that the owner has a right to present evidence in his or her own behalf, to have a representative, and to have a decision that states its basis in writing. The Town Recorder, or his or her designee, shall hold a hearing within 48 hours after request and shall have the authority to immediately grant a free release or refund towing, and/or storage fees in those cases when a motor vehicle has been towed or impounded in error.

(d) If a warrant has not been issued, the owner of such impounded motor vehicle, or other duly authorized person, shall be permitted to repossess or secure the release of the vehicle upon the depositing of the forfeiture amount prescribed by ordinance for each violation for which there is a traffic citation or traffic summons outstanding, according to the standards set forth in subsection (a) of this section, and payment of towing and/or storage fees incurred by the impounding. If a warrant has been issued, then posting of the bond required by the municipal court clerk and payment of any towing and/or storage fees due shall be sufficient to obtain the release of the vehicle. Payments of towing and/or storage fees shall be made at the place where the vehicle was impounded.

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, section 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, sections 55-16-103 through 55-16-109.

15-706. Deposit of driver license in lieu of bail. (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any town ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the town court of this town in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The

receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the municipal court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the municipal court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, section 55-50-801 et seq. (Ord. No. 37)

15-707. Presumption in prosecutions for parking violations.

(a) In any prosecution charging a violation of any provision of this title or other law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(b) This presumption shall not apply in instances where the vehicle involved was rented or leased. In these instances, the sworn statement of the lessor or renter that the person named in the statement was, at the time of such parking, the person to whom such vehicle was rented or leased, shall constitute in evidence a prima facie presumption that the person to whom the vehicle was rented or leased was the person who parked or placed such vehicle at the point where, and for the time during which, such traffic violation occurred.

CHAPTER 8 OPERATION OF HEAVY OR LARGE VEHICLES ON CITY STREETS
WITHIN RESIDENTIAL NEIGHBORHOODS PROHIBITED

15-801. Definition of vehicle.

15-802. Heavy truck traffic prohibited on certain streets. 15-803. Signs posted.

15-804. Penalty.

15-801. Definition of vehicle. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon street, road, highway or public thoroughfares, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (Ord. #00-11-01, Jan. 2001)

15-802. Heavy truck traffic prohibited on certain streets. (1) For the purpose of this section, a heavy truck is defined to be any vehicle whose gross vehicle weight exceeds 12,000 pounds.

(2) All heavy trucks will be prohibited from the following streets: Main Street, Kimbrough Avenue, Atoka McLaughlin Drive.

(3) The following categories are exempt from the prohibition of this section:

(a) The operation of heavy trucks upon any street where necessary to the conduct of business at a destination point within the town provided streets designated as truck routes are used until reaching the intersection nearest the destination point.

(b) The operation of heavy trucks owned or operated by the town, any contractor or materialman, while under contract to the town while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the town.

(c) The operation of school buses and buses used to transport persons to and from a

place of worship, which run a designated route.

(d) The operation of emergency vehicles upon any street in the town. (Ord. #00-11-01, Jan. 2001)

15-803. Signs posted. Signs shall be posted on the entrances to each of the streets listed in § 15-802(2) above indicating either by words or by appropriate symbols that heavy trucks are prohibited from traveling upon said streets. (Ord. #00-11-01, Jan. 2001)

15-804. Penalty. Any violation of this chapter shall be punishable by fine not to exceed fifty dollars (\$50). (Ord. #00-11-01, Jan. 2001)

CHAPTER 9 GENERAL PENALTY

15-901. Penalties in this section

(a) Whenever in this Code or in any ordinance of the Town, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not more than \$50.00 for each separate violation; provided, however, that the infliction of a fine under the provisions of this Code or of any ordinance of the Town shall not prevent the revocation of any permit or license for violation of any provisions hereof where called for or permitted under the provisions of this Code or of any ordinance. The Municipal judge shall fix the amount of any fine to be levied under the provisions hereof as his or her discretion may dictate. Each day that any violation of this Code or of any ordinance continues shall constitute a separate offense.

(b) Where any act of the General Assembly of the state provides for a greater minimum penalty than \$1.00, the minimum fine or penalty prescribed by the state law shall prevail and be assessed by the municipal judge.

(c) In addition to the provisions of subsections A and B of this section, and any court costs established by any Town ordinance or state statute, the Town is authorized to create and collect penalties, pursuant to T.C.A. § 6-54-306, and in conformance therewith, to set a schedule specifying code section violation and penalty amount and instituting a general penalty fund from which monies may be disbursed.

(d) Penalties may be waived at the discretion of the judge.

SECTION 3. This Ordinance shall become effective immediately upon its adoption, the public welfare requiring it.

PASSED at the First Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 14th day of December, 2021.

PASSED at the Second Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 11th day of January, 2022.

W. Daryl Walker, Mayor

ATTEST:

Town Recorder

January 11, 2022

Exhibit E

ORDINANCE NUMBER _____

AN ORDINANCE TO AMEND TITLE 16, STREETS AND SIDEWALKS, ETC OF THE TOWN OF ATOKA MUNICIPAL CODE OF ORDINANCES.

WHEREAS, Tennessee Code Annotated allows municipalities to create codes to promote the health, safety, and welfare of its citizens; and

WHEREAS, Title 16 of the Town of Atoka Municipal Code of Ordinances regulates Streets and Sidewalks, etc; and

WHEREAS, The Town of Atoka's Public Safety Committee held a work session and recommends amendments to Title 16;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, THAT TITLE 16 OF THE MUNICIPAL CODE BE AMENDED WITH THE FOLLOWING LANGUAGE:

SECTION 1.

Omitting: Title 16. Section 16-101 Obstructing streets. alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials.

Inserting: Title 16. Section 16-101 It is unlawful to obstruct the public streets, alleyways, or right-of-way with boxes, barrels, or anything, or any kind of obstruction whatsoever, or permit trees, shrubs, or other foliage to project into the street or alleyway so as to impair the vision or passage of motorists.

SECTION 2.

Omitting: Title 16. Section 16-102 Trees projecting over streets, etc. regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet.

Inserting: Title 16. Section 16-102 It shall be unlawful to place or cause to be placed, any manner of buildings, erections, depositories, overhanging banners, temporary banners marking off portions of streets, or other obstructions, with any sort of permanency for private use, benefit, or profit, upon any portion of the public grounds, thoroughfares, or passageways of the municipality, except for emergencies arising or repairs being made by Municipal entities or their designees, without the approval of the Town Administrator, and issuance of a permit by the Code Enforcement Officer for the Town of Atoka, or his or her designee.

SECTION 3. This Ordinance shall become effective immediately upon its adoption, the public welfare requiring it.

PASSED at the First Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 14th day of December, 2021.

PASSED at the Second Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 11th day of January, 2022.

W. Daryl Walker, Mayor

ATTEST:

Town Recorder

January 11, 2022

Exhibit F

ORDINANCE NUMBER _____

AN ORDINANCE TO ALLOW A MEMBER OF THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, TENNESSEE, TO ATTEND SESSIONS OF THE BOARD OF MAYOR AND ALDERMEN BY THE USE OF TWO-WAY ELECTRONIC AUDIO-VIDEO COMMUNICATION WHEN THAT MEMBER IS DEPLOYED AS A SERVICE MEMBER AS DEFINED IN TENNESSEE CODE ANNOTATED § 6-54-143.

WHEREAS, Tennessee Code Annotated § 6-54-143 allows a member of municipal legislative bodies who is deployed to attend sessions of the legislative body by two-way electronic audio-video; and

WHEREAS, Tennessee Code Annotated § 6-54-143 requires that the legislative body approve by a two-thirds vote an ordinance allowing the member to participate in board sessions;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA:

SECTION 1. A member of the Board of Mayor and Aldermen of the Town of Atoka who is a deployed service member as defined by Tennessee Code Annotated § 6-54-143 may attend sessions of the Board of Mayor and Aldermen as allowed under Tennessee Code Annotated § 6-54-143.

SECTION 2. Tennessee Code Annotated § 6-54-143 allows attendance at board sessions under the following conditions:

(a) By passage of an ordinance, by a two-thirds ($\frac{2}{3}$) vote, a municipal legislative body may allow a service member who is deployed for thirteen (13) months or less while serving as a member of the municipal legislative body to attend sessions of the body through the use of two-way electronic audio-video communication during the deployment. Attendance by the use of two-way electronic audio-video communication does not prevent the service member from being allowed to vote or drawing pay for attendance. Only one (1) service member at a time may attend and vote in sessions of the body as provided in this subsection (a).

(b) As used in this section, “service member” means a member of the following:

(1) The active and reserve components of the army, navy, air force, marine corps, or coast guard of the United States;

- (2) The United States merchant marine;
- (3) The commissioned corps of the United States public health service;
- (4) The commissioned corps of the national oceanic and atmospheric administration of the United States; or
- (5) The national guard of this state.

SECTION 3. This ordinance shall take effect upon final adoption by a two-thirds vote of the Board of Mayor and Aldermen and being signed by the Mayor.

PASSED at the First Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 14th day of December, 2021.

PASSED at the Second Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 11th day of January, 2022.

W. Daryl Walker, Mayor

ATTEST:

Town Recorder

ORDINANCE NUMBER _____

AN ORDINANCE TO AMEND TITLE 8, CHAPTER 2 OF THE ATOKA MUNICIPAL CODE RELATED TO BEER.

WHEREAS, The Town of Atoka established a Beer Board through Ordinance 89-11A and

WHEREAS, Town of Atoka’s Public Safety Committee and town staff held a work session to review and revise the Beer Ordinance,

WHEREAS, The Board of Mayor and Alderman desires to amend The Atoka Tennessee Municipal Code of Ordinances to reflect the changes made at the Public Safety Work Session.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, THAT:

SECTION 1. Title 8 Chapter 2 of the Atoka Municipal Code is amended to read as follows.

CHAPTER 2 BEER¹ SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Classes of permits.
- 8-209. Sale of beer permitted only in specified zones.
- 8-210. Publication notice.
- 8-211. Interference with public health, safety, and morals prohibited.
- 8-212. Issuance of permits.
- 8-213. Regulations of the Beer Board
- 8-214. Restriction on hours for the sale of beer.
- 8-215. Hearings.
- 8-216. Privilege tax.
- 8-217. Civil penalty in lieu of suspension.
- 8-218 Employment of Minors

8-201. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen and has the exclusive power and authority to issue, suspend, revoke, and impose civil penalties on beer licenses and recommend approval for “on” premise and “off” premise beer sales located within the Town limits, subject to review by the courts. The mayor shall be the chairman of the beer board. (Ord. No. 89-11A, sec. 2-201)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the town hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. No. 89-11A, sec. 2-202)

8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. No. 89-11A, sec. 2-203 as amended Code 1992)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. (Ord. No. 89-11A, sec. 2-204)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this town in accordance with the provisions of this chapter. (Ord. No. 89-11A, sec. 2-205)

8-206. "Beer" defined. For purposes of this title, "beer" means beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in § 57-3-101; provided, however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to T.C.A. 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the Town of Atoka. Each applicant must be a person of good moral character and certify that they have read and are familiar with the provisions of this chapter. (Ord. No. 89-11A, sec. 2-207, as replaced by Ord. #93-11-01, § 1, Dec. 1993)

8-207(a) Procedure for securing a beer permit.

- (1) Applicant must fill out application as described above and secure a copy of the rules and regulations from the Town Recorder's Office and pay the fee of a non-refundable two hundred and fifty dollars (\$250.00) and a fifty-dollar (\$50.00) beer sign fee. No portion of the fee shall be refunded to the applicant, notwithstanding whether an application is approved or denied.
- (2) Applicant must provide positive form of government identification. The same person making the application must appear before the beer board on the hearing date for the application.

- (3) Submit the original lease, deed, or bill of sale at this location for verification.
- (4) A survey is required for any **NEW** business location applying for a beer license. The survey must show a 500-foot radius measurement beginning each corner of the structure where beer is sold, manufactured, or stored; it must also show a 200-foot radius measured from the each corner point of the structure and it must indicate any church, school (including childcare facilities up to secondary schools), or any residential property zoned "residential", "N-C" within these measurements as defined in Town Ordinance 14-201. The distances shall be measured in a straight line² from the nearest corner of the school or church and the nearest corner of the structure where the beer is sold, manufactured, or stored.
 - a. Surveys must be within six (6) months of application.
 - b. The location restriction applies only to new beer establishment locations, those with off-premise sales, and those that cease to sell beer for six (6) months or more.
- (5) "Off" premise locations must submit inventory to the Alcohol Commission for review. This information must be included in the applicant's file.
- (6) "Off" premise locations found to be within the restricted measurements will be required to provide the inventory receipts of food sales, not including beer sales. The food sales must consist of at least 40% of the gross sales within six (6) months after opening.
- (7) Contact the Code Enforcement Office for building inspections and use and occupancy (U & O) permit.
- (8) File application for food permits with the Tipton County Health Department
- (9) Contact the Atoka Fire Department for inspection of location.
- (10) Applicant must secure the signatures of ten (10) reputable citizens who live in, or have a business located in the areas where the business is to be located, stating the residence or place of business of each person. These signatures certify the length of time they have been acquainted with the applicant, and that they have good reason to believe that all of the statements contained in the petition are true and that they join in the prayer of the petition for the granting of the license prayed for.
- (11) Secure a telephone for business location.
- (12) Place a conspicuous sign at the location, visible from the street at least fifteen (15) days prior to the scheduled hearing date notifying the general public and community residents that application has been made to the Beer Board to sell beer at that location and the hearing date has been established to consider any support or opposition to said application. The cost of the sign to be posted is \$50.00.
- (13) No license can be issued in violation of any provisions of State law or of the zoning ordinances of the Town.

- (14) The applicant will conduct the business in person, for himself. If acting as agent, partner or otherwise, the applicant shall state the person, firm, corporation, syndicate, association of joint stock company for whom applicant intends to act and provide an address to which official Beer Board correspondence should be sent.
- (15) Each applicant must swear and affirm that the statements of facts contained in his/her application are true and correct to the best of his/her knowledge, information and belief. Any false information contained in the application as to a material fact may be grounds for revocation of said license
- (16) Automatic revocation will result from misrepresentation of the facts before the Beer Board in the hearing to obtain a beer permit.
- (17) Any change in entertainment format must be approved through the Beer Board prior to effective date of change.
- (18) The Applicant for any type of beer permit MUST be 21 years of age at the time of application in order to apply for a permit.
- (19) The applicant will need to submit to a criminal background check.

