

TITLE 8

HEALTH AND SANITATION¹

CHAPTER

1. FOOD, DRUGS, DISEASES, ETC.
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CHAPTER 1

FOOD, DRUGS, DISEASES, ETC.

SECTION

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8-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the town. [Code of 1982]

8-102. Adulterated food, drugs, and cosmetics. It shall be unlawful and a violation of this section for any person to violate within the Town of

¹For specific health and sanitation provisions elsewhere in this code with respect to the following, see the references indicated:

- (1) Animals and fowls. Title 3.
- (2) Littering streets, etc. § 12-103.
- (3) Taxicabs. § 5-406.

Jonesborough any provisions of the state food, drug, and cosmetic laws. [Code of 1982]

8-103. Communicable diseases. When there exists or is suspected to exist in any household a communicable disease other than a venereal disease or a common childhood disease, it shall be the duty of any attending physician and the head or other responsible person in such household possessing knowledge of the facts immediately to notify the health officer. The health officer shall thereupon make such investigation and issue such quarantine orders as may reasonably be necessary to protect the public health. It shall be unlawful for any person to violate any such orders of the health officer. [Code of 1982]

8-104. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the town and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. [Code of 1982]

8-105. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. [Code of 1982]

8-106. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. [Code of 1982]

8-107. Weeds, overgrown and dirty lots. (1) Prohibition. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his/her property, as well as the grass or weeds in the right-of-way between the property and the adjoining street. It shall be unlawful for any person to fail to comply with the order by the chief of police, code enforcement officer or court to cut such grass or vegetation when it has reached the height of over one foot (1'). It shall be unlawful for any owner of record of real property to create, maintain or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, garbage or any combination of the preceding elements so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats, vermin or other harmful animals. Exempted from the one foot (1') height restriction for grass are properties used for agricultural purposes in which hay, straw, grass, etc. is cut and baled one (1) or more times a year,

except that the boundary line of such agricultural properties adjoining residential property shall have a minimum of a ten foot (10') cut border along the property line that must meet the one foot (1') maximum height restriction of this subsection. Also exempt are portions of properties that are designated as wetlands, required stream buffers, formal wildlife areas, and other intended natural areas in which the public health, safety and welfare of the general public are not impaired.

(2) Notice to property owner. It shall be the duty of the chief of police, code enforcement officer, or other person(s) as designated by the board of mayor and aldermen to serve notice upon the property owner of record in violation of subsection (1) above. Said notice shall instruct the owner of the violation and to bring his/her property under compliance within ten (10) calendar days. Notice may be given by:

(a) Posting notice in plain view on the property in violation.

(b) Sending notice by mail to the last known address available for the property owner of record.

(c) Removing or damaging a violation notice posted by the town on a property in violation is prohibited and a violation of this section.

The date the notice is posted or mailed shall serve as the beginning of the ten (10) day period allowing for corrective action.

(3) Notice content. The notice may be sent by U.S. Mail to the last known address of the owner of record. The notice shall include the following information:

(a) A statement outlining the provision of the municipal code regarding weeds, overgrown and dirty lots, and the requirement to take action to remediate the violation within ten (10) days from the date of the notice or to file a hearing request within the same ten (10) day period.

(b) The consequences of not taking immediate action to remedy the violation or filing a request for a hearing within the ten (10) days provided, including a cost-estimate for the town initiating a corrective action that remedies the conditions constituting a violation.

(c) The right to request a hearing before any corrective action is initiated by the town, using a form provided with the notice.

(d) The names of the person(s), department and office and address, telephone and email address of those people giving notice.

(4) Failure to take correction action. Failure by the property owner to take corrective action within the ten (10) days provided or to notify the proper persons within the ten (10) days provided of a request for a hearing shall constitute a violation and the chief of police, code enforcement officer or other person(s) designated by the board of mayor and aldermen may take action using town staff or may engage a contractor to undertake the corrective action on the property in violation that will bring the property into compliance with this section.

(5) Penalty. (a) Violations of § 8-107 are subject to fines not to exceed five hundred dollars (\$500.00) per occurrence and each day of violation shall be considered a separate violation.

(b) Failure by the property owner to take corrective action may also result in the town:

(i) Citing the owner into court.

(ii) Arranging a mowing contractor to go on the property in violation and abate the violations. The property owner will be billed for the contractor's service using a pre-determined method of determining the assessment cost including contracted work and administrative costs that is also approved by the board of mayor and aldermen by separate action. The property owner will be given thirty (30) days to pay the invoice for the corrective action, and after thirty (30) days if any of the amount invoiced remains unpaid, a penalty will be added to the cost of the abatement along with one and one-half percent (1-1/2%) interest per month until the invoice, penalty, and interest is paid. If the bill is five hundred dollars (\$500.00) or more, the amount owed will be added to the property taxes on the property in violation as a lien.

(c) Failure by the owner to take any action required in municipal court may result in the town initiating an injunction, writ of mandamus, or court order to ensure corrective measures are taken.

(6) Continued violations. Any owner of record of real property that is currently in violation of subsection (1) above that has previously received a notice of violation of subsection (1) above for the same property on two (2) or more occasions may be issued a citation for an additional violation of subsection (1) above without notice.

(7) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the town charter, the municipal code of ordinances, or other applicable law which permits the town to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of vines, grass, weeds, underbrush, and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provision of the municipal code of ordinances or any other applicable law. [Code of 1982, as replaced by Ord. #92-09, July 1992; amended by Ord. #95-07, Sept. 1995, and replaced by Ord. #2019-10, Sept. 2019 **Ch13_03-08-21**]

8-108. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same, prepare it for disposal as provided in § 8-216, or notify the health officer and dispose of it in accordance with his directions. [Code of 1982]

8-109. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. [Code of 1982]

8-110. Pollution of creeks. It shall be unlawful for any person to pollute any creek running through the town by putting therein or allowing to go therein sawdust from any saw mill located in the town or to place in any creek any trash or substance of any kind which would impede or obstruct the flow of such stream. [Ord. 34 of April 16, 1906, § 1]

8-111. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six feet (6') in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junk yards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. [Code of 1982]

¹The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the 1961 case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W. 2d 818.

CHAPTER 2

REFUSE

SECTION

- 8-201. Premises to be kept clean.
- 8-202. Definitions.
- 8-203. Purpose.
- 8-204. Responsibility for administration.
- 8-205. Collection of garbage and refuse.
- 8-206. Collection vehicles/equipment.
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- 8-208. Accumulation of refuse and location of containers.
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- 8-210. Disturbing of containers.
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- 8-220. Automated tote collection - location.¹
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8-201. Premises to be kept clean. All persons, firms and corporations within the town limits of the Town of Jonesborough are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of

¹This section is not included in the previous ordinance or the replacing ordinance.

refuse, offal, filth and trash, except when stored as provided in this chapter. [Ord. of Dec. 11, 1979, § 101, as by Ord. #2016-05, April 2016 *Ch12_04-09-18*]

8-202. Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given in this section:

(1) "Ashes." Any and all residue resulting from the combustion of coal, wood or other foreign matter, material or substances in domestic, industrial or commercial stoves, furnaces or boilers.

(2) "Authorized residential containers." For automated waste collection only, thirty (30), sixty-five (65) or ninety-five (95) gallon universal rollout carts as provided or sold by the Town of Jonesborough.

(3) "Bulk container." A front-end loading, enclosed, metal, dumpster type container having a capacity of not less than four (4) cubic yards nor greater than eight (8) cubic yards. Such containers shall have the capacity, size and be the type specifically authorized and approved by the director of solid waste and recycle.

(4) "Construction waste/building material." Any material such as lumber, brick, block, carpet, stone, plaster, concrete, asphalt, roofing shingles, gutters, flooring, carpeting, or other substances accumulated as the results of repairs or additions to existing buildings or structures, or as the result of construction of new buildings or structures.

(5) "Cuttings." All tree limbs, trimmings, shrubbery, etc.

(6) "Garbage." Putrescible animal and vegetable waste, liquid or other waste resulting from the handling, processing, preparation, cooking and consumption of food, and all cans, bottles or other containers originally used for foodstuffs.

(7) "Garden refuse." All accumulations of plants, stems, roots, vegetables and fruits remaining after harvest.

(8) "Hazardous refuse." Any chemical compound, mixture, substance, refrigerant or article which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive, infectious, or otherwise harmful. It shall include anything listed as harmful or restricted by the state or federal government.

(9) "Industrial waste." All such wastes peculiar to industrial, manufacturing or processing plants and shall include hazardous refuse.

(10) "Infectious wastes." Wastes which contain pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease. For purposes of this policy, the following wastes shall be considered to be infectious wastes:

(a) Human blood and blood products. Waste human blood and blood products such as serum, plasma, and other blood components.

(b) Pathological wastes. Pathological wastes, such as tissues, organs, body parts, and body fluids.

(c) Contaminated sharps. All discarded sharps (e.g., hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) used in patient care or which have come into contact with infectious agent during use in medical, research, or industrial laboratories.

(d) Contaminated animal carcasses, body parts, and bedding. Contaminated carcasses, body parts (including fluids), and bedding of animals that were intentionally exposed to pathogens in research, in the production of biological, or in the in vivo testing of pharmaceuticals.

(e) Facility-specified infectious wastes. Other wastes determined to be infectious by a written facility policy.

(11) "Multi-family dwelling." A building or buildings containing six (6) or more dwelling units whose primary purpose is for leasing or renting dwelling space to the public.

(12) "Refuse." Includes garbage, rubbish, leaves, brush, rocks, concrete, bricks and all other putrescible and non-putrescible, combustible and noncombustible materials originating from the preparation, cooking, and consumption of food, market refuse, waste from the handling and sale of produce, and other similar unwanted materials, but shall not include sewage, body wastes, recognizable industrial or medical by-products, from all residences and establishments, public and private.

(13) "Residential solid waste." Solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities using dumpsters.

(14) "Residential user." Any user in a dwelling unit or whose property is zoned for residential purposes.

(15) "Rubbish." All non-putrescible waste materials except ashes from all public and private residences and establishments.

