

**THE
ALAMO
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service

In cooperation with the Tennessee Municipal League

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Change 1
September 11, 2023

TOWN OF ALAMO, TENNESSEE

MAYOR

John Avery Emison

ALDERMEN

P.B. Conley, IV

Jim Knox

Michael Moore

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RECORDER

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PREFACE

The Private Acts Municipal Code contains the codification and revision of the ordinances of the Town of Alamo, Tennessee. By referring to the historical citation appearing at the end of each section, the user can determine the origin of each particular section. The absence of a historical citation means that the section was added by the codifier. The word "modified" in the historical citation indicates significant modification of the original ordinance.

The code is arranged into titles, chapters, and sections. Related matter is kept together, so far as possible, within the same title. Each section number is complete within itself, containing the title number, the chapter number, and the section of the chapter of which it is a part. Specifically, the first digit, followed by a hyphen, identifies the title number. The second digit identifies the chapter number, and the last two digits identify the section number. For example, title 2, chapter 1, section 6, is designated as § 2-106.

By utilizing the table of contents, code index and the analysis preceding each title and chapter of the code, together with the cross references and explanations included as footnotes, the user should locate all the provisions in the code relating to any question that might arise. However, the user should note that most of the administrative ordinances (e.g. Annual Budget, Zoning Map Amendments, Tax Assessments, etc...) do not appear in the code. Likewise, ordinances that have been passed since the last update of the code do not appear here. Therefore, the user should refer to the town's ordinance book or the recorder for a comprehensive and up to date review of the town's ordinances.

Following this preface is an outline of the ordinance adoption procedures, if any, prescribed by the town's charter.

The code has been arranged and prepared in loose-leaf form to facilitate keeping it up to date. MTAS will provide updating service under the following conditions:

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the town agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if

justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of the codes team: Kelley Myers and Nancy Gibson is gratefully acknowledged.

**ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
TOWN CHARTER**

Section 2.07. Duties of the Aldermen and Town Legislation. The Board constitutes the legislative branch of Town government. Any action of the Board having a regulatory or penal effect, awarding franchises, or required to be done by ordinance under this Charter or the general laws of the State of Tennessee, shall be accomplished only by ordinance. Other actions of the Board may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced and a copy shall be furnished to each member of the Board in advance of the meeting at which it is introduced. The enacting clause of an ordinance shall be as follows: "Be it ordained by the Board of Mayor and Aldermen of the Town of Alamo." No ordinance shall be adopted unless approved by an affirmative vote of at least three (3) members of the Board of Mayor and Aldermen on two (2) separate days not less than seven (7) days apart. Resolutions may be approved by an affirmative vote of a majority of the Board membership, less any vacancies. Ordinances and resolutions shall become effective upon final passage unless otherwise stipulated in the ordinance or resolution.

The Board shall cause the general and continuing ordinances of the Town to be assembled into an official code of the Town, a copy of which shall be kept up-to-date by the Town Recorder and shall be available for inspection by the public. The original copy of an ordinance, resolution, contract, and other documents shall be filed and preserved by the Town Recorder.

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TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. ETHICS POLICY.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Salary.

1-101. Time and place of regular meetings.³ The board of mayor and aldermen shall hold regular monthly meetings at 5:00 P.M. on the first Monday of each month at the city hall. In the event the first Monday falls on a holiday, the meeting will be held on the second Monday. (1965 Code, § 1-101, modified)

¹Charter references

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7, chapter 3.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Election of mayor and aldermen: § 2.01.

Qualifications: § 2.

Vacancies in office: § 2.09.

³Charter reference

Meetings: § 2.11.

1-102. Order of business. At each meeting of the board of mayor and aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor;
- (2) Roll call by the recorder;
- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction;
- (4) Communications from the mayor;
- (5) Reports from committees, members of the board of mayor and aldermen, and other officers;
- (6) Old business;
- (7) New business; and
- (8) Adjournment. (1965 Code, § 1-102, modified)

1-103. General rules of order. The rules of order and parliamentary procedure contained in *Robert's Rules of Order, Revised*, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1965 Code, § 1-103)

1-104. Salary. The salary for the office of alderman be set at three hundred dollars (\$300.00) per month and shall be four hundred fifty dollars (\$450.00) per month commencing July 1, 2021. (Ord. #05-10-05A, June 2005, modified)

CHAPTER 2**MAYOR¹****SECTION**

- 1-201. Generally supervises town's affairs.
- 1-202. Executes town's contracts.
- 1-203. Salary.

1-201. Generally supervises town's affairs. The mayor shall have general supervision of all town affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1965 Code, § 1-201)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1965 Code, § 1-202)

1-203. Salary. The salary for the office of mayor be set at eight hundred dollars (\$800.00) per month, and shall be one thousand two hundred dollars (\$1,200.00) per month commencing July 1, 2021. (Ord. #05-10-05A, June 2005, modified)

¹Charter references

Duties: § 2.06.

Election: § 2.01.

Oath of office: § 2.02.

CHAPTER 3**RECORDER¹****SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

1-303. To perform general administrative duties, etc.

1-301. To be bonded. The recorder shall be bonded in the sum of ten thousand dollars (\$10,000.00) with surety acceptable to the board of mayor and aldermen, before assuming his duties. (1965 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1965 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. The recorder shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the town shall provide. (1965 Code, § 1-303)

¹Charter references
Compensation: § 3.03.
Duties: § 3.

CHAPTER 4

ETHICS POLICY

SECTION

- 1-401. Applicability.
- 1-402. Definitions.
- 1-403. Gift ban.
- 1-404. Gift ban exceptions.
- 1-405. Disposition of gifts.
- 1-406. Disclosure of personal interests by official with vote.
- 1-407. Disclosure of personal interests in nonvoting matters.
- 1-408. City recorder to maintain disclosure file.
- 1-409. Ethics complaints.
- 1-410. Town recorder to file copy of chapter with Tennessee Ethics Commission.
- 1-411. Violations and penalty.

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (Ord. #05-08-07, June 2007)

1-402. Definitions. For the purposes of interpreting this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section.

- (1) "Gift" means the transfer or conveyance of anything of economic value, regardless of form, without adequate and lawful consideration.
- (2) "Immediate family" means parents, spouse and children.
- (3) "Personal interest" means:
 - (a) The holding or acquisition of any financial or ownership interest of either ten thousand dollars (\$10,000.00) or five percent (5%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000.00) or more with the town, or is regulated by any agency of the town;
 - (b) The ownership of any real estate having a value of one thousand dollars (\$1,000.00) or greater which the town has or is negotiating an acquisition, leasehold, or easement agreement; or
 - (c) Any such financial or ownership interest as defined in subsection (3)(a) and (3)(b) above by the officer or employee's spouse or immediate family member.

(4) "Town" means the municipality of Alamo, Tennessee. (Ord. #05-08-07, June 2007)

1-403. Gift ban. Except as permitted in § 1-404, no official or employee, nor any immediate family member of such official or employee for whom this chapter is applicable, shall intentionally or knowingly solicit or accept any gift as defined herein. (Ord. #05-08-07, June 2007)

1-404. Gift ban exceptions. Section 1-403 is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public;

(2) Anything for which the officer or employee, or a member of his or her immediate family, pays the fair market value;

(3) Any contribution that is lawfully made to the officer or employee's political campaign fund, or to that of his or her immediate family, including any activities associated with a fundraising event in support of a political organization or candidate;

(4) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals;

(5) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée;

(6) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(c) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or

similar gifts to other officers or employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding fifty dollars (\$50.00) per person in value on a single calendar day; provided that the food or refreshments are:

(a) Consumed on the premises from which they were purchased or prepared; or

(b) Catered.

For the purposes of this chapter, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means;

(8) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances;

(9) Intra-governmental and inter-governmental gifts. For the purpose of this chapter, "intra-governmental gift" means any gift that is given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity;

(10) Bequests, inheritances, and other transfers at death;

(11) Ceremonial gifts or awards which have insignificant monetary value; or

(12) Unsolicited gifts of nominal value or trivial items of informational value. (Ord. #05-08-07, June 2007)

1-405. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member, does not violate this chapter if the recipient promptly takes reasonable action to return a prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (Ord. #05-08-07, June 2007)

1-406. Disclosure of personal interests by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects the official's vote on the measure. Additionally, the official may recuse himself or herself from voting on the measure. (Ord. #05-08-07, June 2007)

1-407. Disclosure of personal interests in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects

the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the town recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter. (Ord. #05-08-07, June 2007)

1-408. Town recorder to maintain disclosure file. The town recorder shall keep and maintain all financial disclosure statements required to be filed herein as public records and shall retain them for a period of seven (7) years, after which the statements shall be destroyed. (Ord. #05-08-07, June 2007)

1-409. Ethics complaints. (1) The town attorney is designated as the ethics officer of the town. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable laws.

(2) Except as otherwise provided in this chapter, the town attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this chapter. The town attorney may request that the board of mayor and aldermen retain another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(3) When a complaint of a violation of any provision of this chapter is lodged against a member of the board of mayor and aldermen, the board of mayor and aldermen shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the board of mayor and aldermen determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the board of mayor and aldermen.

(4) When a violation of this chapter also constitutes a violation of the town's personnel policies, rules, or regulations, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this chapter. (Ord. #05-08-07, June 2007)

1-410. Town recorder to file copy of chapter with Tennessee Ethics Commission. Upon adoption by the board of mayor and aldermen, the town recorder is hereby directed to file a duly signed and attested copy of this chapter with the Tennessee Ethics Commission, in compliance with section 49

of Public Chapter No. 1 of the Extraordinary Sessions of the 2006 Tennessee General Assembly. (Ord. #05-08-07, June 2007)

1-411. Violations and penalty. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the town charter or other applicable law and, in addition, is subject to censure by the board of mayor and aldermen. An appointed official or employee who violates any provision of this chapter is subject to disciplinary action up to, and including, termination of employment. (Ord. #05-08-07, June 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3**MUNICIPAL COURT****CHAPTER**

1. COURT ESTABLISHED; TOWN JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.

CHAPTER 1**COURT ESTABLISHED; TOWN JUDGE¹****SECTION**

- 3-101. Court established.
- 3-102. Town judge.
- 3-103. Court costs.

3-101. Court established. The Municipal Court for the Town of Alamo is hereby established as the court having jurisdiction to try persons charged with the violation of municipal ordinances. The court functions shall be carried out as provided in the Municipal Court Reform Act of 2004, *Tennessee Code Annotated*, §§ 16-18-301, *et seq.* (Ord. #02-10-2009A, March 2009)

3-102. Town judge. (1) A town judge shall be appointed by the board of mayor and aldermen to oversee the functions of the Municipal Court of the Town of Alamo for a term of four (4) years. The person appointed to the office of town judge must be a lawyer licensed to practice in the State of Tennessee, and shall be in good standing with the Tennessee Board of Professional Responsibility. The town judge may not be an employee or official of the Town of Alamo. The town judge shall serve at the pleasure of the governing body. A vacancy in the office of town judge shall be filled by mayoral appointment. At the time the town judge is appointed by the mayor, the salary for the office shall be fixed by the governing body and shall not be altered during the judge's term of office.

(2) The town judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty as prescribed by ordinance, and in

¹Charter references

Appointment: § 2.06(13).

Duties, etc.: § 3.04.

accordance with the limitations imposed by the general law. (Ord. #02-10-2009A, March 2009, modified)

3-103. Court costs. Court costs for charges brought against persons for violation of ordinances shall be one hundred five dollars (\$105.00) per case. Of that amount, one dollar (\$1.00) shall be forwarded to the state treasurer for deposit and shall be credited to the administrative office of the courts, as provided in *Tennessee Code Annotated*, § 16-18-304(a). In addition to court costs, the court shall levy state litigation taxes in accordance with the general law and shall forward said amount to the department of revenue, as provided in *Tennessee Code Annotated*, § 16-18-305. (Ord. #02-10-2009A, March 2009, modified)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition and remission of fines and costs.

3-203. Disposition and report of fines and costs.

3-204. Disturbance of proceedings.