8-208. Classes of permits. There shall be three (3) classes of permits issued by the beer board, as follows:

(1) Class A. A manufacturer's permit to a manufacturer of beer for the manufacture, possession, storage, sale, distribution, and transportation of the product of such manufacturer, not to be consumed by the purchaser upon or near the premises of such manufacturer. A manufacturer of beer shall be defined as one who employs a minimum of twenty-five (25) full-time employees in the manufacturing of beer.

(2) Class B. An "off-site" permit to any person or legal organization engaged in the sale of such beverages where they are not to be consumed by the purchaser or other persons upon or near the premises of such seller.

(3) Class C. An "on-site" permit to any person or legal organization engaged in the operation of a restaurant wherein the sale of beer is for consumption on the premises. A restaurant shall be defined as a business establishment whose primary business is the sale of prepared food to be consumed on the premises and less than thirty percent (30%) of its income is from the sale of beer and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least thirty (30) people at tables, and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. An "on-site" permit to any person or legal organization that has been granted a liquor by the drink license by the State of Tennessee.

(3)(a) Class D. (Beer Catering Permit) as defined above with manufacturing of beer capabilities on site. Beer Catering Permit Notwithstanding any other provisions of this chapter, or any rule or regulation of the Beer Board to the contrary, any brewery meeting the exemption requirements set forth in T.C.A. § 57-5-101(c)(1)(A) that does not also operate as a restaurant ("brewery"), shall be subject to the following provisions and restrictions:

- a. The intent of this section is to recognize the distinction between breweries with tasting rooms and other establishments that sell alcoholic beverages, specifically that a brewery tasting room is an adjunct to the primary business of manufacture and sale to wholesale or retail establishments. It being the intent of this section to encourage the growth of local business and tourism while protecting the public welfare and morals.
- b. *Permit required.* Each brewery with a tasting room in which beer is to be manufactured and sold must apply for a beer permit through the Town of Atoka Beer Board in conformity with above process. Such permit application shall make reference to the fact that the application is for a brewery with a tasting room. The permit application shall conform to all on-premises permit requirements if the brewery intends to allow the consumption of beer in its tasting room, but so long as the application is accompanied by a sworn petition indicating that the restrictions of subsection D of this section are met, then there shall be no requirement for a brewery with a tasting room to maintain kitchen facilities or serve food.
- c. *On and off premises consumption allowed.* So long as the tasting room of the brewery conforms with the requirements of subsection D below, breweries with tasting rooms shall be authorized to sell beer manufactured on premises for on-premises consumption or off-premises consumption (off-premises consumption shall include beer sold to licensed wholesalers or retail establishments) so long as all beer sold for off-premises consumption is in the original, sealed container.
- d. *No food requirement—Restrictions.* No brewery with a tasting room shall be required to serve food, maintain kitchen facilities, or conform to any requirement relating to the percentage of sales attributable to food so long as it:
 1. Does not engage in the sale of any alcoholic beverage other than beer manufactured on premises.
 2. Does not derive more than 25 percent of its gross annual income from the sale of beer for consumption on premises.
 3. Does not open to the public for any period between the hours of 12:00 a.m. and 12:00 p.m.
 4. Does offer water or other non-alcoholic beverages at no cost to its patrons.
 5. If located within a 500-foot radius of a church as set forth above shall remain closed to the public on Sundays, and if located within such radius of a school or residential dwelling, shall remain closed to the public on Sundays and shall close to the public each Monday through Thursday no later than 10:00 p.m. this section being intended to prevent traffic congestion, to reduce noise and to protect the public welfare and morals of the community.

3(b) Special Event Beer Permit Special beer permits are issued pursuant to special requirements.

- a. Special beer permits are temporary in nature and cannot exceed a thirty (30) day effective period or end of the term of the special event, whichever time frame is shorter.
- b. The special beer permit will not be issued to facilitate “transfer” of any existing beer permit.
 1. Only one beer permit will be issued per Special Event. Absolutely NO sub-contracting of outside license beer permit holders.
- c. Must be heard and approved by the Beer Board prior to any issuance and approval. Applicant must be in person to testify in front of the Beer Board and must be the same person as the one who submits the application to the Recorder’s Office.
- d. The applicant will need to submit to a background check.
- e. Anyone selling or serving beer will need to have a current file of all employees must be kept at the location. This file must include a sworn affidavit that such employee is not in violation of T.C.A. 57-5-301. This file must include the name, date of birth, address, phone number, and SSN# of all employees that serve beer.
- f. No license shall be issued to sell any beer / alcoholic beverage where such sale will cause congestion of traffic or interference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety and morals, and the judgment of the Beer Board on such matters shall be final.

(4) No manufacturer, legal organization or person may hold more than one class of permit at the same location. (Ord. #89-11A, § 2-208, as replaced by Ord. #02-05-03, Aug. 2002, and amended by Ord. #03-03-01, April 2003)

(5) For “On” premise consumption licenses, the applicant must serve at least one hot meal a day, consisting of at least one meat and two vegetables, prepared on the premises with adequate kitchen facilities and a menu available to be read by the customers. Change 8, February 13, 2018

(6) All locations applying for “Off” premise consumption licenses must have at least \$2,000.00 inventory at the time of the hearing, excluding equipment, fixtures, beer, tobacco and petroleum products.

(7) Licensee with “Off” or “On” premise beer permit will not allow any consumption of alcoholic beverages on the sidewalks, streets or property within the immediate (parking lot) vicinity. No such beverages will be kept for sale in such premises except in the original containers or packages.

8-209. Sale of beer permitted only in specified zones. It shall hereafter be lawful to sell, store for resale, distribute or manufacture beer in the Town of Atoka, Tennessee, provided that permits authorized by this chapter shall be issued for locations that are now zoned or may be in the future zoned as follows:

- (1) Class A Permits: Zoning Districts I
- (2) Class B Permits: Zoning Districts GC and NC.
- (3) Class C Permits: Zoning Districts GC and NC. (Ord. #89-11A, § 2-209, deleted by Ord. #98-10-02, Nov. 1998, and replaced by Ord. #02-05-03, Aug. 2002)
- (4) Class D & E Permits: Zoning Districts GC and NC.

- (a) Applicant will engage in the sale of beer only at the location specified on the beer permit.
- (b) All sales of beer will be made in strict accordance with the license or special permitted event granted and the rules and regulations of the Beer Board.

8-210. Publication notice. Before the beer board shall issue a permit, it shall cause to be published in a newspaper of general circulation, and/ or by electronic means, a notice in which the name of the applicant and the address of the location for such permit and the date and the time of its meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to such meeting. Such meeting shall be a published hearing for the purpose of hearing the statement of any person or his attorney on any application for license or permit. (Ord. No. 89-11A, sec. 2-210)

8-211. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with hospitals, schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the sale of beer within two hundred (200) feet of any hospital, school, church or other place of public gathering as referenced above in section 8-207(a)(4). If any property applying for a beer permit shall adjoin another property that is classified as a hospital, school, church, or other place of public gathering, but meets the 8-18 distance requirement of 200 feet, then before the permit may be issued, a solid fence of eight feet in height shall be erected along the adjoining property line at the expense of the applicant for the beer permit. The fence which shall be substantially opaque and serve as a visual barrier between the adjoining properties shall be composed of masonry, vinyl, durable woods, or combination of masonry, vinyl, and durable woods. (Ord. #89-11A, § 2-212, as replaced by Ord. #00-04-01, April 2000, and Ord. #05-02-01, Feb. 2005)

8-212. Issuance of permits to persons convicted of certain crimes prohibited.

(1) No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating beer / liquor, a felony, any open, unadjudicated cases before any magistrate of any federal, state, local courts, any conviction of 2 or more drug related offenses (including misdemeanors), or any crime involving moral turpitude within the past ten (10) years.

(2) All individuals holding at least a five percent (5%) ownership interest in the applicant must present proof that they have been citizens or lawful residents of the United States for not less than one (1) year immediately preceding the date upon which application is made to the Town Recorder. Applicants may satisfy this requirement by presenting any of the following official documents for inspection by the town recorder:

- (a) A U.S. Passport or Passport Card;
- (b) A Permanent Resident Card ("Green Card"); or
- (c) A birth certificate issued by:

- (i) The United States government; or
- (ii) The government of any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States. This requirement shall not apply where no individual holds at least a five percent (5%) ownership interest in the applicant. (Ord. No. 89-11A, sec. 2-211, as replaced by Ord. #15-10-02, Oct. 2015)

8-212 (a) Non-Transfer of Beer permit. Beer permits are not transferable from person(s), location(s), or any change in the name of the business. Any new owner of a business must have a beer permit issued in his/her own name. Transference is strictly prohibited.

8-213. Regulations of the Beer Board.

- (1) All licenses must be current and prominently displayed at all times. 8-19
- (2) All establishments with beer permits shall maintain at least one working telephone for incoming and outgoing calls at all times.
- (3) No owner or employee shall drink alcoholic beverages or beer while on duty. An owner or manager is assumed to be on duty at all times while in their establishment.
- (4) Only authorized personnel, meeting requirements of TCA 57-5-301(a) (1), shall be left in charge of a beer establishment to sell or serve beer to customers.
- (5) No beer shall be sold, served, or gifted to persons under legal age. A person must be 21 years of age to buy, consume or possess beer. The burden of ascertaining the correct age of minor customers shall be upon the owner, operator and employees of the business. Proof of legal age is required of all customers before any alcoholic beverage /beer are served or sold to such persons
- (6) All beer must be off the tables by 3:15 a.m. each day and not in any type of containers.
- (7) The police shall be called promptly by the manager and/or employees to report a fight or disturbance at the establishment.
- (8) The owner and his employees shall cooperate fully with the police in their normal and necessary investigation.
- (9) No alcoholic beverages / beer will be allowed to be consumed in or upon the premises of a liquor store.
- (10) In all "On" premise locations, there must be sufficient lighting for customers to adequately read a menu and for employees to properly inspect the age and identification cards of customers.
- (11) No sale or consumption of beer will be permitted from any location while under suspension or revocation by the Beer Board.

- (12) Licensee shall maintain an orderly establishment and not be in violation of any health, building, or fire department regulations.
- (13) Licensee shall not be in violation of any ordinance of the Town, statutes of the State or Federal law.
- (14) Licensee shall not allow gambling on his/her premises. Gambling is defined as T.C.A. 39-17-501 (2) (A-F) as amended.
- (15) Licensee shall not permit the noise, sound or vibration generated or transmitted by any jukebox, band, vocalist, or sound equipment to be audible to persons on any public street,
- (16) highway or upon any adjoining residential or commercial premises to the extent that it is detrimental.
- (17) Licensee will not permit minors or disorderly persons heretofore connected with violations of the liquor laws / beer to loiter around or frequent his/her establishment.
- (18) Licensee will not permit the storage of whiskey or alcoholic beverages in excess of 8% alcoholic content by weight without having received the proper license from the State Alcohol Beverage Commission.
- (19) Licensee shall not allow or permit any part of the establishment in which beer is sold, served, or consumed to be used for living quarters.
- (20) Licensee shall not serve nor permit persons who are visibly intoxicated or under the influence of any drug or intoxicant to loiter in or around his/her establishment.
- (21) Licensee will conduct the business in person, for himself, or as agent for or partner with a named person, firm, corporation, or association.
- (22) Licensee shall immediately surrender beer license to the Beer Board whenever he/she withdraws from the ownership and/or operation of the business.
- (23) Licensee shall promptly notify the Beer Board of any change in the address to which official Beer Board correspondence should be sent.
- (24) A current file of all employees must be kept at the location. This file must include a sworn affidavit that such employee is not in violation of T.C.A. 57-5-301. This file must include the name, date of birth, address, phone number, TN ABC Server Permit³, and SSN# of all employees that serve beer.
- (25) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor/ beer, a felony, any open, unadjudicated cases before any magistrate of any federal, state, local courts, any conviction of 2 or more drug related offenses (including misdemeanors), or any crime involving moral turpitude within the past ten (10) years.

(26) Make or allow any sale or gift of beer to any intoxicated person or any person under twenty-one (21) years of age.

(27) Serve, sell, give away, or allow the consumption on his premises or in adjacent buildings of any alcoholic beverage with an alcoholic content of more than eight percent (8%) by weight.

(28) Allow consumption of any alcoholic beverage on the premises or in or on adjacent buildings or property owned, leased, controlled or in the possession of the beer permit holder.

(29) Allow any open beer to be carried from the building. (Ord. No. 89-11A, sec. 2-214)

(30) All owners and employees of establishments selling or serving alcoholic Beverages / beer must read and be familiar with the rules and regulations of the Beer Board.

(31) Owner or applicant must notify the Beer Board of any change of home address within ten (10) days.

(32) The Beer Board has the full power and authority to enter, inspect and investigate any business operated pursuant to any licenses issued by the Board and has full authority to call upon any members of the police and health department for assistance in the enforcement of the State laws, Town ordinances and the rules and regulations of the Beer Board pertaining to the sale of alcoholic beverages / beer.

(33) Beer is defined as any beverage with an alcoholic content of less than eight percent (8%) by weight, and liquor is defined as any beverage with more than eight percent (8%) alcoholic content by weight.

(34) Approved "On" premise and "Off" premise beer permits are issued and effective so long as the applicant continues to operate and own the business at the designated location or until said license is either suspended or revoked by the Town of Atoka Beer Board.

(35) In considering the issuance of a beer permit, the Beer board may consider the past record of the applicant in the operation of an establishment that served or sold alcoholic beverages / beer.