(16) "Tote or tote-cart." A container with wheels holding up to ninety-six (96) gallons with a lid that has enough structural strength to be picked and unloaded mechanically.

(17) "Yard wastes." Grass clippings, leaves, tree, and shrubbery trimmings. (Ord. of Dec. 11, 1979, as amended by Ord. #91-06, Oct. 1991, Ord. #B-05-01, June 2005, Ord. #B-06-01, July 2006, Ord. #B-09-01, July 2009, Ord. #B-11-02, June 2011, Ord. #B-12-02, June 2012, Ord. #B-13-02, June 2013, and Ord. #B-14-02, June 2014, and replaced by Ord. #2016-06, July 2016
Ch12_04-09-19)

8-203. Purpose. This chapter is determined and declared to be a sanitary measure for the protection and promotion of the health, safety and welfare of the

citizens of the Town of Jonesborough. [Ord. of Dec. 11, 1979, § 103, as replaced by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-204. Responsibility for administration. (1) The solid waste and recycle director shall have the authority to make and modify guidelines and requirements as necessary concerning the days of collection, location of containers, and such other matters pertaining to the collection, transporting and disposal of solid waste refuse; provided that such guidelines and requirements are not in violation of the provisions in this chapter.

(2) The solid waste and recycle director shall be responsible for the oversight of the provisions in this chapter. [Ord. of Dec. 11, 1979, § 104, as replaced by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-205. Collection of garbage and refuse. All refuse accumulated within the corporate limits shall be collected, conveyed, disposed, and transported under the jurisdiction of the solid waste and recycle department. Except as designated in this chapter, garbage collections shall be made regularly in accordance with an announced schedule. Other solid waste collections will take place as needed.

(1) Items prohibited from pickup shall include, but not limited to, rocks, dirt, bricks, concrete, and construction waste unless approved by the director of solid waste and recycle.

(2) Bulky items shall be collected each week (to the extent possible), which requires the home owner to call and schedule the bulky items to be collected. The town shall not be responsible for the removal of central heat and air systems or other commercially installed appliances.

(3) All refuse (including garbage and rubbish) as heretofore defined shall be collected sufficiently frequently to prevent the occurrence of nuisances and public health problems, except material identified in § 8-205(7). The collection of refuse within the Town of Jonesborough shall be under the jurisdiction of the solid waste and recycle department.

(4) All residents will be provided with one (1) ninety-five (95) gallon collection tote per household to properly store one (1) week's accumulation of refuse (including garbage and rubbish). Additional totes can be purchased from the town at the owners' expense, and additional totes are subject to current collection rates.

(5) Businesses or multi-family dwellings using regulation trash totes for collection shall provide sufficient containers to properly store one (1) week's accumulation of refuse. Any business or multi-family dwelling requiring six (6) or more regulation trash totes for weekly service shall be required to acquire regulation bulk containers for service, unless specifically exempted by the solid waste and recycle director due to non-correctible space and collection restrictions.

(6) Bulk containers for normal garbage and rubbish collection must be provided at the owner's/business' expense. Bulk containers not purchased

through the town must be approved for use by the solid waste and recycle director.

(7) The Town of Jonesborough does not provide or collect "roll-off" containers for the short-term collection of construction waste/building material and rubbish associated with construction projects. Developers, contractors, etc. may select a provider of roll-off container service during construction projects, however, any placement of said roll-off container on town right-of-way during a construction project must be approved in advance by the solid waste and recycle director with any assistance from public safety needed in determining vehicular and pedestrian safety in the location of the container, any public nuisance to surrounding properties, and possible damage to or littering of the town right-of-way.

The solid waste and recycle department shall not be obligated to provide service where adequate containers are not provided. [Ord. of Dec. 11, 1979, § 105, as replaced by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-206. Collection vehicles/equipment. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that leakage of liquids draining from the refuse onto the streets and alleyways will be minimal. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings when necessary that effectively prevent the scattering of refuse over the streets or alleys. [Ord. of Dec. 11, 1979, § 106, as amended by Ord. #91-06, Oct. 1991; Ord. #95-09, Sept. 1995; Ord. #98-02, § 2, Jan. 1998; and Ord. #99-06, May 1999, and replaced by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-207. Disposal of garbage and refuse. (1) The disposal of refuse in any quantity by any person, householder, establishment, firm, or corporation in any place, public or private, other than at the site or sites in the proper manner designated by the town and/or, if required, with properly approved permits from the Tennessee Department of Environment and Conservation/Division of Solid Waste is expressly prohibited.

(2) The weight of contents placed in town provided totes shall not exceed seventy-five (75) pounds, and garbage placed in totes shall be drained of all free liquids.

(3) All containers, household and mechanical, shall be cleaned as needed by the owner to prevent offensive smells and unsanitary conditions.

(4) The disposal of refuse collected in households, businesses or other such establishments in bulk refuse containers located within the corporate limits of the Town of Jonesborough without the permission of the container owner is prohibited.

(5) The disposal of refuse collected in households, businesses or other such establishments located outside the corporate limits of the Town of

Jonesborough in bulk refuse containers owned by the Town of Jonesborough without there being town authorized signage allowing the disposal of the specific refuse, is prohibited. [Ord. of Dec. 11, 1979, § 107, as replaced by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-208. Accumulation of refuse and location of containers. (1) Each owner, occupant, tenant, sub-tenant, lessee or others, using or occupying any building, house, structure, or grounds within the corporate limits of the Town of Jonesborough where refuse materials or substances as defined in this chapter accumulate, or are likely to accumulate, shall provide and keep covered an adequate number of suitable containers of a type approved by the director of solid waste and recycle for the storage of such refuse that are rodent and insect proof.

(2) Any tote or bulk container used for collection that is not provided through the Town of Jonesborough must be approved by the solid waste and recycle director in advance of use and expected pick-up by the town.

(3) Tote-carts may be authorized for use by businesses and multi-family units in which a bulk container would normally be required but space limitations and access restrictions prevent more typical and normal collection. Alternative collection procedures may be authorized by the solid waste and recycle director in applications like the historic downtown area where the collection of any kind of container is extremely limited. Alternative collection procedures may include totes to be returned to their storage location within a very short time period after collection in order to keep them out of high pedestrian areas, or requiring garbage to be carried a reasonable distance to a central collection location for pick-up. [Ord. of Dec. 11, 1979, § 108, as replaced by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-209. Location of containers. (1) Where alleys are used by the town refuse collectors, containers shall be placed on or within three feet (3') of the alley line in such a position as not to intrude upon the traveled portion of the alley. Except in the downtown business district where alternative collection procedures may be in effect, containers shall be placed adjacent to and back of the curb or adjacent to and back of ditch or street right-of-way if there is no curb, at times scheduled by the town for the collection of refuse therefrom. For other town garbage customers, refuse containers shall be placed near the edge of the customer's street no earlier than 5:00 P.M. the evening before the scheduled collection day. Citizens are also encouraged to remove their containers by 7:00 P.M. on collection day. However, all containers shall be removed by 12:00 P.M. (noon) the day after the scheduled pick-up.

(2) Containers should be removed by the owner to within or to the rear of his or her premises and away from the street line or right-of-way before the end of the day on the day the containers are emptied, or containers may be left at the edge of the street; provided that they are completely screened in a manner suitable to the director of solid waste and recycle. Screening of collection containers along the public right-of-way must also be approved by the historic

zoning commission if the container(s) are within the historic district. Containers removed may be returned after 5:00 P.M. the evening before the next scheduled collection day.

(3) Garbage and refuse shall not be stored in close proximity to other personal effects which are not desired to be collected on the scheduled day of collection, but shall be reasonably separated in order that the sanitation collectors can clearly distinguish between what is to be collected and what is not. Personal effects stored, piled, or placed within three feet (3') of a container or pile of trash set out for collection shall be prima facie presumed to be garbage or trash.

(4) Buildings, apartments, or other premises where refuse accumulates that require more than six (6) or more regulation tote containers for weekly service shall be required to acquire regulation bulk containers for service, unless specifically exempted by the solid waste and recycle director and alternative collection is available. [Ord. of Dec. 11, 1979, § 109, as replaced by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-210. Disturbing of containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. [Ord. of Dec. 11, 1979, § 110, as replaced by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-211. Brush, lawn clippings, tree limbs, etc. (1) Tree trimmings, hedge clippings, yard waste and similar materials will be collected by the town on a regular schedule under the following conditions:

(a) Brush and limbs set out for collection that have a diameter of three inches (3") or less must not exceed six feet (6') in length.

(b) Brush and limbs that have a diameter of more than three inches (3") must not exceed four feet (4') in length.

(c) Brush shall be placed parallel to the street at the town's right-of-way with the larger ends placed in the same direction. Brush shall not be placed on street pavement and must be placed at the edge of the property on which it was generated and gathered unless there is an alternate location approved by the director of solid waste and recycle or the town administrative staff. Brush shall not be placed on street pavement and must be placed at the edge of the property on which it was generated and gathered unless there is an alternate location approved by the director of solid waste and recycle or the town administrative staff.

(d) Brush or debris shall not be placed in or hanging over the street. Brush placed in the right-of-way may not be placed where it may cause safety issues, possible damage to vehicles, blockage of sidewalks or drainage ways, or other similar problems. Brush placed in the right-of-way may not be placed where it may cause safety issues, possible damage to vehicles, blockage of sidewalks or drainage ways, or other similar problems.

(e) Brush, tree limbs, yard waste, etc. must be set out for collection completely separate from any other refuse including boards, posts, or other such processed wood construction material. Brush, tree limbs, yard waste, etc. must be free of wire, cable, fencing or any other similar material.

(2) To the extent possible, the town will try and collect brush on a weekly schedule; however, the schedule is not guaranteed and will occur as time permits.