3-201. Maintenance of docket. The court clerk shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines and costs imposed and whether collected; and all other information that may be relevant. (1965 Code, § 1-502, modified)

3-202. Imposition and remission of fines and costs.¹ All fines and costs shall be imposed and recorded by the court clerk the town court docket in open court. After any fine and costs have been so imposed and recorded, the town judge shall have no power to remit or release the same or any part thereof except when necessary to correct an error.

All costs for the operation of the Town of Alamo, Tennessee, shall be the same as the costs for the General Sessions Court of Crockett County, Tennessee, as those costs are fixed from time to time by the County Court or the Legislature of the State of Tennessee. (1965 Code, § 1-508, as amended by Ord. #____, April 1989, modified)

3-203. Disposition and report of fines and costs. All funds coming into the hands of the town judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the town. At the end of each month, he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1965 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the town court by making loud or unusual noises. (1965 Code, § 1-512, modified)

¹Charter reference
Court costs: § 5.

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of summonses.

3-302. Issuance of subpoenas.

3-301. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the town judge, the judge may, in his discretion, issue a summons ordering the alleged offender to personally appear before the town court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the town court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1965 Code, § 1-504, modified)

3-302. Issuance of subpoenas. The town judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1965 Code, § 1-505)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appeals.

3-402. Bond amounts, conditions, and forms.

3-401. Appeals. Any defendant who is dissatisfied with any judgment of the town court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1965 Code, § 1-509)

3-402. Bond amounts, conditions, and forms. An appeal bond in any case shall be in the sum of one hundred dollars (\$100.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1965 Code, § 1-510, modified)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. PERSONNEL REGULATIONS.
2. MISCELLANEOUS RESTRICTIONS ON PERSONNEL.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

PERSONNEL REGULATIONS

SECTION

4-101. Personnel rules and regulations.

4-101. Personnel rules and regulations.¹ The personnel rules and regulations for the Town of Alamo are adopted herein as if set out verbatim.

¹The personnel rules and regulations for the Town of Alamo, as amended from time to time, are available in the recorder's office.

CHAPTER 2

MISCELLANEOUS RESTRICTIONS ON PERSONNEL

SECTION

- 4-201. Business dealings.
- 4-202. Acceptance of gratuities.
- 4-203. Outside employment.
- 4-204. Political activity.
- 4-205. Use of municipal time, facilities, etc.
- 4-206. Use of position.
- 4-207. Strikes and unions.

4-201. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any town officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the town. (1965 Code, § 1-901)

4-202. Acceptance of gratuities. No town officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business. (1965 Code, § 1-902)

4-203. Outside employment. No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1965 Code, § 1-903)

4-204. Political activity.¹ Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any

¹Charter reference

Employee political activity: § 3.11.

municipal political campaign while on duty. These restrictions shall not apply to elective officials. (1996 Code, § 1-904, modified)

4-205. Use of municipal time, facilities, etc. No town officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the governing body has authorized the use of such time, facilities, equipment, or supplies, and the town is paid at such rates as are normally charged by private sources for comparable services. (1965 Code, § 1-905)

4-206. Use of position. No town officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1965 Code, § 1-906)

4-207. Strikes and unions. No town officer or employee shall participate in any strike against the town, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1965 Code, § 1-907)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-301. Title.
- 4-302. Purpose.
- 4-303. Coverage.
- 4-304. Standards authorized.
- 4-305. Variances from standards authorized.
- 4-306. Administration.
- 4-307. Funding the program plan.

4-301. Title. This section shall be known as "the occupational safety and health program plan" for the employees of the Town of Alamo. (Ord. #09-06-2016A, Sept. 2016)

4-302. Purpose. The Town of Alamo, in electing to update the established program plan, will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
 - (a) Top management commitment and employee involvement;
 - (b) Continually analyze the work site to identify all hazards and potential hazards;
 - (c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
 - (d) Train managers, supervisors, and employees to understand and deal with work site hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees;
- (3) Record, keep, preserve, and make available to the commissioner of labor and workforce development, or persons within the department of labor and workforce development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required;
- (4) Consult with the commissioner of labor and workforce development with regard to the adequacy of the form and content of records;
- (5) Consult with the commissioner of labor and workforce development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state;

(6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health; and

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (Ord. #09-06-2016A, Sept. 2016)

4-303. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of Town of Alamo shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (Ord. #09-06-2016A, Sept. 2016)

4-304. Standards authorized. The Occupational Safety and Health Standards adopted by the Town of Alamo are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (*Tennessee Code Annotated*, title 50, chapter 3). (Ord. #09-06-2016A, Sept. 2016)

4-305. Variances from standards authorized. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Variances from Occupational Safety and Health Standards, Chapter 0800-01-02, as authorized by *Tennessee Code Annotated*, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (Ord. #09-06-2016A, Sept. 2016)

4-306. Administration. For the purposes of this chapter, the mayor shall designate a the Safety Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Safety and Health Provisions for the Public Sector, Chapter 0800-01-05, as authorized by *Tennessee Code Annotated*, title 50. (Ord. #09-06-2016A, Sept. 2016, modified)

4-307. Funding the program plan. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the Town of Alamo. (Ord. #09-06-2016A, Sept. 2016)

CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-401. Purpose.
- 4-402. Enforcement.
- 4-403. Travel policy.
- 4-404. Travel reimbursement rate schedule.
- 4-405. Administrative procedures.

4-401. Purpose. (1) The purpose of this chapter and referenced regulations is to bring the town into compliance with *Tennessee Code Annotated*, § 6-54-901-907. This law requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law.

(2) To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular town employees, it is the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (Ord. #10-1-2013, Oct. 2013)

4-402. Enforcement. The Mayor of Alamo or his designee shall be responsible for the enforcement of these travel regulations. (Ord. #10-1-2013, Oct. 2013)

4-403. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the town. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the town for registration fees, air fares, meals, lodging, conferences and similar expenses.

Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the town. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) Directly related to the conduct of the town business for which travel was authorized; and

(b) Actual, reasonable and necessary under the circumstances.

The mayor may make exceptions for unusual circumstances. Expenses considered excessive will not be allowed.

(7) Claims of five dollars (\$5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee and other reimbursable costs.

(8) Any person attempting to defraud the town or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the town are not ordinarily considered eligible expenses for reimbursement. (Ord. #10-1-2013, Oct. 2013)

4-404. Travel reimbursement rate schedule. (1) Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The town's travel reimbursement rates will automatically change when the state rates are adjusted.

(2) The Town of Alamo may pay directly to the provider for expenses such as meals, lodging and registration fees for conferences, conventions, seminars and other education programs. (Ord. #10-1-2013, Oct. 2013)

4-405. Administrative procedures. The town adopts and incorporates by reference, as if fully set out herein, the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee. A copy of the administrative procedures is on file in the office of the town recorder. (Ord. #10-1-2013, Oct. 2013)

TITLE 5**MUNICIPAL FINANCE AND TAXATION****CHAPTER**

1. MISCELLANEOUS.
2. REAL AND PERSONAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. MERCHANTS' AD VALOREM TAXES.
5. PURCHASING AND PROPERTY DISPOSAL.

CHAPTER 1**MISCELLANEOUS****SECTION**

- 5-101. Official depository for town funds.
- 5-102. Processing fee and other charges; customers paying with cards.

5-101. Official depository for town funds. The Bank of Crockett and Bancorp South are hereby designated as the official depositories for all town funds. (1965 Code, § 6-401, modified)

5-102. Processing fee and other charges; customers paying with cards. (1) The Town of Alamo is hereby establishing a processing fee of two and three-quarters percent (2.75%) of the total payment collected, for those customers using credit or debit cards as the method of payment for monthly and other utility charges.

(2) In the event that the credit or debit card company issuing the card does not honor payment of the charge, the city shall collect the same fee that it normally charges for returned checks, and this fee shall be in addition to the normal fee for using a credit or debit card for payment of utility bills.

(3) Any notice to the customer owing the utility charge shall state the percentage of the processing fee for use of a credit or debit card. (Ord. #2017-03, June 2017)

CHAPTER 2**REAL AND PERSONAL PROPERTY TAXES****SECTION**

5-201. When due and payable.

5-202. When delinquent--penalty and interest.

5-201. When due and payable. Taxes levied by the town against real property shall become due and payable annually on the first day of October of the year for which levied. (1965 Code, § 6-101)

5-202. When delinquent--penalty and interest.¹ All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes. (1965 Code, § 6-202)

¹Charter reference
Delinquent taxes: § 4.02(2).

CHAPTER 3**PRIVILEGE TAXES****SECTION**

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. (1965 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1965 Code, § 6-302)

CHAPTER 4

MERCHANTS' AD VALOREM TAXES

SECTION

5-401. Tax payable--merchants included.

5-402. Administration, collection, etc.

5-401. Tax payable--merchants included. Merchants shall pay an ad valorem tax upon the capital invested in their businesses at the same rate as that levied on real property. The term "merchant" includes all persons, copartnerships, agents, or corporations engaged in trading or dealing in any kind of goods, wares, and/or merchandise, and confectioners, and others, whether such goods, wares, or merchandise be kept on hand for sale or the same be purchased and delivered for profit as ordered. (1965 Code, § 6-201)

5-402. Administration, collection, etc. The merchants' ad valorem tax shall be administered and collected in accordance with the provisions of *Tennessee Code Annotated*, title 67, chapter 47, by the recorder, who shall have such powers and duties as are prescribed therein for the county court clerk. The required tax return shall be made on such form as the recorder shall prescribe. (1965 Code, § 6-202)

CHAPTER 5

PURCHASING AND PROPERTY DISPOSAL

SECTION

- 5-501. Definitions.
- 5-502. Conflict of interest.
- 5-503. Purchasing from employees or elected officials.
- 5-504. Purchasing agent.
- 5-505. Schools.
- 5-506. Mayor as purchasing agent.
- 5-507. General procedures prior to bidding.
- 5-508. Sealed bid requirements – \$10,000.00 or greater.
- 5-509. Competitive bidding – \$2,000.00 to \$10,000.00.
- 5-510. Rejection of bids.
- 5-511. Purchases and contracts costing less than \$2,000.00.
- 5-512. Bid deposit.
- 5-513. Performance bond.
- 5-514. Record of bids.
- 5-515. Considerations in determining bid awards.
- 5-516. Award splitting.
- 5-517. Award in case of tie bids.
- 5-518. Emergency purchases.
- 5-519. Waiver of the competitive bidding process.
- 5-520. Goods and services exempt from competitive bidding.
- 5-521. Procedures upon taking delivery of purchased items.
- 5-522. Additional forms and procedures.
- 5-523. Excluded purchases.
- 5-524. Unclaimed property.

5-501. Definitions. For the purpose of implementing this chapter, the following definitions shall apply.

(1) "Acknowledgment." Written confirmation from the vendor to the purchaser of an order implying obligation or incurring responsibility.

(2) "Award." The presentation of a contract to a vendor; to grant; to enter into with all required legal formalities.

(3) "Bid bond." An insurance agreement in which a third party agrees to be liable to pay a certain amount of money should a specific vendor's bid be accepted and the vendor fails to sign the contract as bid.

(4) "Bid file." A folder containing all of the documentation concerning a particular bid. This documentation includes the names of all vendors to whom the invitation to bid was mailed, the responses of the vendors, the bid tabulation forms and any other information as may be necessary.

(5) "Bid opening." The opening and reading of the bids, conducted at the time and place specified in the invitation for bids and in the presence of anyone who wishes to attend.

(6) "Competitive bidding." Bidding on the same undertaking or material items by more than one (1) vendor.

(7) "Discount for prompt payment." A predetermined discount offered by a vendor for prompt payment.

(8) "Evaluation of bid." The process of examining a bid to determine a bidder's responsibility, responsiveness to requirements, qualifications, or other characteristics of the bid that determine the eventual selection of a winning bid.

(9) "Goods." All materials, equipment, supplies, and printing.

(10) "Invitation for bid." All documents utilized for soliciting bids.

(11) "Invoice." A written account of merchandise and process, delivered to the purchaser; a bill.

(12) "Lead time." The period of time from the date of ordering to the date of delivery, which the buyer must reasonably allow the vendor to prepare goods for shipment.