8-214. Restriction on hours for the sale of beer. No beer shall be sold within the corporate limits of the Town of Atoka, on Monday through Saturday between the hours of 3:00 a.m. and 5:00 a.m. No beer shall be sold in the Town of Atoka on Sundays between the hours of 3:00 a.m. and 10: 00 am. (Ord. #89-11A, § 2-215, as amended by Ord. #02-05-03, Aug. 2002, and Ord. #11-11-01, Dec. 2011)

8-215. Hearings. The beer board shall have the power to hear complaints and violations presented to the Beer Board. Matters brought before the Beer Board will be heard and will follow the order listed:

- (1) Requests for continuances
- (2) Violations
- (3) New Beer Permit applications
- (4) All other matters on the agenda

When holding a hearing for violations, the Beer Board, with access to the Town Attorney, shall review all letters and police reports and shall have the power to act as follows:

- (1) Take no action (note and file),
- (2) Place an establishment on probation up to one year,
- (3) Suspend the Beer Permit a number of days or indefinitely,
- (4) Assess a civil penalty in lieu of suspension,
- (5) Revoke the Beer Permit,
- (6) Dismiss any and all charges,
- (7) For retail liquor stores, and liquor by the drink establishments; recommend probation, suspension, or revocation to the State Alcohol Beverage Commission.

Hearing held before the Beer Board are not held to the same standards as a Court of Law. Hearsay evidence is admissible in the hearings before the Beer Board, the Board has no present power to subpoena or require the presence of any witness, and a transcript recording shall be made of the Beer Board hearings.

Suspension - The Beer Board has the power to suspend or revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of violating any of the requirements or regulations spelled out in this chapter. This includes making a false statement or misrepresentation in their application, or a violation of local/ state/ federal law, or whenever it shall satisfactorily appear that the premises of any person, firm, or corporation holding a permit under this chapter are being maintained and operated in such manner as to be detrimental to public health, safety, and morals.

Revocations - Except as hereinafter provided, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by any member of the beer board. The foregoing shall be in addition to any punishment imposed upon such holder by a court of law.

(Ord. #89-11A, § 2-216, as amended by Ord. #02-05-03, Aug. 2002)

- a. Three violations of the provisions or restrictions of state law or town ordinances during a two-year period by any licensee shall be subject to revocation of the licensee's license in accordance with the rules and procedures otherwise established by this ordinance and state law.
- b. Any licensee whose license is revoked shall not be eligible to receive a license for three years from the date of revocation.

8-216. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100) pursuant to Tennessee Code Annotated 57-5-104(b)(1). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the Town of Atoka, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #93-11-01, § 1, Dec. 1993)

8-217. Civil penalty in lieu of suspension. The beer board may, at the time it imposes a suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. Each violation can be considered as an individual separate offense punishable by an individual penalty and considered separately.

If a civil penalty is offered as an alternative to suspension, the holder shall have seven (7) days within which to pay the civil penalty before the suspension shall be imposed. If the civil penalty is paid within that time, the suspension shall be deemed satisfied. (Ord. #93-11-01, § 1, Dec. 1993)

8-218 Employment of Minors. Pursuant to T.C.A. 1-3-113 and 50-5-101, et. Seq., employment of minors is permitted in certain instances as follows:

Under the age of 14 years, not to be employed where alcohol beverages / beer are sold.

Ages 14-15-16-17 years, at on premise locations, may be employed in establishments where the monthly average gross receipts of alcoholic beverages/ beer do not exceed 25% of total gross receipts as long as minors are not permitted to take orders for or serve alcoholic beverages. Minors may be employed in such capacity as a kitchen aide, busboy, cook, hostess, parking lot attendant, porter, and janitor. These persons do not need to be registered with the Beer Board.

Duties of the employer:

- Must keep separate file for each minor employed at the location.
- Must keep application on file at the location.
- Must keep copy of birth certificate or other evidence of minor's age.
- Must keep time record showing hours of work each day.
- Post printed notices stating regulations governing employment and hours of work of minors and designate which type of employment is prohibited to minors.

SECTION 2. This Ordinance shall become effective immediately upon its adoption, the public welfare requiring it.

PASSED at the First Reading by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 11TH day of January 2022.

PASSED at the Second Reading by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 8th day of February 2022.

ATTEST:

W. Daryl Walker, Mayor

Town Recorder

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CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Classes of permits.
- 8-209. Sale of beer permitted only in specified zones.
- 8-210. Publication notice.
- 8-211. Interference with public health, safety, and morals prohibited.
- 8-212. Issuance of permits.
- 8-213. ~~Prohibited conduct or activities by beer permit holders.~~ **Regulations of the Beer Board**
- 8-214. Restriction on hours for the sale of beer.
- 8-215. ~~Suspension and revocation of beer permits.~~ **Hearings.**
- 8-216. Privilege tax.
- 8-217. Civil penalty in lieu of suspension.
- 8-218 Employment of Minors**

8-201. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen **and has the exclusive power and authority to issue, suspend, revoke, and impose civil penalties on beer licenses and recommend approval for "on" premise and "off" premise beer sales located within the Town limits, subject to review by the courts.** The mayor shall be the chairman of the beer board. (Ord. No. 89-11A, sec. 2-201)

8-202. Meetings of the beer board. All meetings of the beer board shall

¹ Municipal code references - Public drunkenness, minors in beer places, etc.: title 11, chapter 2. Tax provisions: title 5. State law reference:

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in *Watkins v. Naifeh*, 635 S.W.2d 104 (1982).

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be open to the public. The board shall hold regular meetings in the town hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. No. 89-11A, sec. 2-202)

8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record

shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. No. 89-11A, sec. 2-203 as amended Code 1992)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. (Ord. No. 89-11A, sec. 2-204)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this town in accordance with the provisions of this chapter. (Ord. No. 89-11A, sec. 2-205)

8-206. "Beer" defined. ~~The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight.~~ (Ord. No. 89-11A, sec. 2-206)

~~For purposes of this title, "beer" means beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in § 57-3-101; provided, however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.~~

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe

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and/or furnish, and pursuant to T.C.A. 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the Town of Atoka. Each applicant must be a person of good moral character and certify that they have read and are familiar with the provisions of this chapter. (Ord. No. 89-11A, sec. 2-207, as replaced by Ord. #93-11-01, § 1, Dec. 1993)

8-207(a) Procedure for securing a beer permit.

- (1) Applicant must fill out application as described above and secure a copy of the rules and regulations from the Town Recorder's Office and pay the fee of a non-refundable two hundred and fifty dollars (\$250.00) and a fifty-dollar (\$50.00) beer sign fee. No portion of the fee shall be refunded to the applicant, notwithstanding whether an application is approved or denied.
- (2) Applicant must provide positive form of government identification. The same person making the application must appear before the beer board on the hearing date for the application.
- (3) Submit the original lease, deed, or bill of sale at this location for verification.
- (4) A survey is required for any **NEW** business location applying for a beer license. The survey must show a 500-foot radius measurement beginning each corner of the structure where beer is sold, manufactured, or stored; it must also show a 200-foot radius measured from the each corner point of the structure and it must indicate any church, school (including childcare facilities up to secondary schools), or any residential property zoned "residential", "N-C" within these measurements as defined in Town Ordinance 14-201. The distances shall be measured in a straight line² from the nearest corner of the school or church and the nearest corner of the structure where the beer is sold, manufactured, or stored.
 - a. Surveys must be within six (6) months of application.
 - b. The location restriction applies only to new beer establishment locations, those with off-premise sales, and those that cease to sell beer for six (6) months or more.
- (5) "Off" premise locations must submit inventory to the Alcohol Commission for review. This information must be included in the applicant's file.

² State law reference

See *Watkins v. Naifeh*, 625 S. W. 2d 104 (1982) and other cases cited therein which establish the straight-line method of measurement.

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8-13

- (6) "Off" premise locations found to be within the restricted measurements will be required to provide the inventory receipts of food sales, not including beer sales. The food sales must consist of at least 40% of the gross sales within six (6) months after opening.
- (7) Contact the Code Enforcement Office for building inspections and use and occupancy (U & O) permit.
- (8) File application for food permits with the Tipton County Health Department
- (9) Contact the Atoka Fire Department for inspection of location.
- (10) Applicant must secure the signatures of ten (10) reputable citizens who live in, or have a business located in the areas where the business is to be located, stating the residence or place of business of each person. These signatures certify the length of time they have been acquainted with the applicant, and that they have good reason to believe that all of the statements contained in the petition are true and that they join in the prayer of the petition for the granting of the license prayed for.
- (11) Secure a telephone for business location.
- (12) Place a conspicuous sign at the location, visible from the street at least fifteen (15) days prior to the scheduled hearing date notifying the general public and community residents that application has been made to the Beer Board to sell beer at that location and the hearing date has been established to consider any support or opposition to said application. The cost of the sign to be posted is \$50.00.
- (13) No license can be issued in violation of any provisions of State law or of the zoning ordinances of the Town.
- (14) The applicant will conduct the business in person, for himself. If acting as agent, partner or otherwise, the applicant shall state the person, firm, corporation, syndicate, association of joint stock company for whom applicant intends to act and provide an address to which official Beer Board correspondence should be sent.
- (15) Each applicant must swear and affirm that the statements of facts contained in his/her application are true and correct to the best of his/her knowledge, information and belief. Any false information contained in the application as to a material fact may be grounds for revocation of said license
- (16) Automatic revocation will result from misrepresentation of the facts before the Beer Board in the hearing to obtain a beer permit.

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(17) Any change in entertainment format must be approved through the Beer Board prior to effective date of change.

(18) The Applicant for any type of beer permit MUST be 21 years of age at the time of application in order to apply for a permit.

(19) The applicant will need to submit to a criminal background check.

8-208. Classes of permits. There shall be three (3) classes of permits issued by the beer board, as follows:

(1) Class A. A manufacturer's permit to a manufacturer of beer for the manufacture, possession, storage, sale, distribution and transportation of the product of such manufacturer, not to be consumed by the purchaser upon or near the premises of such manufacturer. A manufacturer of beer shall be defined as one who employs a minimum of twenty-five (25) full-time employees in the manufacturing of beer.

(2) Class B. An "off-site" permit to any person or legal organization engaged in the sale of such beverages where they are not to be consumed by the purchaser or other persons upon or near the premises of such seller.
Change 4, May 3, 2005

(3) Class C. An "on-site" permit to any person or legal organization engaged in the operation of a restaurant wherein the sale of beer is for consumption on the premises. A restaurant shall be defined as a business establishment whose primary business is the sale of prepared food to be consumed on the premises and less than thirty percent (30%) of its income is from the sale of beer and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least thirty (30) people at tables, and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. An "on-site" permit to any person or legal organization that has been granted a liquor by the drink license by the State of Tennessee.

(3)(a) Class D. (Beer Catering Permit) as defined above with manufacturing of beer capabilities on site. Beer Catering Permit Notwithstanding any other provisions of this chapter, or any rule or regulation of the Beer Board to the contrary, any brewery meeting the exemption requirements set forth in T.C.A. § 57-5-101(c)(1)(A) that does not also operate as a restaurant ("brewery"), shall be subject to the following provisions and restrictions:

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a. The intent of this section is to recognize the distinction between breweries with tasting rooms and other establishments that sell alcoholic beverages, specifically that a brewery tasting room is an adjunct to the primary business of manufacture and sale to wholesale or retail establishments. It being the intent of this section to encourage

8-15

the growth of local business and tourism while protecting the public welfare and morals.

b. *Permit required.* Each brewery with a tasting room in which beer is to be manufactured and sold must apply for a beer permit through the Town of Atoka Beer Board in conformity with above process. Such permit application shall make reference to the fact that the application is for a brewery with a tasting room. The permit application shall conform to all on-premises permit requirements if the brewery intends to allow the consumption of beer in its tasting room, but so long as the application is accompanied by a sworn petition indicating that the restrictions of subsection D of this section are met, then there shall be no requirement for a brewery with a tasting room to maintain kitchen facilities or serve food.

c. *On and off premises consumption allowed.* So long as the tasting room of the brewery conforms with the requirements of subsection D below, breweries with tasting rooms shall be authorized to sell beer manufactured on premises for on-premises consumption or off-premises consumption (off-premises consumption shall include beer sold to licensed wholesalers or retail establishments) so long as all beer sold for off-premises consumption is in the original, sealed container.

d. *No food requirement—Restrictions.* No brewery with a tasting room shall be required to serve food, maintain kitchen facilities or conform to any requirement relating to the percentage of sales attributable to food so long as it:

1. Does not engage in the sale of any alcoholic beverage other than beer manufactured on premises;
2. Does not derive more than 25 percent of its gross annual income from the sale of beer for consumption on premises;
3. Does not open to the public for any period between the hours of 12:00 a.m. and 12:00 p.m.;
4. Does offer water or other non-alcoholic beverages at no cost to its patrons;
5. If located within a 500-foot radius of a church as set forth above shall remain closed to the public on Sundays, and if located within such radius of a school or residential dwelling, shall remain closed to the public on Sundays and shall close to the public each Monday through Thursday no later than 10:00 p.m. this section being intended to

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prevent traffic congestion, to reduce noise and to protect the public welfare and morals of the community.

8-16

3(b) Special Event Beer Permit Special beer permits are issued pursuant to special requirements.

- a. Special beer permits are temporary in nature and cannot exceed a thirty (30) day effective period or end of the term of the special event, whichever time frame is shorter.
- b. The special beer permit will not be issued to facilitate "transfer" of any existing beer permit.
 1. Only one beer permit will be issued per Special Event. Absolutely NO sub-contracting of outside license beer permit holders.
- c. Must be heard and approved by the Beer Board prior to any issuance and approval. Applicant must be in person to testify in front of the Beer Board and must be the same person as the one who submits the application to the Recorder's Office.
- d. The applicant will need to submit to a background check.
- e. Anyone selling or serving beer will need to have a current file of all employees must be kept at the location. This file must include a sworn affidavit that such employee is not in violation of T.C.A. 57-5-301. This file must include the name, date of birth, address, phone number, and SSN# of all employees that serve beer.
- f. No license shall be issued to sell any beer / alcoholic beverage where such sale will cause congestion of traffic or interference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety and morals, and the judgment of the Beer Board on such matters shall be final.

(4) No manufacturer, legal organization or person may hold more than one class of permit at the same location. (Ord. #89-11A, § 2-208, as replaced by Ord. #02-05-03, Aug. 2002, and amended by Ord. #03-03-01, April 2003)

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(5) For “On” premise consumption licenses, the applicant must serve at least one hot meal a day, consisting of at least one meat and two vegetables, prepared on the premises with adequate kitchen facilities and a menu available to be read by the customers.