(3) Tree trimmings, hedge clippings, and other yard-waste material generated as a result of work undertaken by a contractor must be collected, conveyed, and hauled away by the contractor or homeowner. [Ord. of Dec. 11, 1979, § 111, as amended by Ord. 91-06, Oct. 1991, Ord. #92-08, Jan. 1992; Ord. #98-02, §§ 3 and 4, Jan. 1998; and Ord. #98-05, § 1 May 1998, replaced by Ord. #2016-06, July 2016 **Ch12_04-09-19**, and amended by Ord. #2016-13, Oct. 2016 **Ch12_04-09-19**]

8-212. Leaves. Leaves may be placed in plastic bags. During leaf season, normally November - mid January, leaves may be raked to the edge of a town street to be picked up by the town's leaf vacuum. Leaves raked to the street must be neatly placed in a pile as close to the street as possible without being placed on the pavement or the sidewalk. Leaves shall be placed at the edge of the property from which they were gathered, unless there is an alternative location approved by the Jonesborough Director of Solid Waste and Recycle or the town administrative staff. [Ord. of Dec. 11, 1979, § 112, as replaced by Ord. #2016-06, July 2016 **Ch12_04-09-19**, and amended by Ord. #2016-13, Oct 2016 **Ch12_04-09-19**]

8-213. Discarded construction waste/building material. The Town of Jonesborough will not be responsible for the removal of any construction waste/building material, as defined in § 8-202(4). The removal and disposal of such materials shall be the responsibility of the contractor, developer, or property owner. [Ord. of Dec. 11, 1979, § 113, as replaced by Ord. #2016-06, July 2016 **Ch12_04-09-19**]

8-214. Hazardous waste/refuse. No hazardous waste/refuse shall be placed in any receptacle, container, or unit used for normal refuse collection by the town. The collection and disposal of such refuse shall be the responsibility of the owner, lessee, occupant, or producer under guidelines established by the Tennessee Department of Environment and Conservation. (Ord. of Dec. 11, 1979, as amended by Ord. #91-06, Oct. 1991, Ord. #B-06-01, July 2006, Ord. #B-09-01, July 2009, Ord. #B-11-02, June 2011, Ord. #B-12-02, June 2012, Ord. #B-13-02, June 2013, and Ord. #B-14-02, June 2014, and replaced by Ord. #2016-06, July 2016 **Ch12_04-09-19**)

8-215. Industrial waste. The collection of and disposal of industrial waste shall be the responsibility of the owners, lessee, occupant or producer.

[Ord. of Dec. 11, 1979, § 115, as replaced by Ord. # 98-02, § 1, Jan. 1998, and Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-216. Dead animal and fowls. The Town of Jonesborough will collect/pick-up only small dead animals and fowls that have been placed in an appropriately sized plastic bag container and sealed before being deposited for collection. Only bags weighing fifty (50) pounds or less will be collected by the town. [as added by Ord. #91-06, Oct. 1991, and replaced by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-217. Appliances and other bulky items. Stoves, refrigerators, household furniture, box springs and mattresses and similar bulky refuse will be collected by the town on a routine schedule under the following conditions:

(1) There are no more than three (3) bulky items set out by a resident or business at one (1) time for collection.

(2) The bulky items set out for collection are properly placed in the right-of-way next to but not on the asphalt.

(3) The resident or business calls town hall during regular business hours a minimum of one (1) day in advance to request the items are picked up, providing a description of item(s) to be collected and the location.

(4) The items are not considered any form of hazardous or monitored refuse.

(5) The town has an operating collection vehicle capable of picking up the bulky items set out for collection.

The town reserves the right not to pick up large bulky items if one (1) or more of the items or their placement for collection do not meet the limitations listed above. The placement along the town right-of-way of more than three (3) bulky items at one (1) time at one (1) location is prohibited without prior authorization from the director of solid waste. Violations are subject to the maximum fine schedule allowed by the town, with each day being a separate violation. Apartments, multi-family units, non-residential units, and persons with a number of bulky items for collection are required to reserve an overnight vehicle based on criteria established in § 8-226, if collection services of the town are being requested. The owner/resident is responsible for properly loading all items into the town vehicle when overnight service is requested. [as added by Ord. #94-03, Jan. 1994, and replaced by Ord. #94-14, Nov. 1994, Ord. #2016-06, July 2016 *Ch12_04-09-19*, and Ord. #2017-04, June 2017 *Ch12_04-09-19*]

8-218. Bulk mechanical/commercial collection procedures; containers.

(1) Large bulk collection containers handled mechanically by a garbage truck must be located for easy accessibility by the collection vehicle in a position approved by the director of solid waste and recycle, and screened from view on at least three (3) sides with a gate on the fourth side in a manner that eliminates unsightliness and is acceptable to the director of solid waste and recycle.

(2) Screening of collection containers must also be approved by the historic zoning commission if the container(s) is within the historic district.

(3) It is the responsibility of the owner to see that all refuse collected mechanically is placed in collection containers and not placed on top or around the container and the area shall be maintained in a clean, neat and sanitary condition.

(4) All bulk containers (dumpsters) shall be enclosed containers. Before any such container shall be serviced by the town, it shall specifically be approved by the director of solid waste and recycle as to capacity, size, type and location. No container (dumpster) shall exceed eight (8) cubic yards capacity nor be smaller than four (4) cubic yards capacity. [as added by Ord. #93-01, March 1993, renumbered by Ord. #95-01, Jan. 1995, and replaced by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-219. Mechanical collection fees. Dumpster and mechanical collection fees are established on an annual basis by the board of mayor and aldermen as a component of the garbage collection rates ordinance, passed as part of the budget process. [as added by Ord. #93-01, March 1993, renumbered by Ord. #95-01, Jan. 1995, and replaced by Ord. #2016-06, July 2016 *Ch12_04-09-19*, and Ord. #2017-04, June 2017 *Ch12_04-09-19*]

8-221. Automated tote collection - contents. (1) Totes must not contain hot ashes, liquids, paints, tires, large animal carcasses or parts, household hazardous waste or automobile parts.

(2) Any and all animal waste must be double bagged prior to placing it inside the tote.

(3) Total weight of cart and contents shall not exceed seventy-five (75) pounds. [as added by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-222. Replacement totes. (1) Totes which are assigned to individual household(s) and businesses remain the property of the Town of Jonesborough. Totes removed from such location when assigned will be considered stolen and (unless prior notification was discussed with the director of solid waste and recycle) appropriate action will take place through applicable courts of law.

(2) Any tote that is lost, stolen or damaged by the user shall be replaced by the user at the user's own expense.

(3) Additional totes may be purchased from the solid waste department and shall be owned by the purchaser. Additional totes purchased for collection are subject to the fee structure established by the town. [as added by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-223. Recycling - definitions. For the purpose of this chapter, the following terms, phrases, words and their derivatives associated with recycling shall have the meanings given in this section:

(1) "Aluminum cans." A container for packaging made primarily of aluminum. It is commonly used for foods and beverages but also for products such as oil, chemicals, and other liquids.

(2) "Comingled." Mixed recyclable materials of several types that are collected together.

(3) "Compost." The stabilized product of decomposition of organic materials such as food scraps, yard trimmings, or manure that is used as a soil amendment, artificial top soil, growing medium amendment, or similar use.

(4) "Diversion."

(a) The act of reducing material from disposal.

(b) The waste reduction practice that captures materials that are normally destined for disposal.

(5) "Glass." Glass bottles and jars (clear, brown, and green only).

(6) "Materials recovery facility." The term "materials recovery facility" shall mean the operation at the Pliny Fisk Recycling Center in Jonesborough that processes recyclable materials collected from residential and commercial business sources by sorting, baling, and crushing for the purpose or recycling them.

(7) "Mixed paper." Recovered paper that is not sorted into specific categories including junk mail, magazines, box board, telephone books, wrapping paper, office paper, newspapers and other paperboard products.

(8) "Old corrugated cardboard." Heavy-duty paper of various strengths, ranging from a simple arrangement of a single thick sheet of paper to complex configurations featuring multiple corrugated and corrugated layers.

(9) "Plastic." A material consisting of any of a wide range of synthetic or semi-synthetic organics that are malleable and can be molded into solid objects of diverse shapes. Plastics are typically organic polymers of high molecular mass, but they often contain other substances.

(a) "Plastic #1." The term "PET" or "PETE" shall mean post-consumer polyethylene terephthalate (PET or PETE) containers are sorted into different color fractions, and baled for onward sale. PET recyclers further sort the baled bottles and they are washed and flaked (or flaked and then washed). Non-PET fractions such as caps and labels are removed during this process.

(b) "Plastic #2." The term "HDPE" shall mean high-density polyethylene (HDPE) is a commonly recycled plastic. It is typically down cycled into plastic lumber, tables, roadside curbs, benches, truck cargo liners, trash receptacles, stationery (e.g. rulers) and other durable plastic products and is usually in demand.

(10) "Recycling." A process to convert waste material into reusable material to prevent waste of potentially useful materials, reduce the consumption of fresh raw materials, reduce energy usage, reduce air pollution (from incineration) and water pollution (from land filling) by reducing the need for "conventional" waste.

(11) "Recyclable material." Material that has been recovered or diverted from the non-hazardous solid waste stream for purpose of reuse,

recycling or reclamation and a substantial portion of which is consistently used in the manufacture of products, which may otherwise be produced using raw or virgin materials.

(12) "Single-stream recycling." Also known as "fully comingled" or "single-sort recycling" means a system in which all paper fibers and containers are mixed together in a collection truck/vehicle, instead of being sorted into separate commodities (i.e. paper, plastic, glass, metal/tin cans, aluminum cans, and cardboard) and handled separately throughout the collection process. In single stream recycling system, both the collection and processing systems are designed to handle this fully comingled mixture of recyclables.

(13) "Tin/metal cans." Containers consisting of two (2) or more metals (i.e. tin-coated steel cans used in food packaging). [as added by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-224. Recycling - service and location. (1) Jonesborough offers a curbside recycling program, with pick-up normally once a week on the same day as tote collection is normally undertaken. If the tote collection date is changed due to a holiday, recycling collection will change as well.

(2) The town shall provide one (1) recycling bin per residence, dwelling, unit or business. This bin remains the property of the town. Additional recycling bins may be purchased from the town and remain the property of the owner.

(3) Curbside recycling service shall begin at 7:00 A.M.

(4) Residents shall be responsible for placing their recycling containers at the curb for servicing by the time the collection vehicle is scheduled to collect.