(13) "Life cycle costing." A procurement technique that considers the total cost of purchasing, maintaining, operating, and disposal of a piece of equipment when determining the low bid.

(14) "Local bidder." A bidder who has and maintains a business office located within the corporate town limits of Alamo, Tennessee.

(15) "Performance bond." A bond given to the purchaser by a vendor or contractor guaranteeing the performance of certain services or delivery of goods within a specified period of time. The purpose is to protect the purchaser against a cash loss, which might result if the vendor did not deliver as promised.

(16) "Pre-bid conference." A meeting held with potential vendors a few days after an invitation for bids has been issued to promote uniform interpretation of work statements and specifications by all prospective contractors.

(17) "Procurement or purchasing." Buying, renting, leasing, or otherwise obtaining supplies, services, construction, insurance or any other item, it also includes functions that pertain to the acquisition of such supplies, services, construction, insurance and other items, including descriptions of requirements, selection and solicitation of sources, preparation and award of contracts, contract administration, and all phases of warehousing and disposal.

(18) "Responsive bidder." One who has submitted a bid which conforms in all materials respects to the invitation for bids.

(19) "Specifications." Any description of the physical or functional characteristics of a supply, service, or construction item, it may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

(20) "Town." The Town of Alamo, Tennessee. (Ord. #2017-16, Sept. 2017)

5-502. Conflict of interest. All employees who participate in any phase of the purchasing function are to be free of interests or relationships which are actually or potentially hostile or detrimental to the best interests of the Town of Alamo and shall not engage in or participate in any purchasing decision or commercial transaction involving the town, in which they have a significant interest. (Ord. #2017-16, Sept. 2017)

5-503. Purchasing from employees or elected officials. It shall be the policy of the town not to purchase any goods or services from any employee or elected official of the town, regardless of value, or close relative of any town employee or elected official, or from any business in which an employee or elected official of the town has a financial interest without the prior approval of the board of mayor and aldermen and a full disclosure of the nature of the conflict, including the town's attorney's recommendation, as to why the purchase is in the best interest of the town. (Ord. #2017-16, Sept. 2017)

5-504. Purchasing agent. The purchasing agent shall not purchase from or accept the bid of a vendor or contractor who is delinquent on the payment of taxes, licenses, fees or other monies of whatever nature that may be due the town by said vendor or contractor. (Ord. #2017-16, Sept. 2017)

5-505. Schools. The Alamo Town Schools has its own purchasing procedure. All school purchases over ten thousand dollars (\$10,000.00) are subject to the ten thousand dollar (\$10,000.00) sealed bid requirement. (Ord. #2017-16, Sept. 2017)

5-506. Mayor as purchasing agent. The mayor shall be the purchasing agent for the municipality. Except as otherwise provided in this policy, all supplies, materials, equipment, and services (except professional) of any nature shall be verified to see that all requirements for purchase have been completed. Once such requirements have been verified, the purchase may be approved and acquired by the purchasing agent or his representative (Ord. #2017-16, Sept. 2017, modified)

5-507. General procedures prior to bidding. The following guidance shall be followed by all town employees when purchasing goods or services on behalf of the town. (1) Items expected to cost more than ten thousand dollars (\$10,000.00):

(a) The department head of the using departments shall deliver to the purchasing agent a purchase request for the item(s) to be purchased. Such request shall include a brief description of the item(s) to be purchased, specifications (as needed) for the item being purchased, the estimated cost of the items, and shall indicate whether the item(s) have been approved in the annual budget.

(b) The purchasing agent shall review the purchase request for completeness and accuracy as required by this chapter. The request shall then be forwarded to the board of mayor and aldermen for final review and approval. The board shall have the authority to adjust or eliminate various specifications for goods and services, or may disapprove the purchase request, to comply with town policy, the annual budget, or for any other reason it deems in the public interest.

(c) All approved purchase requests shall be signed by the mayor and returned to the purchasing agent who shall proceed with procurement in compliance with this chapter.

(2) Items expected to cost two thousand dollars (\$2,000.00) to ten thousand dollars (\$10,000.00):

(a) The department head of the using department shall deliver to the purchasing agent a purchase request for the item(s) to be purchased. Such request shall include a brief description of the item(s) to be purchased, specifications (as needed) for the item(s) being purchased, the estimated cost of the item(s), and shall indicate whether the item(s) have been approved in the annual budget.

(b) The purchasing agent shall review the purchase request for completeness and accuracy. The request shall then be forwarded to the mayor for final review and approval. The mayor shall not approve the purchase of any item not approved in the annual budget or for which there are not sufficient funds in the town treasury, unless the purchase relates to equipment needed to comply with a specific state or federal requirement or otherwise significantly impairs the ability of the town to discharge its mission to the public. The mayor shall have the authority to adjust or eliminate various specifications for goods or services to comply with town policy, the annual budget, or to avoid depletion of the town treasury.

(c) All approved purchase requests shall be signed by the mayor and returned to the purchasing agent who shall proceed with procurement in compliance with this chapter. (Ord. #2017-16, Sept. 2017)

5-508. Sealed bid requirements – \$10,000.00 or greater. (1) On all purchases and contracts estimated to be in excess of ten thousand dollars (\$10,000.00), except as otherwise provided in this chapter, formal sealed bids shall be submitted at a specified time and place to the purchasing agent. The purchasing agent shall submit all such bids for award by the board of mayor and aldermen at the next regularly scheduled board meeting or special-called meeting together with the recommendation as to the lowest responsive bidder.

(2) Notice inviting bids shall be published at least once in a newspaper of general circulation in Crockett County, and at least five (5) days preceding the last day to receive bids. The newspaper notice shall contain a general

description of the article(s) to be secured, and the date, time, and place for opening bids.

(3) In addition to publication in a newspaper, the purchasing agent may take other actions deemed appropriate to notify all prospective bidders of the invitation to bid, including, but not limited to, advertisement in community bulletin boards, the town's official website, metropolitan newspapers, professional journals, and electronic media. (Ord. #2017-16, Sept. 2017)

5-509. Competitive bidding – \$2,000.00 to \$10,000.00. (1) All purchases of supplies, equipment, services, and contracts may be by price quotes and may be awarded to the lowest responsive bidder, or purchased without competitive bid subject to determination by the mayor or purchasing agent.

(2) In the purchasing agent's absence, the mayor shall designate a suitable substitute to perform the purchasing agent's duties. (Ord. #2017-16, Sept. 2017)

5-510. Rejection of bids. The purchasing agent or mayor shall have the authority to reject any and all bids, parts of bids, or all bids for any one (1) or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby. The purchasing agent shall not accept the bid of a vendor or contractor who is delinquent on the payment of taxes, licenses, fees or other monies of whatever nature that may be due the town by said vendor or contractor. (Ord. #2017-16, Sept. 2017)

5-511. Purchases and contracts costing less than \$2,000.00. The department head is expected to obtain the best prices and services available for purchases and contracts estimated to be less than two thousand dollars (\$2,000.00), but is exempted from the formal bid requirements specified in §§ 5-507 and 5-508. Routine operational purchases under one hundred dollars (\$100.00) are excluded. (Ord. #2017-16, Sept. 2017)

5-512. Bid deposit. When deemed necessary, bid deposits or an equivalent bond may be prescribed and noted in the public notices inviting bids. The deposit shall be in such amount as the purchasing agent shall determine and unsuccessful bidders shall be entitled to a return of such deposits within ten (10) calendar days of the bid opening. (Ord. #2017-16, Sept. 2017)

5-513. Performance bond. The purchasing agent may require a performance bond before entering into a contract, in such amount as he shall find reasonably necessary to protect the best interests of the town and furnishers of labor and materials in the penalty of not less than the amount provided by *Tennessee Code Annotated*. (Ord. #2017-16, Sept. 2017)

5-514. Record of bids. (1) The purchasing agent shall keep a record of all open market orders and bids submitted in competition thereon, including a list of the bidders, the amount bid by each, and the method of solicitation and bidding, and such records shall be open to public inspection and maintained in the town recorder's office.

- (2) As a minimum, the bid file shall contain the following information:
- (a) A copy of the bid advertisement;
 - (b) A copy of the bid specifications;
 - (c) A list of bidders and their responses; and
 - (d) A copy of the invoice. (Ord. #2017-16, Sept. 2017)

5-515. Considerations in determining bid awards. The following criteria shall be considered in determining all bid awards:

- (1) Lowest bid;
- (2) The ability of the bidder to perform the contract or provide the material or service required, in a prompt timely manner without delay or interference;
- (3) The character, integrity, reputation, judgement, experience, and efficiency of the bidder;
- (4) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (5) The quality of performance of previous contracts or services, including the quality of such contracts or services in other municipalities, or performed for private sector contractors;
- (6) The sufficiency of financial resources and the ability of the bidder to perform the contract or provide the service;
- (7) The ability of the bidder to provide future maintenance and service for the use of the supplies or contractual service contracted;
- (8) Compliance with all specifications in the solicitation for bids;
- (9) The ability to deliver and maintain any requisite bid bonds or performance bonds;
- (10) Total cost of the bid, the life cycle cost or value of the goods or services, as applicable; and
- (11) Local bidders may be given preference as deemed appropriate to the town. (Ord. #2017-16, Sept. 2017)

5-516. Award splitting. Award splitting may be made among two (2) or more bidders as deemed advantageous for the town. (Ord. #2017-16, Sept. 2017)

5-517. Award in case of tie bids. When two (2) or more vendors have submitted the low bid, the following criteria shall be used to award the bid.

- (1) If all bids received are for the same amount, quality of service being equal, the purchase contract shall be awarded to the local bidder.

(2) If two (2) or more local bidders have submitted the low bid, quality of service being equal, the purchase contract shall be awarded by a coin toss or drawing lots.

(3) If no local bids are received and two (2) or more out-of-town bidders have submitted the low bid, quality of service being equal, the purchase contract shall be awarded by a coin toss or drawing lots.

(4) When the award is to be decided by coin toss or drawing lots, representatives of the bidders shall be invited to observe. In no event shall such coin toss or drawing lots be performed with less than three (3) witnesses. (Ord. #2017-16, Sept. 2017)

5-518. Emergency purchases. When in the judgement of the purchasing agent or mayor an emergency exists, the provisions of this chapter may be waived; provided, however, the purchasing agent shall report the purchases and/or contracts to the board of mayor and aldermen at the next regular board meeting stating the item(s) purchased, the amount(s) paid, from whom the purchase(s) was made, and the nature of the emergency. (Ord. #2017-16, Sept. 2017)

5-519. Waiver of the competitive bidding process. Upon the recommendation of the mayor, and the subsequent approval of the board of mayor and aldermen, that it is clearly to the advantage of the town not to contract by competitive bidding, provided it complies with state law, the requirements of competitive bidding may be waived provided that the following criteria are met and documented in a written memo to the board of mayor and aldermen, and incorporated into the minutes.

(1) Single source of supply. The availability of only one (1) vendor of a product or service within a reasonable distance of the town as determined after a complete and thorough search by the using department and the purchasing agent.

(2) State department of general services. A thorough effort was made to purchase the product or service through or in conjunction with the state department of general services or via a state contract, such effort being unsuccessful.

(3) Purchase from other governmental entities. A thorough effort was made to purchase the product or service through or in conjunction with other municipalities or from any federal or state agency. These purchases may be made without competitive bidding and public advertisement.

(4) Purchases from non-profit organizations. A thorough effort was made to purchase the goods or services from any non-profit organization whose sole purpose is to provide goods and services specifically to municipalities.

(5) Purchases from Tennessee state industries. A thorough effort was made to purchase the goods or services from Tennessee state industries (prison industries).

(6) Purchases from instrumentalities created by two (2) or more co-operating governments. An effort was made to purchase the goods or services from a co-op or group of governments which was formed to purchase goods and services for their members. (Ord. #2017-16, Sept. 2017)

5-520. Goods and services exempt from competitive bidding. The following goods and services need not be awarded on the basis of competitive bidding; provided, however, that the purchasing agent and/or the department head shall make a reasonable effort to assure that such purchases are made efficiently and in the best interest of the town.