Change 8, February 13, 2018

8-17

(6) All locations applying for “Off” premise consumption licenses must have at least \$2,000.00 inventory at the time of the hearing, excluding equipment, fixtures, beer, tobacco and petroleum products.

(7) Licensee with “Off” or “On” premise beer permit will not allow any consumption of alcoholic beverages on the sidewalks, streets or property within the immediate (parking lot) vicinity. No such beverages will be kept for sale in such premises except in the original containers or packages.

8-209. Sale of beer permitted only in specified zones. It shall hereafter be lawful to sell, store for resale, distribute or manufacture beer in the Town of Atoka, Tennessee, provided that permits authorized by this chapter shall be issued for locations that are now zoned or may be in the future zoned as follows:

(1) Class A Permits: Zoning Districts ~~M, I~~

(2) Class B Permits: Zoning Districts GC and NC.

(3) Class C Permits: Zoning Districts GC and NC. (Ord. #89-11A, § 2-209, deleted by Ord. #98-10-02, Nov. 1998, and replaced by Ord. #02-05-03, Aug. 2002)

(4) Class D & E Permits: Zoning Districts GC and NC.

(a) Applicant will engage in the sale of beer only at the location specified on the beer permit.

(b) All sales of beer will be made in strict accordance with the license or **special permitted event** granted and the rules and regulations of the Beer Board.

8-210. Publication notice. Before the beer board shall issue a permit, it shall cause to be published in a newspaper of general circulation, **and/ or by electronic means**, a notice in which the name of the applicant and the address of the location for such permit and the date and the time of its meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to such meeting. Such meeting shall be a published hearing for the purpose of hearing the statement of any person or his attorney on any application for license or permit. (Ord. No. 89-11A, sec. 2-210)

8-211. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with hospitals, schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the

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sale of beer within two hundred (200) feet of any hospital, school, church or other place of public gathering **as referenced above in section 8-207(a)(4). The distances shall be measured in a straight line from the nearest corner of the school or church and the nearest corner of the structure where the beer is sold, manufactured, or stored.** If any property applying for a beer permit shall adjoin another property that is classified as a hospital, school, church, or other place of public gathering, but meets the

8-18

distance requirement of 200 feet, then before the permit may be issued, a solid fence of eight feet in height shall be erected along the adjoining property line at the expense of the applicant for the beer permit. The fence which shall be substantially opaque and serve as a visual barrier between the adjoining properties shall be composed of masonry, **vinyl**, durable woods, or combination of masonry, **vinyl**, and durable woods. (Ord. #89-11A, § 2-212, as replaced by Ord. #00-04-01, April 2000, and Ord. #05-02-01, Feb. 2005)

8-212. Issuance of permits to persons convicted of certain crimes prohibited.

(1) No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating **beer / liquor, a felony, any open, unadjudicated cases before any magistrate of any federal, state, local courts, any conviction of 2 or more drug related offenses (including misdemeanors),** or any crime involving moral turpitude within the past ten (10) years.

(2) All individuals holding at least a five percent (5%) ownership interest in the applicant must present proof that they have been citizens or lawful residents of the United States for not less than one (1) year immediately preceding the date upon which application is made to the Town Recorder. Applicants may satisfy this requirement by presenting any of the following official documents for inspection by the town recorder:

- (a) A U.S. Passport or Passport Card;
- (b) A Permanent Resident Card ("Green Card"); or
- (c) A birth certificate issued by:
 - (i) The United States government; or
 - (ii) The government of any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States. This requirement shall not apply where no individual holds at least a five percent (5%) ownership interest in the applicant. (Ord. No. 89-11A, sec. 2-211, as replaced by Ord. #15-10-02, Oct. 2015)

8-212 (a) Non-Transfer of Beer permit. Beer permits are not transferable from person(s), location(s), or any change in the name of the business. Any new owner of a business must have a beer permit issued in his/her own name. Transference is strictly prohibited.

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8-213. ~~Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:~~

Regulations of the Beer Board.

- (1) All licenses must be current and prominently displayed at all times.
- (2) All establishments with beer permits shall maintain at least one working telephone for incoming and outgoing calls at all times.
- (3) No owner or employee shall drink alcoholic beverages or beer while on duty. An owner or manager is assumed to be on duty at all times while in their establishment.
- (4) Only authorized personnel, meeting requirements of TCA 57-5-301(a) (1), shall be left in charge of a beer establishment to sell or serve beer to customers.
- (5) No beer shall be sold, served, or gifted to persons under legal age. A person must be 21 years of age to buy, consume or possess beer. The burden of ascertaining the correct age of minor customers shall be upon the owner, operator and employees of the business. Proof of legal age is required of all customers before any alcoholic beverage /beer are served or sold to such persons
- (6) All beer must be off the tables by 3:15 a.m. each day and not in any type of containers.
- (7) The police shall be called promptly by the manager and/or employees to report a fight or disturbance at the establishment.
- (8) The owner and his employees shall cooperate fully with the police in their normal and necessary investigation.
- (9) No alcoholic beverages / beer will be allowed to be consumed in or upon the premises of a liquor store.
- (10) In all "On" premise locations, there must be sufficient lighting for customers to adequately read a menu and for employees to properly inspect the age and identification cards of customers.
- (11) No sale or consumption of beer will be permitted from any location while under suspension or revocation by the Beer Board.
- (12) Licensee shall maintain an orderly establishment and not be in violation of any health, building, or fire department regulations.
- (13) Licensee shall not be in violation of any ordinance of the Town, statutes of the State or Federal law.

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(14) Licensee shall not allow gambling on his/her premises. Gambling is defined as T.C.A. 39-17-501 (2) (A-F) as amended.

(15) Licensee shall not permit the noise, sound or vibration generated or transmitted by any jukebox, band, vocalist, or sound equipment to be audible to persons on any public street,

8-20

(16) highway or upon any adjoining residential or commercial premises to the extent that it is detrimental.

(17) Licensee will not permit minors or disorderly persons heretofore connected with violations of the liquor laws / beer to loiter around or frequent his/her establishment.

(18) Licensee will not permit the storage of whiskey or alcoholic beverages in excess of 8% alcoholic content by weight without having received the proper license from the State Alcohol Beverage Commission.

(19) Licensee shall not allow or permit any part of the establishment in which beer is sold, served, or consumed to be used for living quarters.

(20) Licensee shall not serve nor permit persons who are visibly intoxicated or under the influence of any drug or intoxicant to loiter in or around his/her establishment.

(21) Licensee will conduct the business in person, for himself, or as agent for or partner with a named person, firm, corporation, or association.

(22) Licensee shall immediately surrender beer license to the Beer Board whenever he/she withdraws from the ownership and/or operation of the business.

(23) Licensee shall promptly notify the Beer Board of any change in the address to which official Beer Board correspondence should be sent.

(24) A current file of all employees must be kept at the location. This file must include a sworn affidavit that such employee is not in violation of T.C.A. 57-5-301. This file must include the name, date of birth, address, phone number, TN ABC Server Permit³, and SSN# of all employees that serve beer.

~~(1)~~ (24) Employ any person convicted for the possession, sale, manufacture,

³ TN ABC Server Permit - A TN Alcohol Beverage Commission issued server permit authorizes an individual to serve alcoholic beverages or beer at an establishment that holds an on-premise consumption license. Anyone who wishes to serve or sell alcoholic beverages or beer for on-premise consumption at a TABC-licensed establishment must obtain a server permit. Once issued, a server permit is valid for five (5) years. Server permits are not transferable to other individuals.

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or transportation of intoxicating liquor/ beer, a felony, any open, unadjudicated cases before any magistrate of any federal, state, local courts, any conviction of 2 or more drug related offenses (including misdemeanors), or any crime involving moral turpitude within the past ten (10) years.

~~(2) Allow any loud, unusual, or obnoxious noises to emanate from his premises or from any adjacent buildings or property owned, leased, controlled, or in the possession of the beer permit holder.~~

8-21

~~(3)~~ (25) Make or allow any sale or gift of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person,, or any person under twenty-one (21) years of age.

~~(4) Allow intoxicated persons to loiter about his premises.~~

~~(5)~~ (26) Serve, sell, give away, or allow the consumption on his premises or in adjacent buildings of any alcoholic beverage with an alcoholic content of more than ~~five- eight~~ percent ~~(5%)~~ (8%) by weight.

~~(6) Allow gambling on his premises.~~

~~(7)~~ (27) Allow consumption of any alcoholic beverage on the premises or in or on adjacent buildings or property owned, leased, controlled or in the possession of the beer permit holder.

~~(8)~~ (28) Allow any open beer to be carried from the building. (Ord. No. 89-11A, sec. 2-214)

(29) All owners and employees of establishments selling or serving alcoholic Beverages / beer must read and be familiar with the rules and regulations of the Beer Board.

(30) Owner or applicant must notify the Beer Board of any change of home address within ten (10) days.

(31) The Beer Board has the full power and authority to enter, inspect and investigate any business operated pursuant to any licenses issued by the Board and has full authority to call upon any members of the police and health department for assistance in the enforcement of the State laws, Town ordinances and the rules and regulations of the Beer Board pertaining to the sale of alcoholic beverages / beer.

(32) Beer is defined as any beverage with an alcoholic content of less than eight percent (8%) by weight, and liquor is defined as any beverage with more than eight percent (8%) alcoholic content by weight.

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(33) Approved "On" premise and "Off" premise beer permits are issued and effective so long as the applicant continues to operate and own the business at the designated location or until said license is either suspended or revoked by the Town of Atoka Beer Board.

(34) In considering the issuance of a beer permit, the Beer board may consider the past record of the applicant in the operation of an establishment that served or sold alcoholic beverages / beer.

8-214. Restriction on hours for the sale of beer. No beer shall be sold within the corporate limits of the Town of Atoka, on Monday through Saturday

8-22

between the hours of 3:00 a.m. and 5:00 a.m. No beer shall be sold in the Town of Atoka on Sundays between the hours of 3:00 a.m. and 10:00 am. ~~12:00 noon.~~ (Ord. #89-11A, § 2-215, as amended by Ord. #02-05-03, Aug. 2002, and Ord. #11-11-01, Dec. 2011)

8-215. ~~Suspension and revocation of beer permits.~~ Hearings. The beer board shall have the power to hear complaints and violations presented to the Beer Board. Matters brought

before the Beer Board will be heard and will follow the order listed:

- (1) Requests for continuances
- (2) Violations
- (3) New Beer Permit applications
- (4) All other matters on the Agenda

When holding a hearing for violations, the Beer Board, with access to the Town Attorney, shall review all letters and police reports and shall have the power to act as follows:

- (1) Take no action (note and file),
- (2) Place an establishment on probation up to one year,
- (3) Suspend the Beer Permit a number of days or indefinitely,
- (4) Assess a civil penalty in lieu of suspension,
- (5) Revoke the Beer Permit,
- (6) Dismiss any and all charges,
- (7) For retail liquor stores, and liquor by the drink establishments; recommend probation, suspension, or revocation to the State Alcohol Beverage Commission.

Hearing held before the Beer Board are not held to the same standards as a Court of Law. Hearsay evidence is admissible in the hearings before the Beer Board, the Board has no present power to subpoena or require the presence of any witness, and a transcript recording shall be made of the Beer Board hearings.

Suspension - The Beer Board has the power to suspend or revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of violating any of the requirements or regulations spelled out in this chapter. This includes making a false statement or misrepresentation in his application, ~~or of violating any of the provisions of this chapter~~ or a violation of local/ state/ federal law, or whenever it shall satisfactorily appear that the premises of any person, firm, or

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corporation holding a permit under this chapter are being maintained and operated in such manner as to be detrimental to public health, safety, and morals.

Revocations - Except as hereinafter provided, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by any member of the beer board. The foregoing shall be in addition to any punishment imposed upon such holder by a court of law.
(Ord. #89-11A, § 2-216, as amended by Ord. #02-05-03, Aug. 2002)

8-23

- a. Three violations of the provisions or restrictions of state law or town ordinances during a two-year period by any licensee shall be subject to revocation of the licensee's license in accordance with the rules and procedures otherwise established by this ordinance and state law.
- b. Any licensee whose license is revoked shall not be eligible to receive a license for three years from the date of revocation.

8-216. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100) pursuant to Tennessee Code Annotated 57-5-104(b)(1). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the Town of Atoka, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #93-11-01, § 1, Dec. 1993)

8-217. Civil penalty in lieu of suspension. The beer board may, at the time it imposes a ~~revocation or~~ suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. Each violation can be considered as an individual separate offense punishable by an individual penalty and considered separately.

If a civil penalty is offered as an alternative to ~~revocation or~~ suspension, the holder shall have seven (7) days within which to pay the civil penalty before the ~~revocation or~~ suspension shall be imposed.

8-24

civil penalty is paid within that time, the ~~revocation or~~ suspension shall be deemed ~~withdrawn.~~ satisfied.
(Ord. #93-11-01, § 1, Dec. 1993)

8-218 Employment of Minors. Pursuant to T.C.A. 1-3-113 and 50-5-101, et. Seq., employment of minors is permitted in certain instances as follows:

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Under the age of 14 years, not to be employed where alcohol beverages / beer are sold.

Ages 14-15-16-17 years, at on premise locations, may be employed in establishments where the monthly average gross receipts of alcoholic beverages/ beer do not exceed 25% of total gross receipts as long as minors are not permitted to take orders for or serve alcoholic beverages. Minors may be employed in such capacity as a kitchen aide, busboy, cook, hostess, parking lot attendant, porter, and janitor. These persons do not need to be registered with the Beer Board.

8-24

Duties of the employer:

- Must keep separate file for each minor employed at the location.
- Must keep application on file at the location.
- Must keep copy of birth certificate or other evidence of minor's age.
- Must keep time record showing hours of work each day.
- Post printed notices stating regulations governing employment and hours of work of minors and designate which type of employment is prohibited to minors.

January 11, 2022

Exhibit H

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. 12-03-01. THE DONATION POLICY & PROCEDURES FOR THE TOWN OF ATOKA. APPROVING TOWN OF ATOKA FISCAL YEAR 2022 GRANTS TO VARIOUS NON-PROFIT CHARITABLE AND CIVIC ORGANIZATIONS.