(5) Recycle containers not out for collection as scheduled will not be collected until the next regular recycle collection day.

(6) All materials placed at the curb for recycling shall be placed in the proper recycling container(s), or otherwise in a manner so as to keep it from being carried, scattered, or deposited by the elements upon streets, sidewalks, or other property.

(7) All recyclable container(s) shall not be placed on the curb prior to 7:00 P.M. the day prior to scheduled collection, and shall be removed from the curb on the same day they are serviced.

(8) Recyclables placed in the recycling bins must meet guidelines established for Jonesborough's recycling program, including, but not limited to, the following:

(a) Metal and plastic food containers to be recycled must be rinsed so to be free from food residue that will attract rodents and insects.

(b) Material must be recyclables Jonesborough collects.

(c) Food boxes and other cardboard type containers must be collapsed flat for collection.

(d) Newspaper and paper material must be stacked flat.

(e) Bottle lids must be removed. [as added by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-225. Recycling-incentive program. The "incentive program" is designed to recognize and reward residential customer(s) with a discount, currently two dollars (\$2.00), on their monthly garbage collection fee if they participate in the volunteer recycling program, at least two (2) collection days per month. [as added by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-226. Overnight truck parking. Overnight truck parking, if available, can be taken to properties within the town limits of the Town of Jonesborough and left to be filled with refuse as defined in § 8-202 and on the following basis:

- (1) The truck is available.
- (2) The truck is requested for use within the corporate limits.
- (3) The established overnight truck fee is paid prior to truck being parked.
- (4) No brush, tree limbs, yard waste, tires, or hazardous wastes are placed in the overnight truck.
- (5) The truck is parked where the owner requests, but also in a location approved by town staff.
- (6) The fee schedule for overnight vehicle refuse collection service is established annually as a component of the garbage collection rate ordinance passed as part of the budget process. [as added by Ord. #2016-06, July 2016 *Ch12_04-09-19*, and amended by Ord. #2017-04, June 2017 *Ch12_04-09-19*]

8-227. Exclusive right of collection. It shall be unlawful for any person other than the town to engage in the business of collecting, removing or disposing of refuse in the town except when specifically authorized by the town. [as added by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-228. Violations and enforcement. The director of solid waste and recycle will be responsible for noting all violations of this chapter and providing the town administrator or operations manager with such information as necessary to act against these violations.

Violations of this chapter shall be punishable by a penalty of fifty dollars (\$50.00) for each offense, or the maximum allowed by state law, with each day in violation being a separate offense. Non-payment of fees will be cause for the town to discontinue collection/disposal services. [as added by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

8-229. Variances. Variances from this chapter may be approved by the board of mayor and aldermen on an individual basis. [as added by Ord. #2016-06, July 2016 *Ch12_04-09-19*]

CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 8-301. Definitions.
- 8-302. Places required to have sanitary disposal methods.
- 8-303. When a connection to the public sewer is required.
- 8-304. When a septic tank shall be used.
- 8-305. Outdoor toilet facilities.
- 8-306. Owner to provide disposal facilities.
- 8-307. Occupant to maintain disposal facilities.
- 8-308. Only specified methods of disposal to be used.
- 8-309. Enforcement.
- 8-310. Correction of violations noted.
- 8-311. Violations.

8-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within one hundred feet (100') of any boundary of said property measured along the shortest available right-of-way.

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(3) "Human excreta." The bowel and kidney discharges of human beings.

(4) "Sewage." All water-carried wastes from residences, buildings, or industrial establishments, containing human excreta.

(5) "Approved septic tank." A watertight covered receptacle of impervious material, of which the location, construction, and method of disposal of effluent have been approved by the health officer of the state, constructed according to plans furnished by the state's health officer or the following specifications:

(a) The length of the tank, from inlet to outlet, shall be not less than one and one-half (1-1/2) times the width and the effective depth, from the water level to the bottom of the tank, shall be not less than four feet (4').

(b) The capacity shall be determined by the amount of sewage to be treated, but no tank shall have effective capacity of less than sixty

¹See title 13 in this code for provisions relating to the administration and operation of the sewer system.

(60) cubic feet; an addition of eight (8) cubic feet shall be made for each person in excess of six (6), this rule to be applied up to a total of twenty-five (25) persons. The inlet and outlet pipes shall be located in opposite ends of the tank, at approximately the same elevation or with the inlet slightly higher, and the open ends inside the tank shall be submerged by use of a T or quarter bend.

(c) The tank shall have a tight, substantial cover, provided with manholes for cleaning, and tight fitting manhole covers. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply.

(6) "Other approved method." Any chemical toilet or other toilet device (other than a sanitary sewer or septic tank as described above) the type, location, and construction of which have been approved by the health officer. [Ord. of May 12, 1930, § 1, modified]

8-302. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits of the police jurisdiction of the Town of Jonesborough shall be required to have a sanitary method of disposal of sewage and human excreta as required by this chapter. [Ord. of May 12, 1930, § 2]

8-303. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, flush closets shall be provided, the wastes from such closets shall be discharged through a proper connection to said sewer, and on any lot or premises provided with a connection to the sewer, no other method of human excreta disposal shall be employed.

When making sanitary sewer extensions within the town, the board of mayor and aldermen determines that it is in the best interest of the town to waive mandatory connection as stated above when sanitary sewer service is available, then the board upon majority vote may issue a project waiver on said mandatory connections. Such waivers shall be granted to only those household units that are not in violation of local and state public health regulations. [1982 code, § 8-303, as amended by ord. passed July 12, 1983]

8-304. When a septic tank shall be used. Wherever flush closets are installed and their use permitted by the health officer, and an accessible sewer does not exist, the wastes from such closets shall be discharged into an approved septic tank. [Code of 1982]

8-305. Outdoor toilet facilities. It shall be unlawful for any person within the town to use or keep any outdoor toilet facilities, or use, own, operate, or maintain any such toilet facilities for the disposal or deposit of human waste of any nature or character, which facilities are not connected, in an approved

manner, with the sanitary sewer system of the town. The further use of such type of toilet facilities not connected with the sanitary sewer system of the town, whether such person be the owner or tenant of the premises involved, is prohibited.

All such toilet facilities now in use or in existence shall be dismantled and removed, and any openings or pits in the ground or otherwise shall be covered with at least two feet (2') of dirt. [Ord. of March 10, 1955, §§ 1 and 2]

8-306. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary human excreta disposal are required by this chapter, to provide such facilities. [Ord. of May 12, 1930, § 6]

8-307. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for human excreta disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. [Ord. of May 12, 1930, § 7]

8-308. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of except by a sanitary method of disposal as specified in this chapter. [Ord. of May 12, 1930, § 8]

8-309. Enforcement. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta at least twice each year.

Written or verbal notification of any violation of this chapter shall be given by the health officer to the person or persons responsible under this chapter for the correction of the condition, and correction shall be made within ten (10) days after notification. [Ord. of May 12, 1930, § 9]

8-310. Correction of violations noted. If the provisions of this chapter have not been complied with within ten (10) days following the date of notification of the violation, the Town of Jonesborough shall have the right to make or have made such changes or corrections as are deemed necessary by the health officer to meet the requirements of this chapter. The cost of changes and corrections necessary to meet the provisions of §§ 8-302 and 8-306 of this chapter shall be charged to the owner. The cost of changes and corrections necessary to meet the provisions of § 8-307 of this chapter shall be charged to the occupant. [Ord. of May 12, 1930, § 10]

8-311. Violations. Any person, firm, association, or corporation, or the agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor. [Ord. of May 12, 1930, § 11]

CHAPTER 4¹CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

SECTION

- 8-401. Definitions.
- 8-402. Standards.
- 8-403. Requirements for premises served.
- 8-404. Cross-connections, etc., unlawful; exception.
- 8-405. Statements required.
- 8-406. Guidelines for preventing cross-connection contamination.
- 8-407. Right of entry; furnishing of information.
- 8-408. Time for compliance.
- 8-409. Use of protective devices.
- 8-410. Un-potable water to be labeled.
- 8-411. Violations.
- 8-412. Severability.
- 8-413. Cross-connection control administrator.

8-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

(1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source not approved by the division of water recourses or the Town of Jonesborough.

(2) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of device.

(3) "Certified backflow inspector." An individual that has completed the special training and demonstration of competency in the installation and testing of backflow prevention devices by the State of Tennessee, and attends and completes current criteria set forth by the State of Tennessee for renewal of his/her current certification in installation and testing of backflow prevention devices.

(4) "Cross-connection." Any physical connection whereby the public water supply is connected with any other water supply system whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of any other arrangements.

(5) "Cross-connection control administrator." The individual designated in the Town of Jonesborough to direct and oversee the rules and

¹See title 13 in this code for provisions relating to the administration of the water and sewer systems.

regulations of Jonesborough's cross-connection program, and be responsible for the enforcement and compliance with said program.

(6) "Double Check Detection Assembly (DCDA)." A specially designed unit that includes a line size approved double check valve with a specific bypass line equipped with a small water meter and a three-fourths inch (3/4") double check valve assembly. This assembly is designed for un-metered fire lines, and the meter will detect small leakage or theft of water through the fire line.

(7) "Degree of hazard." An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

(8) "Health hazard." An actual or potential threat of contamination of a physical or toxic nature to the public potable water system.

(9) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a piping system such as, but not limited to: sewer, drain, conduit, pool, storage reservoir, auxiliary intake, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(10) "Non-toxic." Not poisonous; a substance that will not cause illness or discomfort if consumed.

(11) "Parallel devices." Two (2) devices side by side with approved plumbing to keep water from being shut off during repair or replacement; this is used where water service cannot be discontinued.

(12) "Person." Any and all persons, including any individual firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(13) "Post Indicator Valve (PIV)." The PIV is a control valve whereby the fire department or maintenance personal can quickly turn off the sprinklers in cases where the building is inaccessible. It gives the sprinkler company, fire department or maintenance personnel a means to turn off the system without having to contact the water department. The post indicator portion is an above ground device bolted on top of the sprinkler control valve. The control nut, wrench, and indicator are visible from the street. The purpose of the design is that the mechanism can be found quickly and because it shows open or closed at a glance, the state of the system is known instantly.