(1) Certain insurance. The town may purchase tort liability insurance or obtain bonds without competitive bidding. All other insurance plans, however, are to be awarded on the basis of competitive bidding.

(2) Certain investments. The town may make investments of municipal funds in, or purchases from, the pooled investment fund established pursuant to *Tennessee Code Annotated*, § 9-17-105.

(3) Motor fuel, fuel products, or perishable commodities. Such commodities may be purchased without competitive bidding, except when the mayor or purchasing agent determines it is in the best interest of the town to do so.

(4) Professional service contracts. Any services of a professional person or firm, accountants, physicians, architects, engineers, and other consultants required by the town, may be hired without competitive bidding. In those instances where such professional service fees are expected to exceed ten thousand dollars (\$10,000.00) or contingent on a favorable outcome to the town, or approved in the budget of the town, a written contract shall be developed and approved by the board of mayor and aldermen prior to the provision of any goods or services. Contracts for professional services shall not be awarded on the basis of competitive bidding; rather, professional service contracts shall be awarded on the basis of recognized competence and integrity. (Ord. #2017-16, Sept. 2017)

5-521. Procedures upon taking delivery of purchased items. Before accepting delivery of purchased equipment, supplies, materials and other tangible goods, the department head of the using department shall:

- (1) Inspect the goods to verify that they are in acceptable condition;
- (2) Verify that the goods received match the order;
- (3) Verify that all operating manuals and warranty cards are included in the delivery of the goods, if applicable;
- (4) Verify that the number of items purchased has been delivered; making special note when part or all of a particular purchase has been back ordered;
- (5) Record serial numbers on appropriate forms for all capital items, notifying the town recorder of same; and

(6) Notify the purchasing agent with the information in subsections (1) to (5) above. (Ord. #2017-16, Sept. 2017)

5-522. Additional forms and procedures. The purchasing agent is hereby authorized and directed to develop such forms and procedures as are necessary to comply with this chapter. (Ord. #2017-16, Sept. 2017)

5-523. Excluded purchases. Routine operational purchases under five hundred dollars (\$500.00) are excluded; routine water department purchases under one thousand dollars (\$1,000.00) excluded; emergency water department expenses under one thousand five hundred dollars (\$1,500.00) are excluded. (Ord. #2017-19, Dec. 2017)

5-524. Unclaimed property. (1) (a) All unclaimed personal property which comes into the possession of any department of the Town of Alamo (except police) shall, if it remains unclaimed for a period of sixty (60) days, be delivered to the purchasing agent to be forfeited and disposed of as surplus property. Prior to disposal of the unclaimed personal property, the purchasing agent shall make reasonable efforts to notify the owner, including mailing notice to the owner of such personal property by certified mail to such owner's last known address if such has not been done by the department that came into possession of such unclaimed/abandoned property before delivery to the purchasing agent.

(b) All unclaimed/abandoned personal property from any citizen or business which comes into the possession of the Alamo Police Department (except for evidence) and which remains unclaimed for a period of sixty (60) days thereafter shall be declared abandoned and all rights, interests, and/or ownership shall be forfeited by the owner. Items held as evidence shall be surplus one-year following disposal of the case. The chief of police shall declare such unclaimed personal property abandoned and may dispose of such property by the following means:

(i) Internet auction;

(ii) Destruction; or

(iii) May be diverted to town property. Any articles declared by the chief of police to be sold at auction shall have a complete inventory list prepared which shall be delivered to the town purchasing agent. Prior to disposal of the unclaimed personal property, the purchasing agent shall make reasonable efforts to notify the owner, including mailing notice to the owner of such personal property by certified mail to such owner's last known address if such has not been done by the department that came into possession of such unclaimed/abandoned property before delivery to the purchasing agent.

(2) The purchasing agent shall dispose of unclaimed/abandoned personal property which comes into the possession of the police department, town court and/or other departments of the town, by any method of disposal authorized by ordinance. Methods of disposal shall include sales at public auction, publicly advertised and held; sale under sealed bids, publicly advertised, opened and recorded; sale by internet auction; negotiated contract for sale, at arm's length; but only in those instances in which the availability of the property is recurring or repetitive in character, such as marketable waste products, for disposal of the property as it is generated in the most economically feasible, fiscally sound, and administratively practicable method for the town.

(3) (a) Any money received from the sale of unclaimed personal property shall be deposited in the general fund of the Town of Alamo, unless otherwise directed by law.

(b) If the owner of any article of unclaimed/abandoned personal property sold shall, present satisfactory proof to the town that he was the owner of any article sold within a period of thirty (30) days after the sale, he shall be entitled to the proceeds of the sale thereof, less his proportionate share of the expenses of the sale.

TITLE 6**LAW ENFORCEMENT****CHAPTER****1. POLICE AND ARREST.****CHAPTER 1****POLICE AND ARREST¹****SECTION**

6-101. Police officers subject to mayor's orders.

6-102. Police officers to preserve law and order, etc.

6-103. Police officers to wear uniforms and be armed.

6-104. When police officers to make arrests.

6-105. Police officers may require assistance in making arrests.

6-106. Police department records.

6-101. Police officers subject to mayor's orders. All police officers shall obey and comply with such orders and administrative rules and regulations as the mayor may officially issue. (1965 Code, § 1-401)

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the town court during the trial of cases. Police officers shall also promptly serve any legal process issued by the town court. (1965 Code, § 1-402)

6-103. Police officers to wear uniforms and be armed. All police officers shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the mayor for a special assignment. (1965 Code, § 1-403)

6-104. When police officers to make arrests¹. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person;

¹Municipal code reference

Traffic citations, etc.: title 15, chapter 7.

(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person; or

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1965 Code, § 1-404)

6-105. Police officers may require assistance in making arrests.

It shall be unlawful for any male person willfully to refuse to aid a police officer in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the police officer and is reasonably necessary to effect the arrest. (1965 Code, § 1-405)

6-106. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

(1) All known or reported offenses and/or crimes committed within the corporate limits;

(2) All arrests made by police officers; and

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1965 Code, § 1-407)

TITLE 7**FIRE PROTECTION AND FIREWORKS¹****CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE TOWN LIMITS.
5. FIREWORKS.

CHAPTER 1**FIRE DISTRICT****SECTION**

- 7-101. Fire limits described.
7-102. Mutual aid.

7-101. Fire limits described. The fire district for the Town of Alamo is composed of an area that includes the central portion of Crockett County, much of which is outside the corporate limits. Crockett County provides an annual monetary contribution to the Alamo Volunteer Fire Department to provide this coverage. The area in which the AFD is the primary responder is identified in the GIS database of the Crockett County E-911 office.

7-102. Mutual aid. As a volunteer department, the AFD has an informal mutual aid agreement with other volunteer fire departments in Crockett County and will respond when requested.

¹Municipal code reference

Building, utility and residential codes: title 12.

CHAPTER 2**FIRE CODE**¹**SECTION**

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Modifications.
- 7-207. Violations and penalty.

7-201. Fire code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the *Standard Fire Prevention Code*,² 1999 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of *Tennessee Code Annotated*, § 6-54-502, one (1) copy of the fire prevention code has been filed with the town recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1965 Code, § 7-201, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. (1965 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the Town of Alamo, Tennessee. (1965 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. (1) The limits referred to in the fire code, in which storage of explosive materials is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

¹Municipal code reference

Building, utility and residential codes: title 12.

²Copies of this code are available from the International Building Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

(2) The limits referred to in the fire code, in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

(3) The limits referred to in the fire code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

(4) The limits referred to in the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire district as set out in § 7-101 of this code. (1965 Code, § 7-204)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1965 Code, § 7-205)

7-206. Modifications. The chief of the fire department may recommend to the board of mayor and aldermen modifications of the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed shall be contained in an amendment to this code or a resolution of the board of mayor and aldermen. (1965 Code, § 7-206)

7-207. Violations and penalty. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1965 Code, § 7-207)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Tenure and compensation of members.

7-306. Chief responsible for training and maintenance.

7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1965 Code, § 7-301)

7-302. Objectives. The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting;
- (2) To prevent the loss of life and property because of fires;
- (3) To confine fires to their places of origin;
- (4) To extinguish uncontrolled fires;
- (5) To prevent loss of life from asphyxiation or drowning; and
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1965 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1965 Code, § 7-303)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters

¹Municipal code reference

Special privileges with respect to traffic: title 15, chapter 2.

to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1965 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1965 Code, § 7-305)

7-306. Chief responsible for training and maintenance. The chief of the fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1965 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of *Tennessee Code Annotated*, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by *Tennessee Code Annotated*, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1965 Code, § 7-308)

CHAPTER 4

FIRE SERVICE OUTSIDE TOWN LIMITS**SECTION**

- 7-401. Equipment to be used only within corporate limits generally.
7-402. Exceptions.
7-403. Fees.

7-401. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless authorized by the governing body. (1965 Code, § 7-307, modified)

7-402. Exceptions. The primary obligation of the Alamo Volunteer Fire Department is to protect the citizens and property of the Town of Alamo. Calls for the services of the volunteer fire department to extinguish fires located outside the corporate limits of the Town of Alamo will be restricted to properties located within Crockett County, Tennessee. The Alamo Volunteer Fire Department will not be dispatched to a fire anywhere outside the town limits, when, in the opinion of the fire chief, the forces remaining would be insufficient for adequate protection within the corporate limits of the Town of Alamo. The town will accept no responsibility for damages incurred as a result of answering a call for fire department services outside the corporate limits of the Town of Alamo. (Ord. #____, Feb. 1987, as amended by Ord. #12-04-2012A, Dec. 2012, modified)

7-403. Fees. (1) The fee for a minor fire call outside the corporate limits is set at five hundred dollars (\$500.00).

(2) The fee for a major fire call outside the corporate limits is set at one thousand dollars (\$1,000.00).

(3) The fee for false alarm call outside the corporate limits is set at one hundred fifty dollars (\$150.00).

The Alamo Fire Chief, using his best professional judgment or his designee, is vested with the authority and responsibility to classify each fire call outside the corporate limits of the Town of Alamo as either "minor," or "major." (Ord. #2018-13, Nov. 2018, modified)

CHAPTER 5

FIREWORKS

SECTION

- 7-501. Purpose.
- 7-502. Definitions.
- 7-503. Permit required.
- 7-504. Permit fees and length of validity.
- 7-505. Application for permit.
- 7-506. Separate sales and use tax numbers required.
- 7-507. Permissible types of fireworks.
- 7-508. Conditions for sale, use and storage of permissible items.
- 7-509. Retail sale of permissible items--time limitations--exceptions.
- 7-510. Public displays--permits--regulation.
- 7-511. Regulations governing storing, location or displaying fireworks.
- 7-512. Unlawful acts in the sale, handling, or private use of fireworks.
- 7-513. Due process; penalty for violation.
- 7-514. Exceptions to application.
- 7-515. Seasonal use of fireworks.

7-501. Purpose. The purpose of this chapter is to provide an ordinance for regulating the manufacturing, sale, display, use and storage of D.O.T. Class C common fireworks for both private and public display within the corporate limits of the Town of Alamo, Tennessee, setting certain guidelines which shall provide for the general safety and welfare of the citizens thereof and property therein. (Ord. #2019-4, June 2019)

7-502. Definitions. As used in this chapter, the following terms shall have the meaning ascribed to them herein, unless clearly indicated otherwise.

(1) "Distributor." Any person engaged in the business of selling of fireworks to any other person engaged in the business of reselling fireworks either as a wholesaler or retailer, or any person who receives, brings, or imports any fireworks of any kind, in any manner into the town, except to a holder of a manufacturer's, distributor's or wholesaler's permit issued by the state fire marshal and the town fire chief.

(2) "D.O.T. Class C common fireworks." All articles of fireworks as are now or hereafter classified as "D.O.T. Class C common fireworks" in the regulations of the United States Department of Transportation for transportation of explosives and other dangerous articles.

(3) "Manufacturer." Any person engaged in the making, manufacturing or constructing of fireworks of any kind.

(4) "Permit." The document granting the written authority of the town recorder or fire chief or his/her designee issued under the authority of this chapter.