WHEREAS, Section 6-54-111 of the Tennessee Code Annotated authorizes the appropriation of funds for financial aid for non-profit charitable or non-profit civic organizations; and,

WHEREAS, Title 4, Chapter 3, Section 1 of the Internal Controls and Compliance Manual for Tennessee Municipalities requires that a special resolution be adopted for such non-profit charitable or non-profit civic organizations to receive such funds; and,

WHEREAS, the Town desires to amend the previously adopted Resolution No 12-03-01, Donation Policy and Procedure Resolution,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, TENNESSEE as follows:

SECTION 1. The Board of Mayor and Alderman of the Town of Atoka, Tennessee hereby adopts the amended Donation Policy as shown in the policy which is attached and made a part hereof as it fully set out herein.

SECTION 2. This Resolution repeals and replaces any previous Donation Policy adopted by the Town.

SECTION 3. This Resolution takes effect immediately upon its passage and approval, the public welfare requiring it.

PASSED by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee this 11th day of January 2021.

W. Daryl Walker, Mayor

ATTEST:

Deborah Pickard, Town Recorder

General Policy

The Town of Atoka is committed to positively impacting the community by providing financial assistance to local schools, churches, organizations and charities. Under Tennessee State Law, the Town may allocate funding to non-profit charitable or non-profit civic organizations that, in the Town's opinion, provide services that benefit the Town and its residents.

The following Donations Request Policy has been developed as a way to create consistency and fairness to organizations that ask for the Town's financial support. Please be aware that the Town attempts to fulfill as many requests as possible and cannot guarantee that every donation request will be met. Funds for donation are approved each year during the annual budget process and then allocated by a resolution of the Board of Mayor and Aldermen during the fiscal year.

Area of Focus

The Town of Atoka places priority on giving to qualified 501(C)3 charitable organizations and non-profit institutions whose primary service area is or includes the municipality. Charitable organizations must be in good standing with the Town.

Exclusions

The Town of Atoka is unable to honor requests or make contributions to the following:

- Donations to labor, social or political groups.
- Donations to benefit specific individuals or families.
- Donations of goods or services intended for online auctions.
- Donations of goods or services intended for resale.

Application

- Donation requests must be submitted on the Town of Atoka's "Donation Request Form" by the first day of March of each calendar year. There will be **NO** ongoing requests accepted. The Town *strongly* encourages a representative to attend the Board of Mayor and Alderman meeting in the month of May to answer any questions prior to approval of fund allocations.
- In an effort to fulfill as many requests as possible, the Town will only honor one (1) request per organization in a fiscal year.
- Incomplete applications will not be processed. The areas in red **MUST** be filled out completely for us to process your request.

Processing

- Please allow a minimum of **three weeks** to process your donation request.
- Declined Requests: The requesting organization will receive notification via e-mail indicating the request has been declined and the reason for the decision.
- Approved Requests: The approved donation will be mailed to the organizations mailing address provided on the Donation Request Form.
- All donation decisions made by the Town are final and will be mailed according to the date of the event and/or date donation is needed.

Requirements for Approved Requests

Organizations receiving funding from the Town of Atoka shall comply with all requirements of Section 6-54-111 of the Tennessee Code Annotated and Title 4, Chapter 3, Section 1 of the Internal Controls and Compliance Manual for Tennessee Municipalities.

The organization will be required to submit an annual report of its business affairs and transactions and the proposed use of the municipal assistance in person prior to approval of funds.

Acknowledgement

Please acknowledge that you have read and understand the Donations Policies and Procedures outlined above, and that your organization meets our requirements as stated, by entering your name below:

Name of Organization: _____

Requestor's Name: _____ **Signature :** _____

Date: ____ / ____ / 20 ____



DONATION REQUEST FORM

Instructions: Please read our Policy and Procedure document before completing this Donation Request Form. The areas in red MUST be filled out completely for us to process your request.

About the Organization

Name of Organization	Federal Tax ID #
Mailing Address	Phone
City / State / ZIP	Email
Contact Person	
Have you previously requested a donation from the Town ? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, when ? If yes, was it approved ? <input type="checkbox"/> Yes <input type="checkbox"/> No
Organization's mission statement	

About the Program

Description of event or program associated with the requested donation

About the Request

Requested donation amount	Number of people served by event/program
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RESOLUTION NO. _____

RESOLUTION OF THE TOWN OF ATOKA, TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST BEARING FIRE DEPARTMENT CAPITAL OUTLAY NOTES, SERIES 2022, IN AN AMOUNT NOT TO EXCEED \$660,000, AND PROVIDING FOR THE PAYMENT OF SAID NOTES

WHEREAS, the Board of Mayor and Aldermen (the "Board"), of the Town of Atoka, Tennessee (the "Municipality"), has determined that it is necessary and desirable to authorize, issue, sell, and provide for the payment of its interest bearing capital outlay notes to finance a portion of the costs of the acquisition of a fire engine apparatus for the Town's Fire Department, and to pay all legal, fiscal, administrative, and engineering costs, incident thereto (collectively, the "Project");

WHEREAS, the Municipality estimates that the life of the Project has an economic life of greater than twelve (12) years;

WHEREAS, the Municipality finds and determines that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose;

WHEREAS, in order to proceed as expeditiously as possible with such an essential Project, it is necessary that interest bearing capital outlay notes be issued for the purpose of providing funds to finance the Project; and,

WHEREAS, the Municipality is authorized by the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, to issue such notes for said purposes upon the approval of the Director of the Division of Local Government Finance (the "Director of the Division of Local Government Finance").

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee, as follows:

Section 1. Authority. The Notes herein authorized shall be issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law.

Section 2. Authorization. For the purpose of providing funds to finance the costs of the Project, there shall be issued pursuant to, and in accordance with, the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law, the interest bearing capital outlay notes of the Municipality, in the aggregate principal amount of not to exceed \$660,000, or such lesser amount as may be determined by the Mayor of the Municipality (the "Mayor"), at the time of sale (collectively, the "Notes", individually, the "Note").

Section 3. Terms of the Notes. The Notes shall be designated "Fire Department Capital Outlay Notes, Series 2022". The Notes shall be issued in registered form, without coupons. The Notes shall be numbered from 1 upwards, shall be dated the date of issuance and delivery, shall be sold at not less than the par amount thereof, shall bear interest at a rate or rates not to exceed 2% per annum, such interest being payable at such times as agreed upon with the purchaser of such Notes, but in no event less than semiannually each year commencing six months from the dated date or such date as shall be designated by the Mayor (the "Interest Payment Date"), and shall mature not later than the end of the tenth fiscal year following the fiscal year in which the Notes are issued. If the Notes are issued through the Tennessee Municipal Bond Fund ("TMBF"), alternative loan program, the rate of interest will include an annual fee equal to 15 basis points (0.15%), payable to TMBF by the bank, to be paid from each periodic payment of interest on the Notes, based on the outstanding principal amount of the Notes. Each year the Notes are outstanding the Municipality shall retire principal on the Notes in an amount that is estimated to be at least equal to an amortization which reflects level debt service on the Notes. The Notes shall contain such terms, conditions, and provisions other than as expressly provided or limited herein as may be agreed upon by the Mayor of the Municipality and the purchaser of the Notes. The

weighted average maturity of the Note shall not exceed the reasonably expected weighted average life of the Project which is hereby estimated to be 12 years.

Interest on the Notes shall be payable by wire transfer or by check or other form of draft of the "Note Registrar," as such term is hereinafter defined, deposited by the Note Registrar in the United States mail, first class postage prepaid, in sealed envelopes, addressed to the owner of such Notes, as of the applicable Interest Payment Date, at its address as shown on the Registration Books of the Municipality maintained by the Note Registrar as of the close of business fifteen (15) calendar days preceding the next Interest Payment Date. All payments of the principal of and interest on the Notes shall be made in any coin or currency of the United States of America which, on the date of payment thereof, shall be legal tender for the payment of public and private debts.

Section 4. Redemption. The Notes shall be subject to redemption, in whole, prior to maturity, at the option of the Municipality, upon thirty (30) calendar days written notice to the registered owner, from funds of the Town, at the price of par plus accrued interest to the date of redemption. If the Notes are to be prepaid from proceeds of a new debt issuance, the Town may prepay the Notes, in whole, upon thirty (30) calendar days' written notice to the registered owner, at the price of 101%, plus accrued interest to the date of redemption. The Town may also make additional principal payments on the Notes upon fifteen (15) calendar days' written notice to the registered owner, from its own funds, not borrowed funds.

Section 5. Execution. The Notes shall be executed in the name of the Municipality; shall bear the manual signature of the Mayor and shall be countersigned by the Town Recorder of the Municipality (the "Town Recorder"), with his or her manual signature. In the event any officer whose signature appears on the Notes shall cease to be such officer, such signature shall nevertheless be valid and sufficient for all purposes. The Notes shall be issued in typed, printed, or photocopied form, or any combination thereof, substantially in the form attached hereto as Exhibit "A", with such minor changes therein or such variations thereof as the Mayor may deem necessary or desirable, the blanks to be appropriately completed by the Mayor prior to the issuance of the Notes.

Section 6. Registration, Negotiability, and Payment. (a) The Town Recorder of the Municipality is hereby appointed the note registrar and paying agent (the "Note Registrar"), and as such shall establish and maintain suitable books (the "Registration Books"), for recording the registration, conversion, and payment of the Notes, and shall also perform such other duties as may be required in connection with any of the foregoing. The Note Registrar is hereby authorized to authenticate and deliver the Notes to the original purchaser thereof, or as it may designate, upon receipt by the Municipality of the proceeds of the sale thereof and to authenticate and deliver Notes in exchange for Notes of the same principal amount delivered for transfer upon receipt of the Notes to be transferred in proper form with proper documentation as herein described. The Notes shall not be valid for any purpose unless authenticated by the Note Registrar by the manual signature of the Note Registrar on the certificate set forth in Exhibit "A" hereto. The Notes shall be fully registered as to both principal and interest and shall be fully negotiable upon proper endorsement by the registered owner thereof. No transfer of any Notes shall be valid unless such transfer is noted upon the Registration Books and until such Note is surrendered, cancelled, and exchanged for a new Note which shall be issued to the transferee, subject to all the conditions contained herein. Principal on the Notes shall be paid at maturity upon presentation or surrender of the Notes at the principal office of the Note Registrar, and payment in such manner shall forever discharge and release the obligation of the Municipality to the extent of the principal so paid.

(b) In the event that any amount payable on any Note as interest shall at any time exceed the rate of interest lawfully chargeable thereon under applicable law, then any such excess shall, to the extent of such excess, be applied against the principal of such Note as a prepayment thereof without penalty, and such excess shall not be considered to be interest. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

Section 7. Transfer of Notes. Each Note shall be transferable only on the Registration Books maintained by the Note Registrar at the principal office of the Note Registrar, upon the surrender for cancellation thereof at the principal office of the Note Registrar, together with an assignment of such Note duly executed by the owner thereof or its attorney or legal representative, and upon payment of the charges hereinafter provided, and subject to such other limitations and conditions as may be provided therein or herein. Upon the cancellation of any such Note, the Note Registrar shall, in exchange for the surrendered Note or Notes, deliver in the name of the transferee or transferees a new Note or Notes of authorized denominations, of the same aggregate principal amount, maturity, and rate of interest as such surrendered Note or Notes, and the transferee or transferees shall take such new Note or Notes subject to all of the conditions herein contained.

Section 8. Regulations with Respect to Transfers. In all cases in which the privilege of transferring Notes is exercised, the Municipality shall execute, and the Note Registrar shall deliver, Notes in accordance with the provisions of this Resolution. For every transfer of Notes, whether temporary or definitive, the Municipality and the Note Registrar may make a charge, unless otherwise herein to the contrary expressly provided, sufficient to pay for any tax, fee, or other governmental charge required to be paid with respect to such transfer, all of which taxes, fees, and other governmental charges shall be paid to the Municipality by the person or entity requesting such transfer as a condition precedent to the exercise of the privilege of making such transfer. Neither the Municipality nor the Note Registrar shall be obligated to transfer any Note during the fifteen (15) calendar days next preceding the maturity date of the Notes or any call for redemption.

Section 9. Mutilated, Lost, Stolen, or Destroyed Notes. In the event any Note issued hereunder shall become mutilated, or be lost, stolen, or destroyed, such note shall, at the written request of the registered owner, be cancelled on the Registration Books and a new Note shall be authenticated and delivered, corresponding in all aspects but number to the mutilated, lost, stolen, or destroyed Note. Thereafter, should such mutilated, lost, stolen, or destroyed Note or Notes come into possession of the registered owner, such Notes shall be returned to the Note Registrar for destruction by the Note Registrar. If the principal on said mutilated, lost, stolen, or destroyed Note shall be due within fifteen (15) calendar days of receipt of the written request of the registered owner for authentication and delivery of a new Note, payment therefor shall be made as scheduled in lieu of issuing a new Note. In every case the registered owner shall certify in writing as to the destruction, theft, or loss of such Note, and shall provide indemnification satisfactory to the Municipality and to the Note Registrar, if required by the Municipality and the Note Registrar.

Any notice to the contrary notwithstanding, the Municipality and all of the officials, employees, and agents thereof, including the Note Registrar, may deem and treat the registered owner of the Notes as the absolute owner thereof for all purposes, including, but not limited to, payment of the principal thereof, and the interest thereon, regardless of whether such payment shall then be overdue.

Section 10. Authentication. Only such of the Notes as shall have endorsed thereon a certificate of authentication, substantially in the form set forth in Exhibit "A" hereto duly executed by the Note Registrar shall be entitled to the rights, benefits, and security of this Resolution. No Note shall be valid or obligatory for any purpose unless, and until, such certificate of authentication shall have been duly executed by the Note Registrar. Such executed certificate of authentication by the Note Registrar upon any such Note shall be conclusive evidence that such Note has been duly authenticated and delivered under this Resolution as of the date of authentication.

Section 11. Source of Payment and Security. The Notes, as to both principal and interest, shall be payable from funds of the Municipality legally available therefor and to the extent necessary from ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality without limitation as to time, rate, or amount. Said Notes shall be a direct general obligation of the Municipality, for which the punctual payment of the principal of and interest on the Notes, the full faith and credit of the Municipality is irrevocably pledged.