(14) "Public water system." The waterworks system furnishing water to the Town of Jonesborough for general use and which supply is recognized as a public water supply by the Tennessee Department of Environment and Conservation.

(15) "Reduced Pressure (RP) or Reduced Pressure Zone (RPZ)." This type device is used for high hazard cross-connections. It is comprised of two (2) separate check valves with a zone between the two (2) check valves.

The zone and relief valve assembly in a RPZ device acts as both a fail indicator and a pressure vacuum breaker of sorts. A check valve when working correctly allows water to travel through it one (1) way only, toward the customer

and that is all. However, when the first check valve fails on a RPZ device, something different happens. Simply put if it is failing it cannot hold against backpressure or backflow so another way of saying that is when the first check valve fails the pressure between the (zone) or customer's side of the check valve and the (inlet) or town side of the first check valve equalizes. This causes the relief valve within the zone, which is comprised of a spring that is pushing with a force of 2-psi to open the relief valve spilling water out of the bottom of the unit. When it reaches the ranges of 2-psi it starts to open when the differential reaches 0-psi the relief valve will be fully open. This not only causes quick action by the owners of an establishment to expedite repairs. In addition, it will cause the pressure to drop within the zone area even further exponentially which is, in a sense, self-regulating because the pressure on the customer's side of the first check valve or (zone) is then always going to be lower than the pressure on the town side of the first check valve or (inlet). Simply put, it makes it less likely backflow can occur until repairs are undertaken. Finally, the second check valve merely acts as a redundant backup for the first check valve. It is the first line of defense against backflow from the customer side however it does not have the abilities that the aforementioned accompanying relief valve offers.

(16) "Reduced Pressure Detector Assembly (RPDA)." An assembly composed of a line-size approved pressure principle backflow prevention unit with a bypass containing a water meter and a reduced principle backflow prevention assembly. The meter registers accurately at very low rates of flow, and the unit is used to protect against high health hazard such as anti-freeze or chemical suppression foam from fire vehicles that may be drawn or siphoned back into the water system. RPDA's must be installed per the manufacturers' instructions and be inspected. It is primarily used on fire sprinkler systems. (Ord. of June 16, 1986, as replaced by Ord. #2014-04, March 2014)

8-402. Standards. The Town of Jonesborough Public Water System is to comply with Tennessee Code Annotated, §§ 68-13-701 to 68-13-719, as well as the rules and regulations for public water systems, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, bypasses, and inter-connections, and establish an effective on-going program to control these undesirable water uses. (Ord. of June 16, 1986, as replaced by Ord. #2014-04, March 2014)

8-403. Requirements for premises served. The requirements contained herein shall apply to all premises served by the Jonesborough Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such requirements, being essential for the protection of water distribution system against the entrance of contamination which may render the water unsafe health wise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises whether inside or outside the

Jonesborough corporate limits. (Ord. of June 16, 1986, as replaced by Ord. #2014-04, March 2014)

8-404. Cross-connections, etc., unlawful; exception. It shall be unlawful for any person to cause a cross-connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Health and Environment, and the operation of such cross-connection, auxiliary intake, bypass or inter-connection is at all times under the direct supervision of the Town of Jonesborough Public Water Systems Cross-Connection Control Administrator, or his designated representative. (Ord. of June 16, 1986, as replaced by Ord. #2014-04, March 2014)

8-405. Statements required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the cross-connection control administrator, or his designated representative, a statement of the non-existence of unapproved or unauthorized auxiliary intakes, bypasses, or inter-connections with the town's water system. Such statements shall also contain an agreement that no cross-connection auxiliary intake, bypass, or inter-connection will be permitted upon the premises. (Ord. of June 16, 1986, as replaced by Ord. #2014-04, March 2014)

8-406. Guidelines for preventing cross-connection contamination. The following guidelines shall govern the installation and maintenance of devices used to prevent cross-connection contamination.

(1) Installation of Reduced Pressure Zone (RPZ) Devices. All RPZs must be installed in a horizontal position with the relief part down, with the exception of fire lines that would require Reduced Pressure Detector Assembly (RPDA) devices and a retro-fit which would cause major reconstruction of plumbing. These may be vertically installed as long as the device and installation is approved by the cross-connection control administrator and it is presented in writing. Strainers should be installed ahead of the device. However, no strainer is to be used in a fire line without the written approval of the fire official having jurisdiction, and/or the insurance underwriter. No backflow device shall be installed in a pit. All backflow devices must have protection from freezing and vandalism, and should be installed where they are easily accessible for testing and maintenance. All devices must have adequate distance from walls, a minimum of thirty-six inches (36") above the floor, and a maximum height of sixty inches (60") from floor level with the exception of in freeze proof boxes. Freeze proof boxes shall be installed in accordance to the manufacturer's specifications for the box associated with the device that is being

installed. A RPZ must have a drain adequate to evacuate the water to keep the area or box from flooding and at no time can the device be submerged or be placed in an area that can possibly be submerged (installation above a floor drain is ideal). The relief valve should never be plugged, and a device must be installed with an air gap if a drain system is connected to the relief port. All strainers, pressure reducers, valves, shutoffs pertaining to the backflow assembly must meet the State of Tennessee, USC Foundation for Cross-Connection Control and Hydraulic Research, and the Town of Jonesborough Water System's installation requirements.

(2) Proper fire line protection. (a) Reduced Pressure Detector Assemblies (RPDA) are to be installed on fire lines where a potential hazard may be present due to the possibility that contaminants such as anti-freeze or chemical suppression foam from fire vehicles may be drawn or siphoned back into the water system. RPDA's must be installed per the manufacturers' instructions and be inspected.

(b) Double Check Detector Assembly (DCDA) devices are to be installed where a hazard does not exist due to contaminants like anti-freeze or chemical suppression foam.

(c) Under no circumstances shall RPDA and DCDA devices be installed in a pit or confined space. These devices must be installed in an above ground heated enclosure near the property line, except in situations where the property line installation is impossible. In downtown and other areas where buildings are against the sidewalks, and the above ground installation of a RPDA or DCDA device would create a hazardous obstruction, the devices may be installed inside the adjoining building on a riser. In order to obtain approval to not use an above ground box, the following conditions must be met:

(i) Plans showing the device to be used and/or any changes must be submitted to the Jonesborough Water Department at town hall.

(ii) Approval of the plan must be obtained from the cross-connection administrator or designee.

(iii) The device must be placed on the fire line as soon as it is within the boundary of the building and within twenty feet (20') of the fire line isolation valve installed by the Jonesborough Water Department.

(d) Under no circumstances shall the Jonesborough Water Department's fire-line isolation valve be used or take the place of the customer's post indicator valve. In cases where a PIV would be an obstruction to a sidewalk, a wall PIV should be installed.

(e) In extreme cases where esthetics are a concern especially in the historic areas of downtown a custom designed recessed wall cabinet, or access door(s), to an internal riser mounted PIV or wall PIV can be installed. There must be a clear viewing port or window and the indicator

must be visible through the window without it being necessary to unlock and opening the door(s) or cabinet to view the indicator. It must be freeze protected without obstructing the use or sight of the indicator. Any designs within the historic zoned area of town must obtain approval of the Jonesborough Historic Commission, Jonesborough Fire Department, Jonesborough's Building Inspector and the Jonesborough Water Department. In all cases, however, the public's health and safety will be the final deciding factor.

(f) All accesses to the PIV must be pad-locked to protect it from unauthorized use. All keys shall be stored in a Knox-Box Rapid Entry System recessed in the wall of the structure, located at a mutually agreed location and approved by the Jonesborough Fire Chief or their designee.

(3) Conditional assemblies. Installed prior to the adoption of the approved list by the division of water will be allowed to continued operation if the following conditions are met: These existing assemblies must pass test requirements set by the State of Tennessee and Town of Jonesborough for the assembly being tested. The town must be notified immediately by the customer and inspector with a written plan of action if the assembly fails. If the assembly fails, only manufacturer-specified parts may be used for repairs. If manufacturer-specified parts are not available, the assembly must be replaced with an approved assembly listed on the State of Tennessee approved list. If the assembly is repaired or rebuilt, a certified backflow inspector must perform the repairs. Jonesborough may require replacement at any time as the schedule permits, however, prior notification is required before the new approved assembly is installed; the backflow prevention assembly will be replaced within the timeframe specified by the cross-connection control administrator.

(4) Annual testing. Annual testing is required, and inspection dates for domestic and fire line devices are determined by the last inspection of each year. This scheduling is strictly at the Jonesborough Water Department's discretion. The Jonesborough Water Department may require an overhaul or complete replacement of the device if it fails repetitively.

(5) Assembly failure. When a backflow prevention assembly fails, the assembly will be replaced or repaired within the timeframe specified by the Jonesborough Water Department's designated cross-connection inspector. The timeframe established will depend on the type of hazard and the possibility of contamination hazard and level of hazard will be determined by the Jonesborough Water Department. All sites that are high hazard and an immediate (imminent) risk of contamination shall be repaired and re-tested immediately. High hazard locations should have parts to rebuild the device or a parallel device in place. High hazards will be allowed up to fifteen (15) days to have the assembly rebuilt, replaced, and retested. If there are high or low hazards present, but no cross-connections and is not an imminent risk of contamination, the maximum time for repair and retest is ninety (90) days.

However, this is strictly at the discretion of the Jonesborough Water Department, and thirty (30) days are recommended.

(6) Inspectors and inspector duties. It shall be the duty of the Town of Jonesborough Water Department to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The cross-connection control administrator, or his designated representative, shall establish the frequency of inspections and re-inspections based on potential health hazards to the Town of Jonesborough Public Water Supply, and as approved by the Tennessee Department of Environment and Conservation. It shall be the duty of the property owner and or occupant to have each and all devices inspected annually by a state certified backflow inspector who meets the Jonesborough Water Department's criteria; and a written report shall be supplied to the Jonesborough Water Department within ten (10) days of inspection. If the device fails the inspection, the certified inspector must notify the Jonesborough Water Department immediately for a high hazard, and within forty-eight (48) hours for all other hazards. A written plan of action shall also accompany notification which shall contain all work performed on the device including flushing lines. All cost associated with inspections, repairs or replacement will be the responsibility of the property owner or occupant.