(5) "Person." Any individual, organization for profit, organization not for profit, firm, partnership or corporation.

(6) "Retailer." Any person engaged in the business of making retail sales of fireworks.

(7) "Sale." An exchange of articles of fireworks for money, also including a barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal, proprietor, salesman, agent, association, co-partnership, or one (1) or more individuals.

(8) "Shell." A circular or cylindrical shaped paper casing or cartridge propelled into the air from a mortar or tube that produces a burst or break with varying colors, effects and noise. A shell contains pyrotechnic composition, a burst charge and an internal time fuse or module.

(9) "Sign, portable." Any advertising sign or device in the shape of an "A" frame or any variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually a two (2) sided sign and including any single or double surface painted or pestered panel type sign or any variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached to the premises or any building, wall, fence, pole or any other structure situated upon any real property.

(10) "Special fireworks." All articles of fireworks that are classified as Class B explosives in the regulation of the United States Department of Transportation and includes all articles other than those classified as Class C.

(11) "Storage." A place where merchandise is stocked or supply is reserved for future use.

(12) "Storage facility." A place where fireworks are stockpiled or kept for future use.

(13) "Town." The Town of Alamo, Tennessee.

(14) "Wholesaler." Any person engaged in the business of making sales of fireworks to a retailer. (Ord. #2019-4, June 2019)

7-503. Permit required. It shall be unlawful for any person to sell, publicly display, offer for sale, ship, cause to be shipped or stored in the town, except as herein provided, any item of fireworks, without first having secured the required applicable permit as a manufacturer, distributor, wholesaler, person or entity in charge of a public display event, or retailer, from both the town's fire chief or his designee and the State of Tennessee Fire Marshal (as required by *Tennessee Code Annotated*, § 68 -104-101, *et seq.*). Possession of said permits shall be a condition prerequisite to selling, putting on a public display, offering for sale, shipping or causing to be shipped into, or storing any fireworks in the town, except as herein provided. Permits issued under this section are not transferable.

No permit shall be issued for manufacturing of fireworks within the Town as the same is prohibited. (Ord. #2019-4, June 2019)

7-504. Permit fees and length of validity. (1) The fee for the permit provided for in § 7-503 of this chapter for retail sales of fireworks shall be one hundred dollars (\$100.00) and the permit shall be valid for a period of one (1) year and shall expire the following year on the day and date it was previously issued.

(2) The fee for storage of fireworks shall be one hundred fifty dollars (\$150.00) and the permit shall be valid for a period of one (1) year and shall expire the following year on the day and date it was previously issued.

(3) The fee for public or private display events shall be fifty dollars (\$50.00) and the permit shall be valid for a maximum period of three (3) days as stated on such permit.

(4) The fee for obtaining a permit for a distributor shall be one hundred fifty dollars (\$150.00) and the permit shall be valid for a period of one (1) year and shall expire the following year on the day and date it was previously issued. (Ord. #2019-4, June 2019)

7-505. Application for permit. Applicants for a permit under this chapter must obtain a permit packet and file with the town recorder a sworn written application containing the following:

(1) The name and addresses of the persons, firms, corporations, or other organizations wishing to obtain said permit.

(2) The complete home address, business address and local address of the applicant.

(3) A brief description of the location where such applicant intends to either sell, display or store said fireworks.

(4) The amount of fireworks on hand and the amount of fireworks to be stored.

(5) The date and length of time for which the right to do business is desired.

(6) After the application has been submitted and approved, the fire chief or his designee shall inspect the site for compliance.

(7) Any fees are to be paid when the application is submitted and all fees are non-refundable.

(8) The town shall be named as an additional insured on applicant's liability policy with a required minimum of one million dollars (\$1,000,000.00) in coverage. (Ord. #2019-4, June 2019)

7-506. Separate sales and use tax numbers required. A separate sales and use tax number shall be required for each location where D.O.T. Class C fireworks are sold.

The issuance of permits provided for herein shall not replace or relieve any person of state, county or municipal privilege licenses as now or hereafter are required by law. (Ord. #2019-4, June 2019)

7-507. Permissible types of fireworks. It is unlawful for any individual, firm, partnership or corporation to possess, sell, use or store within the town, or ship into the town, except as provided in this chapter, any pyrotechnics commonly known as fireworks other than the following permissible items:

(1) Those items now or hereafter classified as D.O.T. Class 1.4 C common fireworks; or

(2) Those items that comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations. (Ord. #2019-4, June 2019)

7-508. Conditions for sale, use and storage of permissible items. No permissible articles of D.O.T. Class C common fireworks, shall be sold, offered for sale, or possessed within the town, or used within the town, unless it is properly named and labeled to conform to the nomenclature of allowed fireworks and unless it is certified "D.O.T. Class C common fireworks" on all shipping cases and by imprinting on the article or retail container D.O.T. Class C common fireworks, such imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public. The regulations of the State of Tennessee Fire Marshal's Office relative to the possession and sale of fireworks, their storage and safety requirements, are hereby incorporated by reference herein, together with the regulations of the National Fire Protection Association (NFPA 1124). Retail sales for fireworks will only be allowed in commercial zones defined by the Alamo Zoning Ordinance. No parking at any site shall be allowed in the town rights-of-way. Signs advertising fireworks are allowed only on the permitted site. No portable signs as defined herein shall be allowed. A minimum distance for the sale of fireworks shall be a minimum of fifty feet (50') from any public right-of-way and/or permanent building. Fireworks shall not be sold or stored within three hundred feet (300') of any residential district, hospital, hotel, motel, private or public schools. All permits must be kept on site and visibly posted in the sales or storage area. A business license must be obtained from the town recorder's office. (Ord. #2019-4, June 2019)

7-509. Retail sale of permissible items--time limitations--exceptions. Permissible articles of fireworks may be sold at retail to residents of the town from June 22 through July 5, and December 20 through January 2 of each year. The definition of fireworks does not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five

one-hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding. Toy paper pistol caps which contain less than twenty-five one hundredths (25/100) grains of explosive compounds, cone, bottle, tube, and other type serpentine pop-off novelties, model rockets, wire sparklers containing not over one hundred (100) grams of composition per item (sparklers containing chlorate or per chlorate sales may not exceed five (5) grams of composition per item), emergency flares, matches, trick matches, and cigarette loads, may be sold at all times. Retail sales displays of the fireworks within the town must be housed in a temporary facility, such as a tent or trailer, away from any permanent structure and the temporary facility cannot be attached to said permanent structure. Proof of tent flame retardant is required. (Ord. #2019-4, June 2019)

7-510. Public displays--permits--regulation. Nothing in this chapter shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal's office. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the town, shall include display shells designed to be fired from mortars and display set pieces of fireworks classed by the regulation of the United States Department of Transportation as "Class B special fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such displays shall have received written approval from the police chief and fire chief, or their designees, and applied for and received a permit for such displays issued by the town and the state fire marshal's office. Applicants for permits for such public displays shall be made in writing and shall show that the proposed display is to be so located and supervised that is not hazardous to property and that it shall not endanger human lives. (Ord. #2019-4, June 2019)

7-511. Regulations governing storing, locating or displaying of fireworks. (1) Placing, storing, locating or displaying fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to allow the presence of open flames, lighted cigars, cigarettes, or pipes within fifty feet (50') of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs (not hand-made) with the words "fireworks--no smoking" in letters not less than four inches (4") high. No fireworks shall be sold at retail at any location where paints, oils or varnishes are offered for sale or used, unless such paints, oils or varnishes are kept in their original consumer containers, nor

where resin, turpentine, gasoline or any other flammable substance is stored or sold.

(2) All firework devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety-type thread-wrapped and coated fuses shall be exempt from this provision.

(3) All firework devices sold or stored under a duly issued permit must be located not less than two hundred fifty feet (250') from any gasoline-dispensing pump.

(4) Any sales or storage facilities must be at all times free from litter and debris.

(5) All proposed sales or storage facilities must be inspected prior to the selling or storing of any fireworks.

(6) Storage facilities must have a placard with a NFPA 704 warning symbol "Fireworks." (Ord. #2019-4, June 2019)

7-512. Unlawful acts in the sale, handling, or private use of fireworks. (1) It is unlawful to:

(a) Offer for retail sale or to sell any fireworks to children under the age of sixteen (16) years or to any intoxicated or incompetent person.

(b) Explode or ignite fireworks within two hundred feet (200') of any church, hospital, hotel, motel, or public school or within two hundred fifty feet (250') of where fireworks are stored, sold or offered for sale, or within two hundred fifty feet (250') of a gasoline retailer or wholesale storage facility.

(c) Ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle or to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people.

(2) All items of fireworks, which exceed the limits of D.O.T. Class C common fireworks as to explosive composition.

(3) It shall be unlawful for any person to sell any item of fireworks without providing the purchaser with a written list of the days and hours of lawful use of fireworks within the town as well as written safety instructions appropriate for the type of fireworks sold.

(4) It is unlawful to fail to comply with the Town of Alamo's Zoning Ordinance. (Ord. #2019-4, June 2019)

7-513. Due process; penalty for violation. Violations of any of the provisions of this chapter may result in the issuance of a citation, the revocation of any applicable permit or the refusal to issue any future permits for a period of not to exceed three (3) years.

The permit holder shall be held responsible in the event of fire, personal

injury, physical injury, and/or any property damage as a result of the permit holder's or the permit holder's employees actions. If permit is suspended or revoked the permit holder may request a due process hearing in front of the mayor of the town within three (3) days.

If a person or organization fails to obtain any required permits prior to manufacturing, possession, use, sales or storage of fireworks, the required permit fees shall be doubled. (Ord. #2019-4, June 2019)

7-514. Exceptions to application. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, of the State of Tennessee or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser first secures a written permit to purchase and use fireworks for agricultural purposes from the state fire marshal's office, and after approval of the local county agricultural agent and the fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferable. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the town. (Ord. #2019-4, June 2019)

7-515. Seasonal use of fireworks. Except as part of a public display pursuant to title 7, chapter 5, §§ 7-503, 7-504 and 7-510, or otherwise permitted by this chapter, fireworks may only be used in the Town of Alamo on Saturday, Sunday and Monday of Memorial Day weekend from 10:00 A.M. to 11:00 P.M. each day; July 3rd, July 4th July 5th between the hours of 10:00 A.M. and 11:00 P.M.; Saturday, Sunday and Monday of Labor Day weekend from 10:00 A.M. to 11:00 P.M. and on December 31st from 10:00 A.M. until January 1st at 1:00 A.M., and again January 1st from 10:00 A.M. to 11:00 P.M. (Ord. #2019-4, June 2019)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS²

SECTION

- 8-101. Alcoholic beverages subject to regulation.
- 8-102. Application for certificate.
- 8-103. Applicant to agree to comply with laws.
- 8-104. Applicant to appear before board of mayor and aldermen; duty to give information.
- 8-105. Action on application.
- 8-106. Applicants for certificate who have criminal record.
- 8-107. Number of retail licenses to be held by retailer.
- 8-108. Where establishments may be located.
- 8-109. Retail stores to be on ground floor; entrances.
- 8-110. Limitation on number of retailers.
- 8-111. Sales for consumption on-premises.
- 8-112. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-113. Inspection fee.
- 8-114. Consumption of alcoholic beverages on-premises prohibited generally.
- 8-115. Advertisement of alcoholic beverages.
- 8-116. Violations and penalty.

8-101. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting or distributing, or to purchase or possess alcoholic beverages within the corporate

¹Municipal code reference

Minors in beer places, etc.: Title 11, chapter 1.

State law reference

Tennessee Code Annotated, title 57.