Section 12. Levy of Taxes. For the purpose of providing for the payment of the principal of and interest on the Notes, to the extent necessary, there shall be levied in each year in which such Notes shall be outstanding a direct tax on all taxable property in the Municipality, fully sufficient to pay all such principal and interest falling due prior to the time of collection of the next succeeding tax levy. Said tax shall be assessed, collected, and paid at the time, and in the same manner, as the other taxes of said Municipality, shall be in addition to all other taxes, and shall be without limitation as to time, rate, or amount, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay said principal of and interest on the Notes maturing in said year. Principal or interest falling due at any time when there shall be insufficient funds on hand from such tax levy for the payment thereof shall be paid from the general fund or other available funds of the Municipality, but reimbursement therefor may be made from the taxes herein provided when the same shall have been collected. Such taxes levied and collected therefor shall be deposited in a the general fund or debt service fund and used solely for the payment of principal of and interest on the Notes as the same shall become due.

Section 13. Approval of Director of the Division of Local Government Finance. Anything herein contained to the contrary notwithstanding, no Notes authorized under this Resolution shall be issued, sold, or delivered, unless and until such Notes shall first have been duly approved by the Director of the Division of Local Government Finance, as provided by Section 9-21-601 et. seq., Tennessee Code Annotated, as amended. The Mayor, Town Recorder, the Town Manager, and the Town Attorney, are hereby authorized to take or cause to be taken such steps as are necessary to obtain such approval. After the issuance and sale of the Notes, and for each year that any of the Notes are outstanding, the Municipality shall submit its annual budget to the Director of the Division Local Government Finance for approval immediately upon the Municipality's adoption of the budget.

Section 14. Sale of Notes. The Notes herein authorized are authorized to be sold by the Mayor by the informal bid process at a price of not less than par.

Section 15. Disposition of Note Proceeds. The proceeds from the sale of the Notes shall be paid to the official of the Municipality designated by law as the custodian of the funds thereof to be deposited in a special fund known as the "Fire Department Capital Outlay Notes, Series 2022 Project Fund" (the "2022 Project Fund"), which is hereby authorized to be created, to be kept separate and apart from all other funds of the Municipality. The monies in the 2022 Project Fund shall be disbursed solely to finance the Project and to pay the costs of issuance of the Notes. Monies in the 2022 Project Fund may be invested and shall be secured in the manner prescribed by applicable statutes relative to the investment and securing of public or trust funds. Any monies remaining in the 2022 Project Fund after completion of the Project shall be transferred to the Note Fund.

Section 16. Non-Arbitrage Certification. The Municipality certifies and covenants with the owner of the Notes that so long as the principal of any Note remains unpaid, monies on deposit in any fund or account in connection with the Notes, whether or not such monies were derived from the proceeds of the sale of the Notes or from any other source, will not be used in a manner which will cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code, and any lawful regulations promulgated thereunder, as the same presently exist, or may from time to time hereafter be amended, supplemented or revised. The Municipality reserves the right, however, to make any investment of such monies permitted by Tennessee law and this Resolution if, when and to the extent that said Section 148 or regulations promulgated thereunder shall be repealed or relaxed or shall be held void by final decision of a court of competent jurisdiction, but only if any investment made by virtue of such repeal, relaxation, or decision would not, in the opinion of counsel of recognized competence in such matters, result in making the interest on the Notes subject to inclusion in gross income of the owner thereof for federal income tax purposes.

The Municipality covenants that it shall comply with Section 148(f) of the Code, unless legally exempted therefrom and it represents that in the event it shall be required by Section 148(f) of the Code to pay "Rebatable Arbitrage," as defined in the regulations promulgated under the Code, to the United States Government, it will make such payments as and when required by said Section 148(f) and will take such other

actions as shall be necessary or permitted to prevent the interest on the Notes from becoming subject to inclusion in federal gross income of the owner of the Notes for purposes of federal income taxation.

Section 17. Designation of Notes as Qualified Tax-Exempt Obligations. The Municipality hereby designates the Notes as "qualified tax-exempt obligations" within the meaning and for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The Municipality reasonably anticipates that the amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii)) which will be issued during the calendar year by the Municipality (i) any issuer with respect to which the Municipality is deemed to be an "on behalf of" issuer, and (ii) all subordinate entities which are treated as one issuer under Section 265(b)(3)(E) of the Code, will not exceed \$10,000,000, and not more than \$10,000,000 of obligations issued by the Municipality (together with those issued by any other issuers that are treated as one issuer under such Section 265(b)(3)) during the 2022 calendar year will be designated as "qualified tax-exempt obligations".

Section 187. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner of the Notes, and after the issuance of the Notes, no change, variation, or alteration of any kind in the provisions of this Resolution shall be made in any manner, until such time as all installments of the principal of and interest on the Notes shall have been paid in full or the consent of the registered owner of the Notes has been obtained; provided, however, that the Municipality is hereby authorized to make such amendments to this Resolution as will not impair the rights or security of the owner of the Notes.

Section 198. No Action to be Taken Affecting Validity of the Notes. The Municipality hereby covenants and agrees that it will not take any action, that would in any manner affect the validity of the Notes or limit the rights and remedies of the owner from time to time of such Notes. The Municipality further covenants that it will not take any action that will cause the interest on the Notes to be subject to inclusion in gross income of the owner thereof for purposes of federal income taxation.

Section 20. Miscellaneous Acts. The Mayor, the Town Recorder, the Town Manager, and all other appropriate officials of the Municipality are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved; or for the authorization, issuance, and delivery of the Notes.

Section 21. Failure to Present Notes. Subject to the provisions of Section 3 hereof, in the event any Note shall not be presented for payment when the principal becomes due at maturity and in the event monies sufficient to pay such Note shall be held by the Note Registrar for the benefit of the owner thereof, all liability of the Municipality to such owner for the payment of such Note shall forthwith cease, terminate, and be completely discharged. Thereupon, the Note Registrar shall hold such monies, without liability for interest thereon, for the benefit of the owner of such Note who shall thereafter be restricted exclusively to such monies for any claim under this Resolution or on, or with respect to, said Note, subject to escheat or other similar law, and any applicable statute of limitation.

Section 22. Payments Due on Saturdays, Sundays, and Holidays. Whenever the interest on or principal of any Note is due on a Saturday or Sunday or, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then the payment of the interest on or the principal of such Note need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the date of maturity; and no interest shall accrue for the period after such date.

Section 23. No Recourse Under Resolution or on Notes. All stipulations, promises, agreements, and obligations of the Municipality contained in this Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the Municipality and not of any officer, director, or employee of the Municipality in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Notes or for any claim based thereon or under this Resolution against any officer, director, or employee of the Municipality or against any official or individual executing the Notes.

Section 24. Severability. If any section, paragraph, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions hereof.

Section 25. Repeal of Conflicting Resolutions and Effective Date. All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, and this Resolution shall be in effect as of the date of its adoption the welfare of the Municipality requiring it.

Approved and adopted this 11th day of January, 2022.

Mayor

ATTEST:

Town Recorder

STATE OF TENNESSEE)
COUNTY OF TIPTON)

I, Deborah Pickard, hereby certify that I am the duly qualified and acting Town Recorder of the Town of Atoka, Tennessee (the "Municipality"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the Board of Mayor and Aldermen (the "Board"), of said Municipality held on January 11, 2022; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates to, among other matters, the authorization of the issuance of not to exceed \$660,000 Fire Department Capital Outlay Notes, Series 2022, by said Municipality; (4) that the actions by said Board including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purpose; and, (5) that a quorum of the members of said Board was present and acting throughout said meeting.

WITNESS my official signature and the seal of said Municipality this 11th day of January, 2022.

Town Recorder

(SEAL)

EXHIBIT A - FORM OF NOTE

**Registered
No:** _____

**Registered
\$** _____

**UNITED STATES OF AMERICA
STATE OF TENNESSEE
TOWN OF ATOKA
FIRE DEPARTMENT CAPITAL OUTLAY NOTE,
SERIES 2022**

Dated Date:

Registered Owner:

Principal Amount:

THE TOWN OF ATOKA, TENNESSEE (the "Municipality"), a lawfully organized and existing municipal corporation, for value received, hereby acknowledges itself indebted and promises to pay, as hereinafter set forth, in the manner hereinafter provided, to the Registered Owner identified above, or registered assigns as hereinafter provided, on the Principal Payment Dates, unless this Note shall have been duly called for prior redemption and payment of the redemption price shall have been made or provided for, the Principal Amounts set forth on Exhibit A attached hereto and incorporated herein as fully as though copied, and to pay interest on said Principal Amounts from the date hereof, or such later date as to which interest has been paid, to the Principal Payment Dates set forth on Exhibit A, semiannually on _____ 1 and _____ 1 of each year, commencing _____ 1, 2022, at the Interest Rate per annum set forth on Exhibit A, with principal and interest being payable by wire transfer, check, draft, or warrant to the Registered Owner hereof at the address shown on the registration books of the Town Recorder maintained at the Town Hall, Atoka, Tennessee, or its successor as registrar and paying agent (the "Note Registrar"), on the fifteenth (15th) calendar day next preceding an interest payment date, in any coin or currency of the United States of America which on the date of payment thereof is legal tender for the payment of public and private debts.

In the event that any amount payable hereunder as interest shall at any time exceed the rate of interest lawfully chargeable on this note under applicable law, any such excess shall, to the extent of such excess, be applied against the principal hereof as a prepayment thereof without penalty, and such excess shall not be considered to be interest. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

The principal hereof and interest hereon shall bear interest from and after their respective due dates (whether by acceleration, demand, or otherwise) at the same rate of interest payable on the principal hereof.

Section 9-21-117, Tennessee Code Annotated, as amended, provides that this note and the income therefrom is exempt from all state, county, and municipal taxation in the State of Tennessee, except inheritance, estate, and transfer taxes and except as otherwise provided in said Code.

This note is one of a series of notes known as "Fire Department Capital Outlay Notes, Series 2022" (the "Notes"), issued by the Municipality in the aggregate principal amount of \$660,000. The Notes which are issued for the purpose of financing a portion of the costs of the acquisition of fire engine apparatus for the Town's Fire Department, and to pay all legal, fiscal, administrative, and engineering costs, incident thereto, the acquisition of all other property real and personal appurtenant thereto and connected with such work, and to pay all legal, fiscal, administrative, and engineering costs, incident thereto, are authorized by an appropriate resolution of the Board of Mayor and Aldermen and particularly that certain Resolution of the Board of Mayor and Aldermen adopted on January 11, 2022, as such resolution may be from time to time amended or supplemented in accordance with its terms (such resolution, as so amended or supplemented, being herein called, the "Resolution"), and are issued pursuant to, and in full compliance with, the Constitution and the statutes of the State of Tennessee, including, but not limited to, Title 9, Chapter 21, Tennessee Code Annotated, as amended (the "Act"). Copies of the Resolution are on file at the office of the Town Recorder of the Municipality, and reference is hereby made to the Resolution and the Act, for a more complete statement of the terms and conditions upon which the Notes are issued thereunder, the rights, duties, immunities, and obligations of the Municipality, and the rights of the Registered Owner hereof.

This note and interest hereon is payable from funds of the Municipality legally available therefor and to the extent necessary from ad valorem taxes to be levied on all taxable property in the Municipality without limitation as to time, rate, or amount. For the prompt payment of this note, both principal and interest, as the same shall become due, the full faith and credit of the Municipality are hereby irrevocably pledged.

The Municipality has designated the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This note is transferable by the Registered Owner or by its attorney or legal representative at the office of the Note Registrar, but only in the manner and subject to the limitations and conditions provided in the Resolution and upon surrender and cancellation of this note. Upon any such transfer, the Municipality shall execute, and the Note Registrar shall authenticate and deliver in exchange for this note, a new fully registered note or notes, registered in the name of the transferee, in authorized denominations, in an aggregate principal amount equal to the principal amount of this note, of the same maturity and bearing interest at the same rate. For every exchange or transfer of notes, whether temporary or definitive, the Municipality and the Note Registrar may make a charge, unless otherwise herein to the contrary expressly provided, sufficient to pay for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer, all of which taxes, fees, or other governmental charges shall be paid to the Municipality by the person or entity requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The Municipality and the Note Registrar may deem and treat the entity in whose name this note is registered as the absolute owner hereof, whether such note shall be overdue or not, for the purpose of making payment of the principal of and interest on this note and for all other purposes. All such payments so made shall be valid and effectual to satisfy and discharge the liability upon this note to the extent of the sum or sums so paid, and neither the Municipality nor the Note Registrar shall be affected by any notice to the contrary.

The Notes are issuable only as fully registered Notes, without coupons. At the office of the Note Registrar, in the manner and subject to the limitations, conditions, and charges provided in the Resolution, fully registered Notes may be exchanged for an equal aggregate principal amount of fully registered Notes of the same maturity, of authorized denominations, and bearing interest at the same rate.

The Note shall be subject to redemption, in whole, prior to maturity, at the option of the Municipality, upon thirty (30) calendar days written notice to the Registered Owner, from funds of the Town, at the price of par plus accrued interest to the date of redemption. If the Notes are to be prepaid from proceeds of a new debt issuance, the Town may prepay the Notes, in whole, upon thirty (30) calendar days' written notice to the Registered Owner, at the price of 101% plus accrued interest to the date of redemption. Notwithstanding the above, the Municipality may make additional principal payments on the Note upon fifteen (15) calendar days' written notice to the Registered Owner, from its own funds, not borrowed funds.

This note shall have all the qualities and incidents of, and shall be, a negotiable instrument under, the Uniform Commercial Code of the State of Tennessee, subject only to provisions respecting registration of such note. This note is issued with the intent that the laws of the State of Tennessee shall govern its construction.

It is hereby certified, recited, and declared that all acts and conditions required to be done and to exist precedent to the issuance of, this note in order to make this note a legal, valid, and binding obligation of the Municipality, have been done, and did exist in due time and form as required by the Constitution and statutes of the State of Tennessee; and that this note and the issue of which it is a part, together with all other indebtedness of such Municipality, does not exceed any limitation prescribed by the Constitution or statutes of the State of Tennessee.