All inspectors must be approved by the State of Tennessee and Town of Jonesborough. The inspector is responsible for verifying device and installation approval with the town: inspector must provide state update certification, and test kit calibration certification to the town upon conducting an inspection; inspector is responsible for sending the inspection report to the town within ten (10) days of inspection; inspector must also leave a copy of inspection with customer; pass or fail must be at the top right corner of all inspection reports; inspector must notify the town immediately with a plan of action upon failure of a high hazard device; inspector must notify the town in writing within forty-eight (48) hours with a plan of action upon failure of all other devices; plan of action must include: date, location, device, what is to be done, and repair or replacement time table. The inspector must include on all inspection reports: license number and expiration, date of certification on inspection report, telephone number of inspector, name of premises, address of service, contact person with phone number, use and location of device, size, manufacturer, type, line pressure, rebuilt date, serial number of device, full model number, company, company address and telephone number, signature of inspector, date of inspection, test values, and comments. If an old device is being replaced the serial number must be under the new device serial number with "OLD" beside it, If the device serial number and model number cannot be verified the device shall be replaced. All new devices must be inspected at installation; all new construction must have the device inspected prior to occupancy permit. The inspector will have all privileges suspended and will not be allowed to perform testing backflow assemblies in the Jonesborough Water Department's Water

System for falsifying information or for failure to comply with inspection criteria. The suspension time is strictly at the discretion of the Town of Jonesborough's Cross-Connection Control Administrator. If the inspector continues to fail to comply with the rules he/she shall be taken off the approved list for the Town of Jonesborough service area, and the State of Tennessee will be notified. (Ord. of June 16, 1986, as replaced by Ord. #2014-04, March 2014)

8-407. Right of entry; furnishing of information. The cross-connection control administrator or his designated representative shall have the right to enter, at any reasonable time, any property served by the connection to the Town of Jonesborough Public Water Supply for the purpose of inspecting the piping system or systems thereof for cross-connections, auxiliary intakes, bypasses, or inter-connections. On request by the Jonesborough Water System, the owner, lessee, or occupant of any property so served shall furnish to the water system's inspection agent any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connection. (Ord. of June 16, 1986, as replaced by Ord. #2014-04, March 2014)

8-408. Time for compliance. (1) Any person who now has cross-connections, auxiliary intakes, bypasses, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with provisions of this chapter. After a thorough investigation of existing conditions, and an appraisal of the time required to complete the work, the cross-connection control administrator, or his designated representative of the Town of Jonesborough, shall designate the amount of time to come into compliance.

(2) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within the time limits set by cross-connection control administrator, or his designated representative, shall be grounds for denial of water services. If after the specified time, proper protection has not been provided against a high hazard, the water service will be discontinued immediately. If proper protection has not been provided after reasonable time for all other hazards, the utility shall give the customer legal notification that water service is to be discontinued, and the town will physically separate the public water supply from the customer's on-site piping system in such a manner that the two (2) systems cannot again be connected by an unauthorized person.

(3) Where cross-connections, inter-connections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the cross-connection control administrator, or his designated representative, shall require that immediate corrective action be taken to eliminate the threat and to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is

corrected immediately. (Ord. of June 16, 1986, as replaced by Ord. #2014-04, March 2014)

8-409. Use of protective devices. (1) The cross-connection control administrator or designated representative shall require the use of an approved protective device on the service line when it deemed that one (1) or more of the following conditions exist:

(a) It is impractical to provide effective air gap separation.

(b) The owner and/or occupant of the premises cannot or is not willing to demonstrate to the Jonesborough Water System's designated representative that the water use and protective fixture in the plumbing system are such to provide no threat to the safety or portability of the Jonesborough Water Supply.

(c) The nature and mode of operation within the building or premises are such that frequently alterations are being made to the plumbing and building water supply.

(d) There is a likelihood that protective measures may be subvented, altered, or disconnected.

(2) The protective device required by the cross-connection control administrator shall be a reduced device pressure zone back-flow preventer approved by the Tennessee Department of Environment and Conservation and the Town of Jonesborough as to manufacture, model, and size. The method of installation of back-flow protective devices shall be approved by the water distribution superintendent or his designated representative, prior to installation and shall meet or exceed the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

(3) Personnel of the Town of Jonesborough Water Department Supply, and/or a state certified back-flow inspector shall have the right to inspect and test the device or devices.

(4) Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate parallel devices shall be required to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one (1) unit has been installed and the continuance of service is critical, the cross-connection control administrator, or his designated representative shall notify, in writing, the occupant of the premises that parallel devices will be required for future testing. Prior to the parallel device installation, a plan should be developed to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The cross-connection control officer shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit working properly and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs and inspections shall be made by qualified personnel, acceptable to the cross-connection control

administrator, or his designated representative of the Town of Jonesborough Public Water System.

(5) If necessary, water services shall be discontinued (following legal notification) for failure to maintain back-flow prevention devices in proper working order. Likewise the removal, bypassing, or altering the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for immediate discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the cross-connection control administrator, or his designated representative. (Ord. of June 16, 1986, as replaced by Ord. #2014-04, March 2014)

8-410. Un-potable water to be labeled. The potable water supply made available to premises served by the public water supply is to be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. (Ord. of June 16, 1986, as replaced by Ord. #2014-04, March 2014)

8-411. Violations and penalty. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not more than fifty dollars (\$50.00), and each day of continued violation after conviction shall constitute a separate offense. In addition to the foregoing fines and penalties the cross-connection control administrator, or his designated representative of the Town of Jonesborough, may discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, bypass, or interconnection, and service shall not be restored until such cross-connection auxiliary intake bypass, or interconnection, has been discontinued and eliminated. (Ord. of June 16, 1986, as replaced by Ord. #2014-04, March 2014)

8-412. Severability. Should any part or parts of this chapter be declared invalid for any reason, no other part, or parts of this chapter shall be affected thereby. (as added by Ord. #2014-04, March 2014)

8-413. Cross-connection control administrator. The Jonesborough Water System's Cross-Connection Control Administrator or designee has the authority

to enforce the provisions and regulations established in the chapter. (as added by Ord. #2014-04, March 2014)

CHAPTER 5

BOARD OF DWELLING STANDARDS AND REVIEW

SECTION

- 8-501. Definitions.
- 8-502. Creation of board of dwelling standards and review.
- 8-503. Petition procedure.
- 8-504. Basis for a finding of unsuitability for human occupation or use.
- 8-505. Powers of board of dwelling standards and review.
- 8-506. Findings of fact.
- 8-507. Repair of conforming structures.
- 8-508. Repair or removal--nonconforming structures.
- 8-509. Structures containing nonconforming residential uses.
- 8-510. Letter of compliance.
- 8-511. When board may repair, etc.
- 8-512. Board may effect remedy.
- 8-513. Remedy by board--lien.
- 8-514. Inspections.
- 8-515. Hardships: appeals.
- 8-516. Service of complaints or orders.
- 8-517. Designated historic landmarks and buildings and structures within the historic zone.
- 8-518. Powers conferred are supplemental.
- 8-519. Structures unfit for human habitation deemed unlawful.

8-501. Definitions. The following words or expressions, whenever used in this chapter, shall have for the purpose of this chapter the following respective meanings, unless a different purpose meaning clearly appears from the context. Whenever the words "dwelling," "dwelling unit," "premises," and "structure" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

(1) "Alter" or "alteration" means any change or modification in construction or occupancy.

(2) "Approved" means approved by the public authority or other authority having jurisdiction.

(3) "Board of dwelling standards and review" means the public officer or officers authorized by this chapter to exercise the powers prescribed hereunder and by Tennessee Code Annotated, title 13, chapter 21, as it now reads or as it may hereafter be amended.

(4) "Building" means any structure, including modular and mobile homes, having a roof supported by columns or by walls and intended for the shelter or enclosure of persons, animals, chattels or property of any kind. The term "building" is construed as if followed by the words "or part thereof". (For

the purpose of this chapter, each portion of a building separated from other portions by a firewall shall be considered as a separate building.)

(5) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(6) "Premises" means a lot, plot or parcel of land, including the buildings or structures thereon.

(7) "Public authority" means the Chief Building Official of the Town of Jonesborough or his designee.

(8) "Repair" means the replacement of existing work with the same kind of materials used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations or that would be in violation of a provision of law ordinance. The term "repair" or "repairs" shall not apply to any change of construction.

(9) "Structure" means any dwelling or place of public accommodation.

(10) "Value" means that value stated as the "appraised" value on the tax assessment rolls of the Town of Jonesborough. [as added by Ord. #97-20, § 1, Oct. 1997]

8-502. Creation of board of dwelling standards and review. A board of dwelling standards and review shall be designated and appointed by the board of mayor and aldermen to exercise the powers prescribed by this chapter. The board of dwelling standards and review shall consist of five (5) members who shall be qualified citizens of the town and who shall serve at the pleasure of the board of mayor and aldermen. A majority of all its members shall constitute a quorum, which quorum shall be authorized to exercise the powers conferred on said board by this chapter.¹ [as added by Ord. #97-20, § 1, Oct. 1997]

8-503. Petition procedure. Whenever a petition is filed in writing with the board of dwelling standards and review by a public authority or by at least five (5) residents of the town charging that any structure is unfit for human occupation or use, or whenever it appears to the board of dwelling standards and review or any of its members on its or his own motion that any structure is unfit for human occupation or use, the board of dwelling standards and review shall, if its preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest of such structure a complaint stating the charges in that respect and containing a notice that a

¹State law reference

Tennessee Code Annotated, § 13-21-103(1).

hearing will be held before the board of dwelling standards and review, or its designated agent, at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint, and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board of dwelling standards and review.¹ [as added by Ord. #97-20, § 1, Oct. 1997]

8-504. Basis for a finding of unsuitability for human occupation or use. The board of dwelling standards and review shall have the power and may determine that a structure is unfit for human occupation or use if it finds that conditions exist in structures which are dangerous or injurious to the health, safety or morals of the occupants or uses of such structure, the occupants of neighboring structures or other residents of the town; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair, structural defects; and uncleanness. [as added by Ord. #97-20, § 1, Oct. 1997]

8-505. Powers of board of dwelling standards and review. The board of dwelling standards and review shall have and may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers:

- (1) To investigate conditions in the town in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmation, examine witnesses, and receive evidence;
- (3) To enter upon premises for the purpose of making examinations allowed by law; provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession; and
- (4) To delegate any of its functions and powers under this chapter to such officers and agents as it may designate.² [as added by Ord. #97-20, § 1, Oct. 1997]

8-506. Findings of fact. If, after such notice and hearing as described hereinabove, the board of dwelling standards and review determines that the structure in consideration is unfit for human occupation or use, the board shall

¹State law reference
Tennessee Code Annotated, § 13-21-103.