²State law reference

Tennessee Code Annotated, § 57-3-701, *et seq.*

limits of the Town of Alamo except as provided by *Tennessee Code Annotated*, title 57. (modified, as replaced by Ord. #2020-10, Dec. 2020 **Ch1_09-11-23**)

8-102. Application for certificate.¹ Before any certificate, as required by *Tennessee Code Annotated*, § 57-3-208 or a renewal as required by § 57-3-213 shall be signed by the mayor, a request in writing shall be filed with the recorder, giving the following information:

- (1) Name, age and address of the applicant.
- (2) Number of years residence at applicant's address
- (3) Whether or not the applicant has been convicted of a felony in the past ten (10) years.
- (4) The location of the proposed store for the sale of alcoholic beverages.
- (5) The name and address of the owner of the store.
- (6) Financial capability of the applicant to open a store.
- (7) If the applicant is a partnership, the name, age and address of each partner. If the applicant is a corporation, the name, age and address of the executive officers, or those who will be in control of the package store.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation. (as added by Ord. #2020-10, Dec. 2020 **Ch1_09-11-23**)

8-103. Applicant to agree to comply with laws. The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the town and rules and regulations of the Alcoholic Beverage Commission of the state for sale of alcoholic beverages. (as added by Ord. #2020-10, Dec. 2020 **Ch1_09-11-23**)

8-104. Applicant to appear before board of mayor and aldermen; duty to give information. An applicant for a certificate of good moral character is required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. (as added by Ord. #2020-10, Dec. 2020 **Ch1_09-11-23**)

8-105. Action on application. Every application for a certificate of good moral character shall be referred to the chief of police for investigation and to the town attorney for review, each of whom shall submit his findings to the board of mayor and aldermen within thirty (30) days of the date each application was filed.

¹State law reference

Tennessee Code Annotated, § 57-3-208.

The board of mayor and aldermen may issue a certificate of good moral character to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and aldermen.

All such applications, whether issued or denied shall be kept on file with the town recorder. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-106. Applicants for certificate who have criminal record. No certificate of good moral character for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of good moral character, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-107. Number of retail licenses to be held by retailer.¹ No retail licensee shall, directly or indirectly, hold more than two (2) retail licenses. In no event shall a retail licensee, directly or indirectly, hold more than fifty percent (50%) of the licenses authorized for issuance in the Town of Alamo. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-108. Where establishments may be located. (1) It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the Town of Alamo except within one of the town's B-1 or B-2 zoning districts, or where retail is a permitted use.

(2) A retail liquor package store shall not be located outside the town's B-1 or B-2 zoning districts, or where retail is a permitted use.

(3) A retail liquor package store shall not be located within one hundred fifty feet (150') of any school, church, park, playground, ballpark, hospital, nursing home, or day care facility.

(4) A retail liquor package store shall not be located within five hundred feet (500') of any existing retail liquor package store.

(5) In determining the distances from any property used as a school, church, park, playground, ballpark, hospital, nursing home, day care facility, or existing retail liquor package store, the distances shall be measured in a direct line from the center of the front door of the proposed retail liquor package store. The town may make such measurements using electronic mapping services such

¹State law reference

Tennessee Code Annotated, § 57-3-406.

as the Tennessee Property Viewer or Google maps. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-109. Retail stores to be on ground floor; entrances. No retail store shall be located anywhere on premises in the city/town except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public.¹ (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-110. Limitation on number of retailers.² No limit on the number of retail licenses for the sale of alcoholic beverages under this chapter. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-111. Sales for consumption on-premises. No alcoholic beverages shall be sold for consumption on the premises of a retail seller. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-112. Radios, amusement devices and seating facilities prohibited in retail establishments. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-113. Inspection fee. The Town of Alamo hereby imposes an inspection fee in the maximum amount allowed by *Tennessee Code Annotated*, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the Town of Alamo. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-114. Consumption of alcoholic beverages on-premises prohibited generally. The on-premises consumption of alcoholic beverages under this chapter is prohibited. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

¹State law reference
Tennessee Code Annotated, § 57-3-404(f).

²State law reference
Tennessee Code Annotated, § 57-3-208(c).

8-115. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to *Tennessee Code Annotated*, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

8-116. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the Town of Alamo Municipal Judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #2020-10, Dec. 2020 *Ch1_09-11-23*)

CHAPTER 2

BEER

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Power and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Beer permits shall be restrictive.
- 8-209. On-premises consumption permits.
- 8-210. Off-premises permit.
- 8-211. Limitation on number of permits.
- 8-212. Issuance of permits to illegal aliens prohibited.
- 8-213. Interference with public health, safety, and morals prohibited.
- 8-214. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-215. Permissible hours for sale of beer by beer permit holders.
- 8-216. Prohibited conduct or activities by beer permit holders.
- 8-217. Revocation of beer permits.

8-201. Beer board established. There is hereby established a beer board to be composed of the Board of Mayor and Aldermen of the Town of Alamo. The mayor shall serve as chairperson of the beer board. Members of the beer board shall serve without compensation. (Ord. #2017-10, Aug. 2017)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold annual meetings in the Alamo town hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairperson, provided that a reasonable notice thereof is provided to each member. The board may adjourn a meeting at any time to another place and time. (Ord. #2017-10, Aug. 2017)

8-203. Record of beer board proceedings to be kept. (1) The town recorder shall make a record of the proceedings of all meetings of the beer board.

(2) The record shall be a public record and shall contain at least the following information:

- (a) The date and time of each meeting;
- (b) The names of the board members present and absent;
- (c) The names of the members introducing and seconding motions and resolutions, etc. before the board;

- (d) A copy of each such motion or resolution presented;
 - (e) The vote of each member thereon; and
 - (f) The provisions of each beer permit issued by the board.
- (Ord. #2017-10, Aug. 2017)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "no" vote. (Ord. #2017-10, Aug. 2017)

8-205. Powers and duties of the beer board. The beer board shall have the power, and is hereby directed, to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the Town of Alamo, in accordance with the provisions of this chapter. (Ord. #2017-10, Aug. 2017)

8-206. "Beer" defined. The term "beer" as used in this chapter shall be the same definition appearing in *Tennessee Code Annotated*, § 57-5-101. (Ord. #2017-10, Aug. 2017)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person, group of persons, business, or corporation to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. Such application shall be made on such form as the board shall prescribe or furnish. Each applicant must be a person of good moral character and must certify that he has read and is familiar with the provisions of this chapter. As specified in *Tennessee Code Annotated*, § 57-5-104(a), each applicant for a beer permit shall be required to pay an application fee of two hundred fifty dollars (\$250.00) to the Town of Alamo. No portion of the application fee shall be refunded to the applicant, notwithstanding whether an application is approved or denied. Pursuant to *Tennessee Code Annotated*, § 57-5-104(b), there is hereby imposed on the business selling, distributing, storing or manufacturing beer in the Town of Alamo a privilege tax of one hundred dollars (\$100.00) per year. (Ord. #2017-10, Aug. 2017)

8-208. Beer permits shall be restrictive. (1) All beer permits shall be restrictive as to the type of beer business authorized under them.

(2) Separate permits shall be required for selling at retail, storing, distributing, or manufacturing, it shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit, it shall likewise be unlawful for any permit holder to fail to comply

with any and all express restrictions or conditions which may be written into his permit by the beer board.

(3) No permit issued by the beer board under the provisions of this chapter shall be transferred from one (1) person or business entity to another. (Ord. #2017-10, Aug. 2017)

8-209. On-premises consumption permits. The Town of Alamo shall issue permits for the sale of beer for on-premises consumption of beer to bona fide restaurants according to the following regulations.

(1) Each "on-site" consumption location shall keep and maintain the premises in a safe, clean and sanitary condition as required for a rating of ninety (90) or better as established by the Tennessee Department of Health, Division of Environmental Health.

(2) "Bona fide" restaurant beer permits shall be determined as follows.

(a) Seventy-five percent (75%) of the gross income of such restaurants is derived from the sale of food.

(b) The seating capacity is at least twenty-five (25) persons.

(c) The restaurant has commercial cooking equipment.

(d) Restaurant has a minimum of six hundred (600) square feet of dining area.

(e) The front or main door shall face the adjacent street. (Ord. #2017-10, Aug. 2017)

8-210. Off-premises permit. (1) An off-premises beer permit shall be issued for the consumption of beer only off the premises of the permittee.

(2) To qualify for an off-premises permit, an establishment must, in addition to meeting the other regulations and restrictions of this chapter:

(a) Be a grocery store or a convenience type market; and

(b) In either case, be primarily engaged in the sale of grocery, tobacco products, personal, and home care and cleaning articles, but also may sell gasoline.

(3) In addition, the monthly beer sales of any establishment which holds an off-premises permit shall not exceed twenty-five percent (25%) of the gross sales of the establishment.

(4) Any establishment which for two (2) consecutive months, or for three (3) months in any calendar year, has beer sales exceeding twenty-five percent (25%) of its gross sales, shall have its beer permit revoked. (Ord. #2017-10, Aug. 2017)

8-211. Limitation on number of permits. There shall be no limit to the number of permits issued by the Town of Alamo for off-premises consumption sales, storage, distribution, or manufacture of beer. (Ord. #2017-10, Aug. 2017)

8-212. Issuance of permits to illegal aliens prohibited. No permit to engage in the beer business shall be granted by the beer board to any alien determined to be illegally in the United States of America. (Ord. #2017-10, Aug. 2017)

8-213. Interference with public health, safety, and morals prohibited. (1) No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with the operation of schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals.

(2) No permit shall be issued for the retail sale of beer to be removed from the premises of the permit holder unless such premises are located entirely within one of the town's B-1 or B-2 zoning districts.

(3) No permit shall be issued for the retail sale of beer to be removed from the premises of the permit holder if such premises are located within one hundred feet (100') of any school, church, park, playground, ball park, hospital, nursing home, or is outside the limits of the town's B-1 or B-2 zoning districts. The distance herein above established shall be as measured in a direct line from the center of the front door of the permittee's place of business. The town may make such measurements using electronic mapping services such as the Tennessee Property Viewer or Google maps. (Ord. #2017-10, Aug. 2017)

8-214. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the illegal possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude, within the ten (10) year period preceding the date of application for a beer permit. (Ord. #2017-10, Aug. 2017)

8-215. Permissible hours for sale of beer by beer permit holders. Holders of beer permits issued by the Town of Alamo may legally make or allow the sale of beer only during the days and times specified in the following schedule:

Day	Opening Time	Closing Time
Sunday	12:30 P.M.	11:00 P.M.
Monday	5:00 A.M.	11:00 P.M.
Tuesday	5:00 A.M.	11:00 P.M.
Wednesday	5:00 A.M.	11:00 P.M.
Thursday	5:00 A.M.	11:00 P.M.

Day	Opening Time	Closing Time
Friday	5:00 A.M.	11:00 P.M.
Saturday	5:00 A.M.	11:00 P.M.

(Ord. #2017-10, Aug. 2017)

8-216. Prohibited conduct or activities by beer permit holders.

It shall be unlawful for any beer permit holder to:

- (1) Employ any person convicted for the illegal possession, sale, manufacture, or transportation of intoxicating liquor, or a crime involving moral turpitude within ten (10) years of such person's employment with the permittee;
- (2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer;
- (3) Make or allow any sale of beer except during those days and hours specified in § 8-215 of this chapter;
- (4) Allow any loud, unusual, or obnoxious noises to emanate from the permittee's premises;
- (5) Make or allow any sale of beer to any person under twenty-one (21) years of age;
- (6) Allow any minor under the age of eighteen (18) years of age to loiter in or about the permittee's place of business;
- (7) Make or allow any sale of beer to any intoxicated person;
- (8) Allow intoxicated or disruptive persons to loiter about the permittee's premises;
- (9) To sell, manufacture, store, or transport any alcoholic beverage having an alcoholic content greater than eight percent (8%) by weight;
- (10) Allow gambling on the permittee's premises;
- (11) Allow pool or billiard playing in the same room where beer is sold and/or consumed;
- (12) Fail to provide and maintain separate sanitary toilet facilities for men and women; or
- (13) Exhibit signage of alcoholic beverages where displayed in windows or the exterior of the premises. (Ord. #2017-10, Aug. 2017)

8-217. Revocation of beer permits. (1) The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter.

(2) However, no beer permit shall be revoked until a public hearing is held by the board after giving reasonable notice to all the known parties of interest.

(3) Revocation proceedings may be initiated by the police chief or by any member of the municipal governing body. (Ord. #2017-10, Aug. 2017)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. PEDDLERS, ETC.
2. CHARITABLE SOLICITORS.
3. YARD SALES.
4. ADULT-ORIENTED ESTABLISHMENTS.