IN WITNESS WHEREOF, THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, TENNESSEE has caused this note to be signed by the manual signatures of the Mayor and the Town Recorder, all as of _____, 2022.

RESOLUTION NO. _____

A RESOLUTION APPROVING AND SUPPORTING THE SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT PROGRAM.

WHEREAS, the Federal Emergency Management Agency has responsibility for the administration of the Staffing for Adequate Fire and Emergency Response (SAFER) grant program which is designed to assist communities in adequately staffing fire departments to respond to the fire and medical needs in their communities; and

WHEREAS, the Town of Atoka, acting by and through its Board of Aldermen proposes to apply for FY 2021 SAFER funds for the purpose of adding full-time personnel to the Atoka Fire Department that will benefit the residents of the Town of Atoka; and

WHEREAS, the Town of Atoka will provide local financial support in conjunction with the SAFER funds to equip and train new employees and will designate and appoint a Financial Officer to perform certain duties in the administration of said grant.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, TENNESSEE as follows:

SECTION 1. Mayor Daryl Walker is hereby authorized to execute and submit an application with appropriate assurances to the Federal Emergency Management Agency requesting FY 2021 SAFER funds for the hiring of additional firefighters for the Atoka Fire Department.

SECTION 2. Mayor Daryl Walker is hereby designated and appointed as Financial Officer and to perform on behalf of the Town of Atoka, Tennessee, those acts and assume such duties as are consistent with said position.

SECTION 3. The Town Recorder is hereby directed to file in her office a duplicate or copy of the agreement after it has been executed by the parties or their duly authorized representatives.

SECTION 4. This Resolution takes effect immediately upon its passage and approval, the public welfare requiring it.

PASSED by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee this 11th day of January 2022.

Mayor

ATTEST:

Town Recorder

TOWN OF ATOKA

January 11, 2022

Exhibit K

Spring Event Proposals

Event: Food Truck Festival **Sponsor:** Atoka Parks & Recreation
Date: March 12, 2022 **Time:** 11am-5pm
Rain Date: March 19, 2022

Description: The event is proposed as a Food Truck Festival to be held at Atoka's Nancy Lane Park. The event will be a one-day event. It will also include merchandise vendors. Food Truck and Merchandise vendors will pay a fee to cover costs of water, electricity, porta potties, and employee costs. We will have extra bathroom facilities, trash cans, and parking crew. We will make sure the event is staffed to cover the amount of people that may show up. There will be no road closures as a part of the event. The primary location for the event is the BBQ Fest Area with handicap parking in the back parking lot with normal parking in the front parking lot and overflow parking on the grass area north of the softball complex.

Event: Atoka BBQ Festival **Sponsor:** Atoka Parks & Recreation
Date: March 31-April 2, 2022 **Time:** Varies

Description: The event is proposed as a barbecue festival to be held at Atoka's Nancy Lane Park. The event will be a three-day event with sponsor dinner on Thursday, teams arriving on Friday with live music on Friday evening. Contest judging will take place Saturday throughout the day. The event concludes with an awards ceremony beginning at approximately 5:30pm on Saturday. There will also be no road closures as a part of the event. The primary location for the event is the back area of Nancy Lane Park with overflow parking on the grass area north of the softball complex.

Event: Bunny Brunch **Sponsor:** Atoka Parks & Recreation
Date: April 9th, 2022 **Time:** 9am-12pm
Rain Date: April 16th, 2022

Description: The event is proposed as a brunch with the Easter Bunny to be held at Atoka's Nancy Lane Park. We are moving it outdoors this year with activities planned underneath the pavilion to include pictures with the Easter Bunny, a craft, seating for brunch, and an egg hunt on Field 1 softball field. There will also be no road closures as a part of the event. The primary location for the event is the front area Nancy Lane Park with parking in the designated areas.

Recommendation: Staff recommends approval of all events



January 11, 2022
Exhibit L

TOWN OF ATOKA
 334 Atoka-Munford Avenue
 Atoka, Tennessee 38004
 Phone: (901) 837-5300
 www.TownofAtoka.com

TOWN OF ATOKA JOB DESCRIPTION

Position Title	Department	Reports to
Planner Engineer	Planning and Inspection	Town Administrator
Employment Status	FLSA Status	Effective Date
<input type="checkbox"/> Temporary <input checked="" type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input checked="" type="checkbox"/> On Call	<input type="checkbox"/> Non-Exempt <input checked="" type="checkbox"/> Exempt	January 11, 2022

POSITION SUMMARY

This employee is directly responsible for the ensuring compliance with the Town’s Municipal and Regional Subdivision Regulations. Performs a variety of administrative/technical review and design functions to ensure that infrastructure proposed through development plans meets Town regulations, and to provide general engineering support to all town departments. Additionally, provides technical reviews of subdivision plans to ensure compliance with codes and regulations, zoning, and land use. Work may include the preparation and presentation of staff reports to the Planning Commission, Board of Zoning Appeals, and the Board of Mayor and Aldermen as needed. Work may involve the collection and analysis of data, interpretation of codes, and other work as assigned. Duties and responsibilities include providing technical expertise in areas of construction problems, floodplain, stormwater and drainage issues; overseeing new development work in conjunction with Public Works; reviewing sewer and water system capacity, setting bond amounts to ensure Town protection from developers' defaults; performing site inspections and estimating project costs; project management; and providing information to the public. Some duties and responsibilities may overlap with planning and engineering.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The essential functions include, but are not limited to the following:

Planning:

- Conducts and performs thorough technical review of various development applications and submissions, including subdivision plats, site plans, and blueprints for completeness, accuracy, and applicability; identifies errors and inadequacies in plans; reviews zoning variance and rezoning requests.
- Interprets and applies Town ordinances and regulations, and policies to subdivisions, zoning, drainage systems and applicable areas.

- Reviews plans and drawings for compliance with planning requirements and approvals.
- Assists in the preparation of short and long-range planning, transportation projects, annexation studies, land development regulations and ordinance preparation. Confirms same are consistent with the comprehensive plans for the Town.
- Provides information and reports orally and in writing to Town employees and departments, property owners, developers, and the general public.
- Writes and presents staff reports and recommendations for Planning Commission, Board of Zoning Appeals, and Board of Mayor and Aldermen consideration. Responsible for managing, filing, and archiving reports and all supporting documentation.
- Attends and provides as needed commentary at monthly Board of Mayor and Aldermen, Planning Commission, and Board of Zoning Appeals meetings.
- Maintains satisfactory public relations through courteous, professional behavior and prompt attention to concerns.

Engineering

- Coordinates new development construction with existing developments, coordinates construction activities with departmental maintenance activities and with other governmental agencies.
- Directs, performs, and conducts engineering inspections of Town subdivisions, contract and development work, determines compliance, and generates punch lists for developers prior to Town acceptance. Confirms punch lists have been completed. Recommends to the Board of Mayor and Aldermen acceptance or non-acceptance of the work.
- Performs site inspections of infrastructure systems for compliance with municipal regulations.
- Provides some project management and support services in conjunction with other town departments, including water, sewer, road, stormwater infrastructure, and recreations improvement projects.
- Receives various documentation (project plans/documents/studies, site plans/plats, drainage calculations, water/sewer capacity calculations, architectural drawings, grading permits, excavation permits, etc., reviews, recommends, and/or approves; responds/forwards as appropriate.
- Responds to citizen/customer complaints and requests, to include providing information, researching problems, implementing solutions, etc.
- Performs technical design; plans, surveys, designs, and constructs roadways, water and sewer systems, as well as stormwater drainage systems, grading and erosion control measures.
- Responds to routine requests for information from officials, employees, members of the staff, the public or other individuals.
- Prepares, generates, copies and/or distributes routine correspondence, letters, memoranda, forms, reports and other related documents via computer, tablet, or phone.
- Prepares computer-based graphic materials and maps, conducts research and surveys to obtain data and formulate recommendations.
- Computes performance and maintenance bonds and payment in lieu of improvements.
- Works with other Town departments related to planning, zoning, and water, sewer and stormwater infrastructure matters.

- Makes recommendations concerning the hiring, promotion, discipline and/or termination of employees within the department.
- Wears appropriate personal protective equipment as needed and required.
- Ability to work nights/weekends and On-Call for emergency conditions.
- Performs other duties as directed by the Town Administrator.

REQUIRED KNOWLEDGE AND ABILITIES

- Knowledge of Civil engineering principles and practices as applied to municipal public works, including planning and development, design and construction, and operation and maintenance.
- Knowledge of the methods of preparing designs, plans, specifications, estimates, reports, and recommendations relating to a variety of public works projects. Knowledge of the principles and practices of management and supervision.
- Comprehensive knowledge of the principles, practices, methods, techniques, tools and equipment used in planning administration.
- Knowledge of principles and procedures of administrative management and record keeping.
- Knowledge of accepted construction principles and practices.
- Knowledge of the elementary principles and practices of civil engineering as it applies to construction and building codes.
- Knowledge of laws and regulations regarding employee health, safety, and employment practices.
- Knowledge of federal, state, and local laws relating to stormwater requirements.
- Ability to perform planning managerial work of considerable difficulty in planning, organizing, and developing.
- Ability to interpret and apply federal, state, and local policies, procedures, laws and regulations.
- Ability to perform technical inspection work of considerable difficulty.
- Ability to read and interpret plans, maps, including tax maps.
- Ability to effectively assign, train, supervise, develop, and evaluate staff and their work.
- Ability to supervise and participate in the proper maintenance of technical and other planning official documents and records.
- Ability to effectively use a computer and the appropriate software programs, including but not limited to: Microsoft Office suite of programs - Word, Excel, Outlook and Power Point, as well as GIS
- Ability to read and comprehend county assessor maps and property profiles.
- Ability to handle stressful situations in a non-confrontational, problem-solving manner.
- Ability to administer appropriate purchasing policies and procedures.
- Ability to implement innovative methods to provide more efficient and effective operations.
- Ability to keep routine operational and personnel records and make reports.
- Ability to express and communicate ideas and information clearly, concisely, and effectively in writing and orally.

- Ability to work independently or in a group.
- Ability to establish and maintain an effective relationship with the public and other employees.
- Must maintain confidentiality in all areas of employee, department, and town relations.

MINIMUM QUALIFICATIONS (KNOWLEDGE, SKILLS, AND ABILITIES)

- Bachelor's Degree in Civil Engineering or related field required, with five (5) years' experience as a Professional Engineer knowledgeable in general construction, water and sewer system construction, and stormwater drainage, roadway construction, estimating, and development plans review; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for the position.
- Valid Tennessee licensure as a Professional Engineer required.
- American Institute of Certified Planners (AICP) preferred.
- Must be able to demonstrate at least five (5) years of responsible administrative and supervisory experience.
- High school diploma or GED
- Must possess a valid Tennessee driver's License.
- Must pass a criminal background check and drug test

PHYSICAL DEMANDS AND WORK ENVIRONMENT

- The employee will operate a cell phone, computer, iPad or other tablet, fax machine, copier, and other modern office equipment.
- The employee will have proficiency of computer software, such as, Microsoft Word, Excel, and Outlook, and various technical equipment.
- The employee will operate and comprehend measuring equipment and devices, including but not limited to, tape measures, transits, micrometers, handheld tools, and GIS data.
- The employee will operate a vehicle with radio transmitting and receiving capabilities for constant communication access.
- The employee typically works both indoors and outdoors regardless of the weather.
- The employee's work may expose him/her to high places, dangerous machinery and its moving parts, sharp tools, fumes and dust, chemicals, and/or toxic substances.

While performing the duties of this position, the employee is regularly required to see, talk, and hear. The employee frequently is required to use entire body to, handle or feel objects, manipulate tools, including but not limited to, equipment with mechanical and electrical controls. The employee is regularly required to stand; walk; sit; and reach with hands and arms, occasionally climb, balance and stoop. The employee must have the ability to lift and/or move up to 75 pounds. Specific vision abilities required by this position include close vision, distance vision, and the ability to adjust focus in all conditions. Work is mostly performed indoors in a low-noise climate-controlled office environment with a fast-paced schedule that requires interaction with the general public, elected

officials and other department heads. This employee will also frequently work in the field, which may include inclement and extreme weather conditions.

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

NOTE

This job description in no way states or implies that these are the only duties to be performed by the employee(s) incumbent in this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by any person authorized to give instructions or assignments. All duties and responsibilities are essential functions and requirements and are subject to possible modification to reasonably accommodate individuals with disabilities. To perform this job successfully, the incumbents will possess the skills, aptitudes, and abilities to perform each duty proficiently. Some requirements may exclude individuals who pose a direct threat or significant risk to the health or safety of themselves or others. The requirements listed in this document are the minimum levels of knowledge, skills, or abilities. This document does not create an employment contract, implied or otherwise, other than an “at will” relationship.

Reviewed with employee by:

Signature: _____ **Name (print):** _____

Title: _____ **Date:** _____

Received and accepted by:

Signature: _____ **Name (print):** _____

Title: _____ **Date:** _____

The Town of Atoka is an Equal Opportunity Employer, drug free workplace, and complies with ADA regulations as applicable.



ATOKA FIRE DEPARTMENT

681 Walker Parkway • Atoka, TN 38004
(901) 837-5322 • Fax: (901) 837-0028 • www.townofatoka.com



November 15, 2021

Honorable Mayor Daryl Walker and Board of Aldermen
Town of Atoka
334 Atoka-Munford Ave
Atoka, TN 38004

January 11, 2022

Exhibit M

Mayor Walker and Board of Aldermen:

This letter is to serve as a request from the Atoka Fire Department to fund the annual donation for the FY 2021-2022 Fire Prevention program through the National Fire Safety Council. The amount requested is \$1,000.

The Town has funded this program each year since prior to the start of the Atoka Fire Department in 2015. We have been able to supply thousands of fire prevention activity books to the students at Atoka Elementary School as well as the four different childcare facilities in the town. This program has also delivered fire prevention literature to the adult population and businesses such as the importance of having fire extinguishers and how to use them. Through the work with this organization, we have also been able to supply our Parks and Recreation department with fire safety Halloween bags each year for our Safe Night Out event.

As you can see, this program is an especially important aspect of our annual Fire Prevention program to our community and hope that you will consider funding it through this request.