²State law reference
Tennessee Code Annotated, § 13-21-107.

state in writing findings of fact in support of its determination and shall issue and cause to be served upon the owner an order:

(1) If the repair, alteration, or improvement of the structure can be made at a reasonable cost in relation to the value of the structure requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure as a place of human occupation or use; or

(2) If the repair, alteration, or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure, requiring the owner, within the time specified in the order, to remove or demolish such structure.¹ [as added by Ord. #97-20, § 1, Oct. 1997]

8-507. Repair of conforming structures. (1) The provisions of this chapter shall apply to any structure conforming to the provisions of the zoning code irrespective of when said structure was constructed, altered, or repaired.

(2) If, within any period of twelve (12) months, alterations or repairs costing in excess of fifty percent (50%) of the replacement cost of the structure prior to any alterations are made to any existing structure, such structure shall be made to conform to the requirements of the building code of the town for new structures.

(3) If an existing structure is damaged by fire or otherwise in excess of fifty percent (50%) of its replacement cost at time of destruction, it shall be made to conform to the requirements of the building code of the town for new structures.

(4) If the cost of such alterations or repairs within any twelve (12) month period or the amount of such damage as referred to in subsection (3) above is more than fifty percent (50%) of the replacement cost of the structure, the portions to be altered or repaired shall be made to conform to the requirements of the building code of the town for new structures to the extent that the board of dwelling standards and review may determine.

(5) Repairs and alterations not covered by the preceding subsections, and which will not extend or increase a hazard, may be made with the same kind of materials as those of which the structure is constructed, to the extent permitted by the board of dwelling standards and review.

(6) For the purpose of this section, the "value" of a structure shall be as determined by the board of dwelling standards and review. [as added by Ord. #97-20, § 1, Oct. 1997]

8-508. Repair or removal--nonconforming structures. Structures not conforming to the zoning code of the town may be repaired under the terms of

¹State law reference

Tennessee Code Annotated, § 13-21-103.

and to the extent permitted by provisions of that code; otherwise said structures must be demolished and removed. [as added by Ord. #97-20, § 1, Oct. 1997]

8-509. Structures containing nonconforming residential uses. Structures occupied by nonconforming uses may be repaired for such uses under the terms of and only to the extent permitted by the provisions of the zoning code of the town; otherwise, the repair of the structure must be conducted to accommodate a use conforming to the zoning code, or else the structure shall be demolished and removed. [as added by Ord. #97-20, § 1, Oct. 1997]

8-510. Letter of compliance. A letter indicating compliance with the provisions of this chapter may be issued by the board of dwelling standards and review. [as added by Ord. #97-20, § 1, Oct. 1997]

8-511. When board may repair, etc. If the owner or parties in interest fail to comply with an order to repair, alter, or improve or an order to vacate and close the structure, the board of dwelling standards and review may cause such structure to be repaired, altered, or improved, or to be vacated and closed, and may cause to be posted on the main entrance of any structure so closed, a place card with the following words: "THIS BUILDING IS UNFIT FOR HUMAN OCCUPATION OR USE; THE USE OR OCCUPATION OF THIS BUILDING FOR HUMAN OCCUPATION OR USE IS PROHIBITED AND UNLAWFUL". The board of dwelling standards and review shall continue the closure of the structure until the repairs, alterations, or improvements are made.¹ [as added by Ord. #97-20, § 1, Oct. 1997]

8-512. Board may effect remedy. If the owner or parties in interest fail to comply with an order to repair, remove, or demolish the structure, the board of dwelling standards and review may cause such structure to be repaired, removed, or demolished contingent upon the town having appropriated sufficient revenues from its budget or if grants or donations are received to carry out the purposes of this chapter.¹ [as added by Ord. #97-20, § 1, Oct. 1997]

8-513. Remedy by board--lien. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the board of dwelling standards and review shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deed of Washington County, be a lien on the property in favor of the town, second only to liens of the state, county, and town for taxes, any lien of the town for special assessments, and any valid lien, right, or interest in such

¹State law reference

Tennessee Code Annotated, § 13-21-103.

property duly recorded or duly perfected for filing, prior to the filing of such notice. These costs shall be collected by the town recorder or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes. In addition, the town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The town may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the town, the town shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court, shall be secured in such a manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court; provided, however, that the power of the town to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise, shall not be impaired or limited by this section.¹ [as added by Ord. #97-20, § 1, Oct. 1997]

8-514. Inspections. The public authority shall make or cause to be made inspections to determine the conditions of structures and premises in the interest of safeguarding the health, safety, and welfare of the occupants of said structures and of the general public. For the purpose of making such inspections, the board of dwelling standards and review and the public authority, of their agents or designees, are authorized to enter, examine, and survey at all reasonable times all structures and premises. The owner or occupant or person in charge of every structure shall give the board of dwelling standards and review and the public authority, or their agents or designees, free access to such structures or premises at all reasonable times for the purpose of such inspection, examination or survey. [as added by Ord. #97-20, § 1, Oct. 1997]

8-515. Hardships: appeals: (1) Where the literal application of the requirements of this chapter may cause undue hardship on an owner or tenant or when it is claimed that the true intent and meaning of this chapter or any of the regulations herein have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal

¹State law reference

Tennessee Code Annotated, § 13-21-103.

the allegations contained within the petition in the answer to the complaints at the time of the public hearing before the board of dwelling standards and review.

(2) Any person affected by an order issued by the board of dwelling standards and review served pursuant to this chapter may file a bill in chancery court for an injunction restraining the board of dwelling standards and review from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the board of dwelling standards and review pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the board of dwelling standards and review, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the board of dwelling standards and review shall be entitled to recover any damages for action taken pursuant to any order of the board of dwelling standards and review, or because of noncompliance by such person with any order of the board of dwelling standards and review.¹ [as added by Ord. #97-20, § 1, Oct. 1997]

8-516. Service of complaints or orders. Complaints or orders issued by the board of dwelling standards and review under the chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by board of dwelling standards and review in the exercise of reasonable diligence, and the board of dwelling standards and review or any of its members or the public authority shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper of general circulation in the Town of Jonesborough. A copy of such complaint or order shall be posted in a conspicuous place or premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the register's office of the county in which the structure is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices as provided by law.² [as added by Ord. #97-20, § 1, Oct. 1997]

8-517. Designated historic landmarks and buildings and structures within the historic zone. Any structures or buildings which is a designated

¹State law reference
Tennessee Code Annotated, § 13-21-106.

²State law reference
Tennessee Code Annotated, § 13-21-105.

landmark within the town or any structure or building within the historic zone must be maintained as required by the minimum maintenance requirements set out in the town's demolition by neglect ordinance contained in title 11, chapter 16 of the Jonesborough Municipal Code. Accordingly, all repairs, alterations, improvements or the demolition of buildings and structures designated as historic landmarks or located within the historic zone must receive prior approval by the historic zoning commission. [as added by Ord. #97-20, § 1, Oct. 1997]

8-518. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. [as added by Ord. #97-20, § 1, Oct. 1997]

8-519. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town. Violations of this section shall subject the offender to a penalty of up to five hundred dollars (\$500.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.¹ [as added by Ord. #97-20, § 1, Oct. 1997]

¹State law reference

Tennessee Code Annotated, § 6-54-308.

CHAPTER 6

ILLICIT DISCHARGE AND ILLEGAL CONNECTION

SECTION

- 8-601. Short title.
- 8-602. General provisions.
- 8-603. Applicability.
- 8-604. Definitions.
- 8-605. Prohibition of illicit discharges.
- 8-606. Exemptions.
- 8-607. Prohibition of illegal connections.
- 8-608. Storm drain inlet liability.
- 8-609. Watercourse protection.
- 8-610. Industrial construction activity discharges.
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- 8-613. Responsibility for notification.
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- 8-619. Notice of violation.
- 8-620. Appeal of notice of violation.
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- 8-622. Costs of abatement of the violation.
- 8-623. Remedies not exclusive.
- 8-624. Compatibility with other regulations.
- 8-625. Severability.
- 8-626. Responsibility for administration.
- 8-627. Penalties.

8-601. Short title. This chapter shall be known as the "Illicit Discharge Ordinance of the Town of Jonesborough, Tennessee." (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-602. General provisions. The purpose of this chapter is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the Town of Jonesborough storm drain system to the maximum extent practicable as required by federal law. This chapter established methods for controlling the introduction of pollutants into the Town of Jonesborough storm drain system in order to comply with requirements of the

National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are to:

- (1) Regulate the contribution of pollutants to the Town of Jonesborough storm drain system by any person;
- (2) Prohibit illicit discharge and illegal connections to the Town of Jonesborough storm drain system;
- (3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the Town of Jonesborough storm drain system; and
- (4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this chapter. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-603. Applicability. The provisions of this chapter shall apply throughout the incorporated areas of the Town of Jonesborough. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-604. Definitions. (1) "Accidental discharge" means a discharge prohibited by this chapter which occurs by chance and without planning or thought prior to occurrence.

(2) "Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*), and any subsequent amendments thereto.