CHAPTER 1

PEDDLERS, ETC.²

SECTION

- 9-101. Permit required.
- 9-102. Exemptions.
- 9-103. Application for permit.
- 9-104. Issuance or refusal of permit.
- 9-105. Appeal.
- 9-106. Bond.
- 9-107. Loud noises and speaking devices.
- 9-108. Use of streets.
- 9-109. Exhibition of permit.
- 9-110. Police officers to enforce.
- 9-111. Revocation or suspension of permit.
- 9-112. Reapplication.
- 9-113. Expiration and renewal of permit.

9-101. Permit required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the Town of Alamo without first obtaining a permit in compliance with the provisions of this

¹Municipal code references

Building, plumbing, wiring and residential regulations: title 12.

Junkyards: title 13, chapter 2.

Liquor and beer regulations: title 8.

Noise reductions: title 11, chapter 4.

Zoning: title 14.

²Municipal code references

Privilege taxes: title 5, chapter 3.

chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1965 Code, § 5-201)

9-102. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1965 Code, § 5-202)

9-103. Application for permit. Applicants for a permit under this chapter must file with the town recorder a sworn written application containing the following:

- (1) Name and physical description of applicant;
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made;
- (3) A brief description of the nature of the business and the goods to be sold;
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) A recent clear photograph approximately two inches (2") square showing the head and shoulders of the applicant;
- (7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate properly the applicant's moral reputation and business responsibility;
- (8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefor;
- (9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities; and
- (10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1965 Code, § 5-203)

9-104. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the recorder within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the

recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-106. The recorder shall keep a permanent record of all permits issued. (1965 Code, § 5-204)

9-105. Appeal. Any person aggrieved by the action of the chief of police and/or the recorder in the denial of a permit shall have the right to appeal to the governing body. Such appeal shall be taken by filing with the recorder within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1965 Code, § 5-205)

9-106. Bond. Every permittee shall file with the town recorder a surety bond running to the town in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the town and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the town that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the town doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1965 Code, § 5-206)

9-107. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the town or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1965 Code, § 5-207)

9-108. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1965 Code, § 5-208)

9-109. Exhibition of permit. Permittees are required to exhibit their permits at the request of any police officer or citizen. (1965 Code, § 5-209)

9-110. Police officers to enforce. It shall be the duty of all police officers to see that the provisions of this chapter are enforced. (1965 Code, § 5-210)

9-111. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor;

(b) Any violation of this chapter;

(c) Conviction of any crime or misdemeanor; or

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) When reasonably necessary in the public interest, the mayor may suspend a permit pending the revocation hearing. (1965 Code, § 5-211)

9-112. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1965 Code, § 5-212)

9-113. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's

privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1965 Code, § 5-213)

CHAPTER 2

CHARITABLE SOLICITORS

SECTION

- 9-201. Permit required.
- 9-202. Application for permit.
- 9-203. Prerequisites for a permit.
- 9-204. Denial of a permit.
- 9-205. Exhibition of permit.

9-201. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (Ord. #___, May 1986)

9-202. Application for permit. Any person desiring to solicit any contribution within the corporate limits of the Town of Alamo, shall apply to the town recorder for a permit.

(1) The application will be made in writing on a form provided by the Town of Alamo at the town hall.

(2) The application for the permit will be made not less than fifteen (15) days in advance of the date on which the applicant proposes to solicit contributions.

(3) A permit will be valid only for the date for which it is issued, and only for the organization or person to which it is issued.

(4) A permit will be valid only for the specific place or places for which it is issued.

(5) Each person or organization to which a permit is issued will be required to make a written report to the town recorder within seventy-two (72) hours after the expiration of the permit, detailing the exact amount of all funds collected pursuant to the permit, and the exact disposition that has been made or that will be made of the funds.

(6) The town recorder will prepare an application form, and a reporting form, which will be used pursuant to this chapter. (Ord. #___, May 1986)

9-203. Prerequisites for a permit. The recorder may issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds all of the following:

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity;
- (2) The control and supervision of the solicitation will be under responsible and reliable persons;
- (3) The applicant has not engaged in any fraudulent transaction or enterprise;
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose;
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant;
- (6) The solicitation will not interfere with traffic, vehicular or pedestrian, nor will it be a nuisance or interfere with the health, welfare or quiet enjoyment of the community; and
- (7) It will not employ any sound amplification equipment. (Ord. #___, May 1986)

9-204. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within ten (10) days after he makes application therefor. (Ord. #___, May 1986)

9-205. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any police officer or person solicited. (Ord. #___, May 1986)

CHAPTER 3

YARD SALES

SECTION

- 9-301. Definitions.
- 9-302. Property permitted to be sold.
- 9-303. Permitted number of yard sales per year.
- 9-304. Hours of operation.
- 9-305. Display of sale property.
- 9-306. Advertising, signage.
- 9-307. Public nuisance.
- 9-308. Inspection.
- 9-309. Parking.
- 9-310. Persons exempted from this chapter.

9-301. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein.

(1) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

(2) "Yard sale" shall mean and include all general sales, open to the public, conducted from or on a residential premise in any zone, as defined by the town zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "auction," "backyard," "patio," "flea market," or "rummage" sale. This definition shall not include a situation where no more than two (2) specific items are held out for sale and all advertisements of such sale specifically names those items to be sold. (Ord. #5-4-2015D, May 2015)

9-302. Property permitted to be sold. It shall be unlawful for any individual to sell or offer for sale, under authority granted by this chapter, property other than personal property. (Ord. #5-4-2015D, May 2015)

9-303. Permitted number of yard sales per year. It shall be unlawful for any resident and/or family household to conduct more than three (3) yard sales during any one (1) calendar year. If members of more than one (1) residence and/or family household join in the operation of a garage sale, it shall be considered as a garage sale for each and all such residences and/or family households. (Ord. #5-4-2015D, May 2015)

9-304. Hours of operation. Such yard sales shall be limited in time to no more than the daylight hours of two (2) consecutive days. (Ord. #5-4-2015D, May 2015)

9-305. Display of sale property. Personal property offered for sale may be displayed within the residence, porch, in a garage, carport, and/or in any yard, but shall not be permitted within the public rights-of-way. (Ord. #5-4-2015D, May 2015)

9-306. Advertising, signage. (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending yard sale.

(a) On-premises signs. Two (2) signs of not more than four (4) square feet each shall be permitted to be displayed on the property of the residence where the yard sale is being conducted.

(b) Directional signs. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises upon which yard sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners upon whose property such signs are to be placed.

(2) Time limitations. No sign or other form of advertisement shall be exhibited for more than twelve (12) hours prior to the commencement of such a sale.

(3) Removal of signs. Signs must be removed within one (1) hour upon the conclusion of the sale. (Ord. #5-4-2015D, May 2015)

9-307. Public nuisance. Individuals conducting a yard sale and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit loud or boisterous conduct on said premises. All such individuals shall obey the reasonable order of any member of the police or fire departments of the Town of Alamo, in order to maintain the public health, safety, and welfare. (Ord. #5-4-2015D, May 2015)

9-308. Inspection. The zoning or code enforcement officer, a police officer, or any other officials designated by the board of mayor and aldermen, shall have the right of entry upon any premises showing evidence of a yard sale, for the purpose of enforcement of this chapter and shall make inspections to enforce the same and shall have the right to issue citations for violations of this chapter. (Ord. #5-4-2015D, May 2015)

9-309. Parking. All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances of the Town of Alamo. Further, the police department may enforce such temporary controls to alleviate any special

hazards and/or congestion created by any yard sale. (Ord. #5-4-2015D, May 2015)

9-310. Persons exempted from this chapter. The provisions of this chapter shall not apply to or affect the following:

(1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction;

(2) Persons acting in accordance with their powers or duties as public officials;

(3) Any sale conducted by any merchant or mercantile or other business establishment, firm or at a place of business wherein such sale would be permitted by the zoning regulations of the Town of Alamo or under the protection of the non-conforming use section thereof or any other sale conducted by a manufacturer, dealer, or vendor, and which sale would be conducted from property zoned premises and not otherwise prohibited in other ordinances;

(4) Persons acting in accordance with their responsibilities as court-appointed decedents' personal representatives; or

(5) Any bona fide charitable, educational, cultural, or governmental institution, or organization when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis. (Ord. #5-4-2015D, May 2015)

CHAPTER 4

ADULT-ORIENTED ESTABLISHMENTS

SECTION

- 9-401. Purpose.
- 9-402. Definitions.
- 9-403. License required.
- 9-404. Application for license.
- 9-405. Standards for issuance of license.
- 9-406. Permit required for all employees.
- 9-407. Application for permit for employees.
- 9-408. Standards for issuance of employee permit.
- 9-409. Fees.
- 9-410. Display of license or permit.
- 9-411. Renewal of license or permit.
- 9-412. Revocation or suspension of license or permit.
- 9-413. Hours of operation.
- 9-414. Responsibilities of the operator.
- 9-415. Prohibitions and unlawful sexual acts.
- 9-416. Violations and penalty.

9-401. Purpose. It is the purpose of this chapter to regulate sexually-oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually-oriented businesses within the town. It is not the intent nor effect of this chapter to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. (Ord. #2018-12, Nov. 2018)

9-402. Definitions. For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(1) "Adult bookstore" means an establishment having as a substantial portion of its stock in trade ("substantial portion" meaning over twenty percent (20%) of floor area, or over twenty percent (20%) of inventory by units or value, or over twenty percent (20%) of revenues, or an inventory of two hundred (200) or more units) in books, films, video cassettes, compact discs, computer software, computer generated images or text, or magazines and other periodicals or publications or reproductions of any kind which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and

in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein.

(2) "Adult cabaret" is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders and/or any other employee or independent contractor, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering. Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancers, table dancers, private dancers, strippers, male or female impersonators, or similar entertainers.

(3) "Adult-entertainment" means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD Rom generated images, displays of adult-oriented images or performances derived or taken from the Internet, displays or dance of any type, which has a substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(4) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by any means by patrons therein.

(5) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, massage parlor, modeling studio or any other term of like import.

(6) "Board of mayor and aldermen" means the Board of Mayor and Aldermen of the Town of Alamo, Tennessee.

(7) "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

(8) "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

(9) "Operator" means any person or entity of any type or character operating, conducting or maintaining an adult-oriented establishment.

(10) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered: Human genitals, pubic region; buttocks; female breasts below a point immediately above the top of the areola; and

(b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered.

(11) "Specified sexual activities" means:

(a) Human genitals in a state of actual or simulated sexual stimulation or arousal;

(b) Acts or simulated acts of human masturbation, sexual intercourse or sodomy;

(c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts. (Ord. #2018-12, Nov. 2018)

9-403. License required. (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the Town of Alamo without first obtaining a license to operate issued by the Town of Alamo.

(2) A license may be issued only to a natural person for one (1) adult-oriented establishment located at a fixed and certain place. The building proposed as the site of the adult-oriented business shall be inspected by the Alamo Fire Department and must meet all reasonable conditions imposed by the fire chief.

(3) No license or interest in a license may be transferred from a licensed operator to any other person, partnership, or corporation.

(4) It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

(5) All existing adult-oriented establishments at the time of the passage of this chapter must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty day period,

then such existing adult-oriented establishment shall cease operations. (Ord. #2018-12, Nov. 2018)

9-404. Application for operator's license. (1) Any person desiring to secure a license shall make application to the Town of Alamo Recorder.

(2) The application for a license shall be upon a form provided by the town recorder. An applicant for a license must be the sole owner of the business and shall furnish the following information under oath:

- (a) Name and addresses, including all aliases.
- (b) Written proof that the individual is at least eighteen (18) years of age.
- (c) All residential addresses of the applicant for the past three (3) years.
- (d) The applicant's height, weight, color of eyes and hair.
- (e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
- (f) Whether the applicant(s) previously operated in this or any other county, town or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
- (g) All criminal statutes, whether federal or state, or town ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- (h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2" x 2") of each applicant.
- (i) The address of the adult-oriented establishment to be operated by the applicant.
- (j) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.
- (k) The length of time the applicant has been a resident of the Town of Alamo, or its environs, immediately preceding the date of the application.
- (l) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.
- (m) All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address phone number, and representative's name.