If you have any questions, please do not hesitate to contact me.

Respectfully,

Henry A. Posey
Fire Chief
Atoka Fire Department

"Protecting What Matters Most"

Henry A. Posey, Fire Chief

Code Enforcement Monthly Report
Fiscal Year 2021

PERMIT INFORMATION	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Building Permit - Commercial		1		2									1
Building Permit - Industrial		0											0
Building Permit - Residential - Addition	3	2	3	1	2								5
Building Permit - Residential - New Build	7	5	1	4	15	5							12
Building Permit - Residential - Upstairs Finish	2	1		1									3
Misc Permit - Detached Garage		0			4	3							0
Misc Permit - Fence	1	3	3	1	3	2							4
Misc Permit - Fireworks Stand		0				2							0
Misc Permit - Pool Permit		2	1	1	2								2
Misc Permit - Sign Permit	1	0		2									1
Misc Permit - Storage Shed	3	1	1	1	7								4
TOTAL PERMIT INFORMATION	17	15	9	13	33	12							99.00
CERTIFICATE OF OCCUPANCY	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Certificate of Occupancy - Commercial	0	0											
Certificate of Occupancy - Industrial	0	0											0
Certificate of Occupancy - Residential	6	13	3	18	9	12							19
TOTAL CERTIFICATE OF OCCUPANCIES	6	13	3	18	9	12	0	0	0	0	0	0	61
BUILDING INSPECTIONS	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Form Board / Set Back Inspection	5	5	1	2	14	3							10
Footing Inspection	2	1	1	1	2	1							3
Plumbing Inspection	4	5	4	6	6	11							9
Sheeting Inspection	9	3	4	7	7	6							12
Brick Ties Inspection	12	8	8	19	5	1							20
Framing Inspection	16	8	9	15	7	8							24
Insulation Inspection	4	6	4	15	2	7							10
TOTAL BUILDING INSPECTIONS	52	36	31	65	43	37							264
CODE ENFORCEMENT ACTIONS	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Municipal Court Citations													
Property Maintenance Complaints - Closed	46	12	49	60	39	49							255
Property Maintenance Complaints - Received	57	15	67	63	93	56							351
TOTAL CODE ENFORCEMENT ACTIONS	103	27	116	123	132	105							606
PERMIT FEES	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Collected Fees	\$7,103	\$3,538	\$1,119	\$3,743	\$9,264	\$4,433							\$29,200
TOTAL PERMIT FEES	\$7,103	\$3,538	\$1,119	\$3,743	\$9,264	\$4,433							\$29,200
COMMENTS													
8 grinded pumps systems													



ATOKA FIRE DEPARTMENT
MONTHLY REPORT



December-21						
Incidents	Current Month	Previous Month	Current Month Last Year	Year to Date	Dollar Loss	Dollar Saved
Structure Fires-Atoka	3	4	4	27		
Structure Fires-County Area	2	5	2	35		
Total	5	9	6	62	\$0	\$0
Fires Other-Atoka	3	4	5	72		
Fires Other-County Area	0	0	2	15		
Total	3	4	7	87		
HazMat Calls-Atoka	1	2	3	14		
HazMat Calls-County Area	1	0	0	1		
Total	2	2	3	15		
MVA-Atoka	6	23	15	151		
MVA-County Area	3	2	5	25		
Total	9	25	20	176		
EMS Calls-Atoka	48	62	68	753		
EMS Calls-County Area	8	12	5	125		
Total	56	74	73	878		
Other Calls (Service, Good Intent)-Atoka	0	2	7	76		
Other Calls (Service, Good Intent)-County Area	0	0	0	3		
Smoke Alarm Checks	87	56	60	579		
Smoke Alarm Installs	0	2	5	22		
Total	0	2	7	79		
Mutual Aid Given	4	8	5	71		
Mutual Aid Received	8	11	9	65		
Total Calls-Atoka	61	97	102	1093	\$0	\$0
Total Calls-County Area	14	19	14	204	\$0	\$0
Totals for the Month	75	116	116	1297	\$0	\$0
Vehicle Fleet Status	DAYS OUT OF SERVICE		COMMENTS			
ENGINE 11 Smeal	6		OOS for Santa's ride 3 days.			
ENGINE 12 Wilson	31		OOS Permanently Bad pump/batteries			
ENGINE 13 Pierce						
BRUSH TRUCK 13 Ford						
Reserve Firefighter Hours	Training	Work	Total Hours	YTD Hours		
	40	219	259	2365.5		
Comments	Station 1 closed 3 days this month due to lack of manpower. Missed 1 run, Munford ran mutual aid to EMS Call, due to being on other calls.					

Atoka Parks and Recreation

January Monthly Report- Calendar Year 2021-2022

Program/League Information				Special Event Information					
Description	Participants This Year	Participants Last Year	Program Cost	Fees Collected	Description	This Year	Last Year	Event Cost	Fee/Donations Collected
Summer-Y-Space Camp	16	N/A NEW	\$580.81	\$1,088.71	Rock the Block-August	est. 2,000	300 + cars	\$27,670.21	\$950.00
Summer-Y-Challenger-Soccer Camp	22	20	\$0.00	\$0.00	Autumn in Atoka	est. 500+	75+	\$1,467.60	\$2,520.00
Summer-Y-Lego 1 Camp		16			Safe Night Out	900 bags	1,000 bags	\$4,786.84	\$5,324.50
Summer-Y-Lego 2 Camp	17	N/A-NEW	\$652.40	\$1,680.00	Veteran's Ceremony-November	est. 50	est. 50		\$0.00
Summer-Y-Summer-Adventure Camp	19	16	\$1,053.55	\$1,472.00	Tree Lighting-December			TBA	\$0.00
Summer-Y-Art Camp		16			Santa's Ride-Meet/Greet-December			TBA	\$0.00
Summer-Y-Blast Ball/Tball		161			Christmas Decorating-December			TBA	\$0.00
Fall-Y-Soccer Camp	39	N/A- NEW	\$1,638.56	\$2,020.50	Easter-Bunny Brunch				
Fall-Y-AYSO-Soccer	279	150	\$16,453.78	\$22,175.00	Food Truck Festival-March				
Spring-Y-AYSO-Soccer	325	255			BBQ Fest- April				
Fall-Y-REC-Softball		280	\$21,199.20	\$30,610.00	Cops & Bobbers-June				
Spring-Y-FASA-Softball		355			Movies in The Park #1-TBA				
Fall-A-Kickball	3	4	\$416.00	\$684.00	Movies in the Park #2-TBA				
Spring-A-Kickball		N/A			Tournament #1-TBA				
Winter-Y-Little Sports		25			Tournament #2- TBA				
Summer-Y-Little Sports	25	N/A NEW	\$618.48	\$1,245.00					
Summer-A-Softball		9							
Fall-Y-Art Class	20	19	\$1,108.79	\$1,470.00					
Spring-Y-Art Class		26							
Adult-Art/Craft Class	10	N/A	\$416.54	\$315.00					
Concession Sales									
Description	Current This Year	Current Year	Last Year	Current FYTD	Last FYTD				
Nancy Lane Park	\$13.75	\$0.00	\$0.00	\$21,352.68	\$20,681.48				
Walker Park	\$0.00	\$0.00	\$0.00	\$9,267.69	\$805.07				
Rentals									
Description	Current This Year	Current Year	Last Year	Current FYTD	Last FYTD				
Splash Pad-Regular (8)	\$0.00	N/A	N/A	\$1,440.00	N/A				
Splash Pad-Private (2)	\$0.00	N/A	N/A	\$1,700.00	N/A				
Softball Fields	\$170.00	N/A	N/A	\$315.00	N/A				
Other Facilities	\$0.00	N/A	N/A	\$40.00	N/A				
Citizen Service/Park Maintenance									
Description	Current This Year	Current Year	Last Year	Current FYTD	Last FYTD				
Q-Alert Service Request-Closed	4	1	1	10	6				

Current Activities: Winter Little Sports

Current Registrations: Softball, Soccer, & Spring Art Class

Upcoming Events: Spring Sports, Food Truck Festival 3/12, Atoka BBQ Fest 4/1 & 4/2, and Bunny Brunch 4/9.



Atoka Police Department

68 Atoka - McLaughlin Drive



Tennessee Incident Based Reporting System - Part 1 Crimes				
Town of Atoka	365 Days			
12/31/2021	2020	2021	+/-/=	% Chg
Assault-Agg(All)	9	12	3	33.3%
Assault-Agg	3	6	3	100.0%
Assault-Agg DV	5	5	0	0.0%
Child Abuse Agg	1	1	0	0.0%
Auto Thft	9	6	-3	-33.3%
Bur-Non-res	0	2	2	200.0%
Bur-Residential	10	6	-4	-40.0%
Bur-Bus	6	2	-4	-66.7%
Homicide	0	0	0	0.0%
Murder	0	0	0	0.0%
Negligent Manslaughter	0	0	0	0.0%
Justifiable Homicide	0	0	0	0.0%
Larceny(All)	61	56	-5	-8.2%
Shoplift Fel	1	0	-1	-100.0%
Shoplift Misd	11	5	-6	-54.5%
Th Build	6	3	-3	-50.0%
Th Fr M/V	14	10	-4	-28.6%
Th Veh Parts	5	6	1	20.0%
Th Other Trailer	3	7	4	133.3%
Other Th/Non-Specific	21	25	4	19.0%
Rape	3	0	-3	-100.0%
Robbery-Bus	0	0	0	0.0%
Robbery-Per	0	0	0	0.0%
Robbery-In	0	0	0	0.0%
Carjacking	0	0	0	0.0%
Part 1 Totals	98	84	-14	-14.3%



Atoka Police Department

68 Atoka - McLaughlin Drive



Tennessee Incident Based Reporting System - Additional Crimes				
Town of Atoka	Year to Year Comparison			
12/31/2021	2020	2021	+/-/=	% Chg
Fraud	16	9	-7	-43.8%
ID Theft	2	5	3	150.0%
Credit Card	3	2	-1	-33.3%
Swindle / Scheme	11	2	-9	-81.8%
Counterfeit / Forgery	2	3	1	50.0%
Weapons	0	4	4	400.0%
MV Crash	185	196	11	5.9%
Injury	16	31	15	93.8%
Hit and Run	12	13	1	8.3%
Property damage	173	152	-21	-12.1%
Drugs / Narcotics	8	18	10	125.0%
Felony	3	6	3	100.0%
Misdemeanor	4	7	3	75.0%
Driving under Influence	1	5	4	400.0%
Additional Totals	211	230	19	9.0%
Misc Reports	239	316	77	32.2%
Bus and Res Alarms	218	257	39	17.9%
Calls for Service	7,569	8,047	478	6.3%

Enforcement	2020	2021	+/-/=	% Chg
Arrests	153	129	-24	-15.7%
Felony	30	36	6	20.0%
Misdemeanor	123	93	-30	-24.4%
Citations	1,676	1,483	-193	-11.5%
General Sessions	82	73	-9	-11.0%
City Court	406	472	66	16.3%
Warnings	1,188	938	-250	-21.0%

Atoka Public Works

Monthly Report - Calendar Year 2021

CUSTOMER ACCOUNTS	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
NEW ACCOUNTS OPENED	19	13	34	22	30	33	27	30	22	25	23	39	317
EXISTING ACCOUNTS CLOSED	15	7	16	12	7	14	9	12	13	7	3	8	123
NET CHANGE - CUSTOMER ACCOUNTS	4	6	18	10	23	19	18	18	9	18	20	31	194

SEWER SERVICE ISSUES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
TANK PUMPING - VENDOR	36	10	35	32	26	21	33	26	23	29	25	38	334
TOTAL SEWER SERVICE ISSUES	36	10	35	32	26	21	33	26	23	29	25	38	334

SOLID WASTE SERVICE ISSUES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
NEW CUSTOMERS (delivered can)	17	10	56	25	29	59	30	36	15	31	27	29	364
MISSED COLLECTIONS	28	19	66	154	31	67	150	29	55	51	105	19	774
DAMAGED / REPLACED CANS	3	4	8	10	6	6	10	5	4	4	8	23	91
OTHER / TRASH	2	2	4	24	1	2	12	25	7	7	16	16	118
TOTAL SOLID WASTE SERVICE ISSUES	50	35	134	213	67	134	202	95	81	93	156	87	1347

WATER SERVICE ISSUES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
METER SET - PRIMARY SERVICE	2	0	1	3	2	1	6	1	2	1	2	2	23
METER SET - AUXILIARY SERVICE	0	0	1	1	0	2	1	0	0	0	0	0	5
METER MAINTENANCE	0	0	1	4	0	1	2	1	4	4	0	0	17
METERS REPLACED/ Antenna Added	2	0	0	2	0	0	0	0	17	1	1	2	25
ADJUSTMENTS	0	4	6	8	1	3	5	0	2	5	1	2	37
LATE PAYMENTS	424	423	533	465	588	573	494	588	531	701	590	572	6482
NON-PAYMENT DISCONNECTION	58	N/A	50	45	41	77	48	66	63	128	85	57	718
TOTAL WATER SERVICE ISSUES	486	427	592	528	632	657	556	656	619	840	679	635	7307

WORK ORDERS	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
WATER	17	28	46	67	95	27	97	101	104	170	141	142	1035
SEWER	65	53	88	70	97	87	75	59	54	57	60	62	827
DITCHES, OTHER ISSUES	36	39	106	87	66	59	56	55	42	35	31	47	659
UTILITY LOCATES	151	232	454	397	209	259	219	187	130	155	133	95	2621
TOTAL WORK ORDERS	269	352	694	621	467	432	447	402	732	330	365	346	5457

WASTE PRO QUARTERLY COLLECTION	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
WASTE COLLECTED													0

BILLING INFORMATION	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
ACH ACCOUNTS	380	382	388	388	387	390	396	394	399	412	419	430	4765
E-BILL ACCOUNTS	912	917	920	935	942	952	965	977	980	1093	1090	1144	11827
SOLID WASTE CUSTOMERS	2780	2786	2809	2817	2826	2854	2864	2876	2883	2895	2904	2926	34220
RECYCLING CUSTOMERS	2133	2137	2160	2166	2181	2211	2227	2242	2249	2263	2281	2309	26559

COMMENTS