(3) "Construction activity" means activities subject to the Town of Jonesborough Stormwater, Erosion and Sediment Control Ordinance or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

(4) "Enforcement officer" means the building inspector, director of public works, Jonesborough Public Safety Officer or any other person designated by the Town of Jonesborough Board of Mayor and Aldermen to enforce the illicit discharge chapter.

(5) "Hot spots" means sites, developments, or uses that have the potential of discharging pollutants or concentrations of pollutants that are not normally found in stormwater. These sites could include concrete and asphalt facilities, auto repair, auto supply, and large commercial parking lots.

(6) "Illicit discharge" means any direct or indirect non-stormwater discharge to the Town of Jonesborough storm drain system, except as exempted in § 8-606 of this chapter.

(7) "Illegal connection" means either of the following:

- (a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and

wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

(b) Any pipe, open channel, drain or conveyance from a commercial or industrial use connected to the Town of Jonesborough storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(8) "Industrial activity" means activities subject to NPDES industrial permits.

(9) "National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit" means a permit issued by the State of Tennessee that authorizes the discharge of pollutants to water of the United States, whether the permit is applicable on an individual, group, or general area wide basis.

(10) "Non-stormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

(11) "Person" means, except to the extent exempted from this chapter, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body of any other legal entity.

(12) "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from construction a building or structure; concrete and cement; and noxious or offensive matter of any kind.

(13) "Pollution" means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes, but is not limited to, a change in temperature, taste, color, turbidity, or odor of such water, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such water harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

(14) "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(15) "State waters" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Tennessee which are not entirely confined and retained completely upon the property of a single person.

(16) "Stormwater runoff or stormwater" means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(17) "Town of Jonesborough Storm Drain System" means any publicly owned or operated facility designed or used for collecting and/or conveying stormwater including, but not limited to, any roads and streets with drainage systems, curbs, gutters, inlets, catch basins, storm drains, structural and non-structural stormwater controls, stormwater management devices such as detention ponds, ditches, swales, natural and man-made or altered drainage channels, streams, creeks, rivers, reservoirs, and other drainage structures.

(18) "Water course" means any structural or non-structural stormwater conveyance device including, but not limited to, storm drains, ditches, swales, channels, creeks, streams, rivers, and lakes. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-605. Prohibition of illicit discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the Town of Jonesborough storm drain system any pollutants or waters containing any pollutants, other than stormwater. The town should identify areas that would be considered "hot spots" for pollution runoff. These sites should be investigated for potential highly contaminated runoff and, if found, enforcement action shall occur. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-606. Exemptions. The following discharges are exempt from the prohibition § 8-605 above:

- (1) Water line flushing performed by a governmental agency;
- (2) Landscape irrigation or lawn watering with potable water;
- (3) Diverted stream flows permitted by the State of Tennessee;
- (4) Rising groundwater;
- (5) Groundwater infiltration to storm drains;
- (6) Uncontaminated pumped groundwater;
- (7) Foundation or footing drains (not including active groundwater dewatering systems);
- (8) Crawl space pumps;
- (9) Air conditioning condensation;

- (10) Springs;
- (11) Natural riparian habitat or wetland flows;
- (12) Discharges or flows from fire fighting;
- (13) Individual residential washing of vehicles;
- (14) Vehicle washing for nonprofit fund raising purposes as long as the activity does not negatively impact waters of the state;
- (15) Swimming pools (if de-chlorinated-typically less than one (1) part per million chlorine);
- (16) Street wash waters resulting from normal street cleaning operations as long as the water is cold and does not contain any soap, detergent, degreaser, solvent, emulsifier, dispersant, or other harmful cleaning substance;
- (17) Dye testing permitted by the Town of Jonesborough;
- (18) Any other water source not containing pollutants;
- (19) Other discharges specified in writing by the Town of Jonesborough as being necessary to protect public health and safety; and
- (20) Discharges permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and Federal Environmental Protection Agency; provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided that written approval has been granted for any discharge to the Town of Jonesborough storm drain system. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-607. Prohibition of illegal connections. The construction, connection, use, maintenance or continued existence of any illegal connection to the Town of Jonesborough storm drain system is prohibited.

(1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person violates this chapter if the person connects a line conveying sewage to the Town of Jonesborough storm drain system, or allows such a connection to continue.

(3) Improper connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the receiving sanitary sewer agency.

(4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the enforcement officer requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the

outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the enforcement officer. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-608. Storm drain inlet liability. Storm drain inlets installed in new public streets whether installed by private parties or the Town of Jonesborough shall be stenciled with the words "Don't Dump – Drains to Stream" using traffic bearing paint and minimum two-inch (2") high letters.

The stenciling shall be placed in a conspicuous location adjacent to or on the inlet. The preferred location for the stenciling is outside of the road pavement on the curb, if applicable, or the top of the inlet structure. Other alternate locations for the stenciling if the top of the curb or structure does not work are the pavement or sidewalk.

Other methods such as storm drain markers or castings in the structures to provide the words "Don't Dump – Drains to Stream" adjacent to or on the inlets may be used with the building inspector's approval and as long as the wording is conspicuous and long lasting.

The stenciling or other method of labeling installed by private developers within their new developments shall be guaranteed by the private developer for one (1) year from the time of installation and after this guarantee period the Town of Jonesborough shall be responsible for maintenance. Labeling installed by the Town of Jonesborough or citizen groups in existing public streets shall be maintained by the Town of Jonesborough from the time of installation. Other wording besides "Don't Dump – Drains to Stream" may be used with the building inspector's approval and as long as the intent is the same. Any labeling within the historic district must be approved by the historic zoning commission. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-609. Watercourse protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property boundaries free of trash, debris, and other items and obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-610. Industrial construction activity discharges. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the enforcement officer prior to allowing discharges to the town of storm drain system. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-611. Access and inspection of properties and facilities. The enforcement officer shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this chapter.

(1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access for representatives of the enforcement officer.

(2) The owner or operator shall allow the enforcement officer ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.

(3) The enforcement officer shall have the right to set up on any property or facility such devices as are necessary in the opinion of the enforcement officer to conduct monitoring and/or sampling of flow discharges.

(4) The enforcement officer may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the enforcement officer. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the enforcement officer and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

(6) Unreasonable delays in allowing the enforcement officer access to a facility are a violation of this chapter.

(7) If the enforcement officer has been refused access to any part of the premises from which stormwater is discharged, and the enforcement officer is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the enforcement officer may seek issuance of a search warrant from any court of competent jurisdiction. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-612. Responsibility for discoveries, containment and clean-up. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which

are resulting or may result in illicit discharges or pollutants discharging into stormwater, the Town of Jonesborough storm drain system, state waters, or water of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such releases so as to minimize the effects of the discharge. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-613. Responsibility for notification. The person responsible for a facility operation or premises on which a suspected release of pollutants or non-stormwater discharge may be generated shall notify the authorized enforcement agency in person, by phone, or facsimile no later than twenty-four (24) hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the enforcement officer within three (3) business days of the phone or in person notice. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-614. Records required. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-615. Immediate notification of hazardous discharge. In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified through emergency dispatch services. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-616. Failure to notify a violation. Failure to provide notification of a release as provided above is a violation of this chapter. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-617. Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter.

(1) Any person who has violated or continues to violate the provisions of this chapter may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

(2) In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, welfare, and environment and

is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-618. Violation an immediate danger to public health or safety. In the event the violation constitutes an immediate danger to public health or public safety, the enforcement officer is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The enforcement officer is authorized to seek costs of the abatement as outlined in § 8-622. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-619. Notice of violation. Whenever the enforcement officer finds that a violation of this chapter has occurred, the enforcement officer may order compliance by written notice of violation.

- (1) The notice of violation shall contain:
 - (a) The name and address of the alleged violator;
 - (b) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - (c) A statement specifying the nature of the violation;
 - (d) A description of the remedial measures necessary to restore compliance with this chapter and a time schedule for the completion of such remedial action;
 - (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
 - (f) A statement that the determination of violation may be appealed to the enforcement officer by filing a written notice of appeal within thirty (30) days of service of notice of violation.
- (2) Such notice may require without limitation:
 - (a) The performance of monitoring, analyses, and reporting;
 - (b) The elimination of illicit discharges and illegal connections;
 - (c) That violating discharges, practices, or operations shall cease and desist;
 - (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (e) Payment of costs to cover administrative and abatement costs; and
 - (f) The implementation of pollution prevention practices. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-620. Appeal of notice of violation. Any person receiving a notice of violation may appeal the determination of the enforcement officer to the

Jonesborough Board of Mayor and Aldermen. A written notice of appeal must be received by the enforcement officer within thirty (30) days from the date of the notice of violation. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-621. Enforcement measures after appeal. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within thirty (30) days of the decision of the appropriate authority upholding the decision of the enforcement officer, then representatives of the enforcement officer may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-622. Costs of abatement of the violation. Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs.

(1) The property owner may file a written protest objecting to the assessment or to the amount of the assessment within thirty (30) days of such notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within thirty (30) days after a decision on said appeal upholds the assessment, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(2) Any person violating any of the provisions of this chapter shall become liable to the Town of Jonesborough by reason of such violation. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-623. Remedies not exclusive. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and the enforcement officer may seek cumulative remedies.

The enforcement officer may recover attorney's fees, court costs, and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-624. Compatibility with other regulations. This chapter is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law. Where any provision of this chapter imposes restrictions different from those imposed by any other

ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-625. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this chapter shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this chapter. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

8-626. Responsibility for administration. The enforcement officer as directed by the board of mayor and aldermen, through the town administrator, shall administer, implement, and enforce the provisions of this chapter. (as added by Ord. #2008-14, Oct. 2008)

8-627. Penalties. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by any authorized enforcement officer, shall be guilty of a violation of this chapter, and each day of such violation or failure to comply shall be deemed a separate offense and punishable accordingly. The person shall be subject to fines of up to five thousand dollars (\$5,000.00) per day for each day of violation.¹ Citations for violations may be issued by any enforcement officer, public safety director, or a Jonesborough police officer. (as added by Ord. #2005-02, Jan. 2005, and replaced by Ord. #2008-14, Oct. 2008)

¹State law reference

Tennessee Code Annotated, § 68-221-1101.