(n) Evidence in form deemed sufficient to the mayor that the location for the proposed adult-oriented establishment complies with all requirements of the zoning ordinances as now existing or hereafter amended.

(o) Sworn statement that the applicant is the sole owner of the business.

(p) Copy of the applicant's driver's license.

(q) Proof of the applicant's citizenship.

(r) Proposed name of the establishment and/or business.

(3) Within thirty (30) days of receiving the results of the investigation conducted by the Alamo Police Department, the town recorder shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed and additional thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the town recorder shall advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending consideration of any zoning permit by the board of mayor and aldermen.

(4) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the town recorder.

(5) No operator's permit shall be issued by the town recorder without a public vote of approval of the board of mayor and aldermen. (Ord. #2018-12, Nov. 2018)

9-405. Standards for issuance of license. (1) To receive a license to operate an adult oriented establishment, the applicant must meet all standards required in this chapter. No license shall be issued unless the Alamo Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the town recorder no later than thirty (30) days after the date of the application.

(2) All zoning permits must be properly approved before an operator's license is granted.

(3) The establishment owner (licensee) must also be the operator of the business.

(4) No license may be issued for any location unless the premises is lawfully zoned for adult-oriented establishments, all requirements of the zoning ordinance are complied with, and is not located within one thousand five hundred feet (1,500') of a residence, place of public assembly, school, or church.

(5) No license will be issued to any adult-oriented establishment that offers for sale food prepared on site or any form of alcohol beverage including beer.

(6) No license will be issued to any operator if the name of the business contains any suggestion of human genitals, sexual or erotic acts or fantasies, unless the operator agrees that the business names is used and displayed only inside the establishment and is not advertised outside or in any other place where it might be viewed by minors. (Ord. #2018-12, Nov. 2018)

9-406. Permit required for all employees. In addition to the license requirements previously set forth for the owner/operator of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the town recorder. (Ord. #2018-12, Nov. 2018)

9-407. Application for permit for employees. (1) Any person desiring to secure a permit as an employee or entertainer shall make application to the town recorder. The application shall be filed in triplicate with and dated by the town recorder. A copy of the application shall be distributed promptly to the police chief and to the applicant.

(2) The application for a permit shall be upon a form provided by the town recorder. An applicant for a permit shall furnish the following information under oath:

- (a) Name and address, including all aliases.
- (b) Written proof that the individual is at least eighteen (18) years of age.
- (c) All residential addresses of the applicant for the past three (3) years.
- (d) The applicant's height, weight, color of eyes, and hair.
- (e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
- (f) Whether the applicant, while previously operating in this or any other town or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.
- (g) All criminal statutes, whether federal, state or town ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- (h) Fingerprints and two (2) portrait photographs at least two inches by two inches (2" x 2") of the applicant.

(i) The length of time the applicant has been a resident of the Town of Alamo, or its environs, immediately preceding the date of the application.

(j) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Alamo Police Department, the town recorder shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the town recorder shall advise the applicant in writing whether the application is granted or denied.

(4) Whenever an application is denied or held for further investigation, the town recorder shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the board of mayor and aldermen at a regular scheduled board meeting at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the town recorder. (Ord. #2018-12, Nov. 2018)

9-408. Standards for issuance of employee permit. (1) To receive a permit as an employee or entertainer, an applicant must meet the following standards:

(a) The applicant shall be at least eighteen (18) years of age.

(b) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature (including violation of similar adult-oriented establishment laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application.

(c) The applicant shall not have been found to violate any provision of this chapter within five (5) years immediately preceding the date of the application.

(2) No permit shall be issued until the Alamo Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the town recorder not later than thirty (30) days after the date of the application. The town recorder will determine if the applicant has complied with every aspect of this ordinance prior to issuance of a license or permit. (Ord. #2018-12, Nov. 2018)

9-409. Fees. (1) A license fee of two thousand five hundred dollars (\$2,500.00) shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

(2) A permit fee for an employee or entertainer of one hundred fifty dollars (\$150.00) shall be submitted with the application for a permit. If the application is denied the fee shall not be returned. (Ord. #2018-12, Nov. 2018)

9-410. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the Alamo Police Department, or any person designated by the board of mayor and aldermen. (Ord. #2018-12, Nov. 2018)

9-411. Renewal of license or permit. (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the town recorder. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed with and dated by the town recorder. The application for renewal shall be a form provided to the town recorder and shall contain such information and data, given under oath or affirmation, as may be required by the Board of mayor and aldermen.

(2) A license renewal fee of twenty-five hundred dollars (\$2,500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the license renewal fee collected shall be returned.

(3) If the Alamo Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the town recorder.

(4) Every employee permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the town recorder. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in with and dated by the town recorder. The application for renewal shall be upon a form provided by the town recorder and shall contain such information and data, given under oath or affirmation, as may be required by the board of mayor and aldermen.

(5) A permit renewal fee of one hundred fifty dollars (\$150.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty hundred dollars (\$50.00) shall be assessed against the applicant who files for renewal less than sixty (60) days before the license expires. If the application is denied none of the fee shall be returned.

(6) If the Alamo Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the town recorder. (Ord. #2018-12, Nov. 2018)

9-412. Revocation or suspension of license or permit. (1) The town recorder shall revoke a license or permit for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(b) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the board of mayor and aldermen pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the mayor or his designee shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(c) The operator or employee becomes ineligible to obtain a license or permit.

(d) Any cost or fee required to be paid by this chapter is not paid.

(e) An operator employs an employee who does not have a permit or provide space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.

(f) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

(g) Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.

(h) Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold.

(i) Any operator allows continuing violations of the rules and regulations of the Crockett County Health Department, the Tennessee Department of Health, or the Alamo Fire Department.

(i) Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.

(k) Any minor is found to be loitering about or frequenting the premises.

(2) The town recorder, before revoking any license or permit, shall give the operator or employee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the board of mayor and aldermen, at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. Such license shall thereby become null and void.

(4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of a license.

(5) If the operator files suit in court to contest the revocation or non-renewal of a license and the court upholds the revocation or non-renewal, the owner shall be responsible for paying the cost of the Town of Alamo legal defense.

(6) The town recorder may suspend a license or permit for up to three (3) days without prior notice to the operator or the employee, as the case may be, for violation of any provision of this section. (Ord. #2018-12, Nov. 2018)

9-413. Hours of operation. (1) No adult-oriented establishment shall be open between the hours of 1:00 AM. and noon Monday through Saturday, and between the hours of 1:00 AM. and 6:00 P.M. on Sunday.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the Alamo Police Department, the Crockett County Sheriff's Department, or such other persons as the Board of Mayor and Aldermen may designate. (Ord. #2018-12, Nov. 2018)

9-414. Responsibilities of the operator. (1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, portrait photograph of two inches by two inches (2" x 2"), phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the Board of Mayor and Aldermen. The above information on each employee shall be maintained in the register on the premises for a period of five (5) years following termination.

(2) The operator shall make the register of the employees available immediately for inspection by police upon demand of a member of the Alamo Police Department at all reasonable times.

(3) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(4) An operator shall be responsible for the conduct of all employees and/or entertainers while on the licensed premises and any act or omission of any employees and/or entertainer constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(5) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the Alamo Police Department at all reasonable times.

(6) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(7) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures or other types of adult entertainment.

(8) The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.

(9) No operator, entertainer, or employee of an adult-oriented establishment shall demand or collect all or any portion of a fee for entertainment before its completion.

(10) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

"The Town of Alamo Municipal Code regulates this Adult-Oriented Establishment.

1. Entertainers and other employees are Not permitted to engage in any type of sexual conduct.
2. Entertainers and other employees are Not permitted to expose their sex organs.
3. Entertainers are Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.
4. Alcoholic beverages are not permitted on these premises." (Ord. #2018-12, Nov. 2018)

9-415. Prohibitions and unlawful sexual acts. (1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.

(3) No operator, entertainer, employee, or customer shall be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, breasts or buttocks of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee or customer.

(4) No entertainer, employee or customer shall be permitted to have any physical contact with any other person on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer. (Ord. #2018-12, Nov. 2018)

9-416. Violations and penalty. (1) Any person other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (Ord. #2018-12, Nov. 2018)

TITLE 10**ANIMAL CONTROL**¹**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.
3. PIT BULLS.
4. VICIOUS DOGS.

CHAPTER 1**IN GENERAL****SECTION**

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Seizure and disposition of animals.
- 10-107. Restraint.
- 10-108. Violations and penalty.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the Town of Alamo. (1965 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section except as allowed by the Alamo Zoning Ordinance. (1965 Code, § 3-102, modified)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1965 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water,

¹Wherever this title mentions dogs it pertains to dog and cats.

shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended. (1965 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1965 Code, § 3-105)

10-106. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last known mailing address, and the animal or fowl will be humanely destroyed or sold if not claimed within five (5) days. If the owner is not known, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. The notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, within the specified period, the animal or fowl shall be sold, humanely destroyed, or otherwise disposed of as authorized by the board of mayor and aldermen. (1965 Code, § 3-107)

10-107. Restraint. Every person owning or having possession, charge, care, custody, or control of any dog shall keep such animal exclusively upon his own premises; provided, however, that such animal may be off such premises if it is under the control of a competent person and restrained by a chain, leash, or other means of visible control. (Ord. #07-08-2008, July 2008)

10-108. Violations and penalty. Any violation of any section of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day the violation shall continue shall constitute a separate offense.

CHAPTER 2

DOGS AND CATS

SECTION

10-201. Rabies vaccination and registration required.

10-202. Dogs to wear tags.

10-203. Running at large prohibited.

10-204. Noisy dogs prohibited.

10-205. Seizure and disposition of dogs.

10-206. Violations and penalty.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog or cat without having the same duly vaccinated against rabies and registered in accordance with the provisions of the Tennessee Anti-Rabies Law (*Tennessee Code Annotated*, §§ 68-8-101 to 68-8-113) or other applicable law. (1965 Code, § 3-201, modified)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1965 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the Town of Alamo. (1965 Code, § 3-203)

10-204. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1965 Code, § 3-205)

10-205. Seizure and disposition of dogs. The provisions of § 10-107 shall apply to any dog running at large or otherwise being kept in violation of this chapter. (1965 Code, § 3-206, modified)

10-206. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

¹State law reference

Tennessee Code Annotated, §§ 68-8-107.

CHAPTER 3

PIT BULLS

SECTION

- 10-301. Definitions.
- 10-302. Pit bull restrictions.
- 10-303. Standards and requirements for pit bulls.
- 10-304. Sale or transfer of ownership prohibited.
- 10-305. Animals born of registered dogs.
- 10-306. Rebuttable presumptions.
- 10-307. Impoundment.
- 10-308. Court proceedings against the owner.
- 10-309. Court findings.
- 10-310. Violations and penalty.

10-301. Definitions. The words, terms, and phrases, and their derivations as used in this chapter, except where the context clearly indicates otherwise, shall have the following meanings.

(1) "Confined" means to be securely kept indoors, within an automobile or other vehicle, or kept in a securely enclosed and locked pen or structure upon the premises of the owner or keeper of such dog.

(2) "Impoundment" means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this chapter.

(3) "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(4) "Owner" means any person, partnership, corporation, or other legal entity owning, harboring, or possessing a pit bull or any other dog regardless of breed determined to be vicious, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. Such dog shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(5) "Physical restraint" means a muzzle and a leash not to exceed four feet (4') in length.

(6) "Pit bull" means and includes any of the following dogs:

- (a) The bull terrier breed of dog;
- (b) The Staffordshire bull terrier breed of dog;
- (c) The American pit bull terrier breed of dog;
- (d) The American Staffordshire breed of dog;
- (e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bull, pit bull dogs, or pit bull terriers; and

(f) Any dog which has the appearance and characteristics of being predominantly of the breeds of dogs known as bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

(7) "Predominately" means knowledge through identification procedures or otherwise, or admission by owner, keeper, or harbinger that a dog is more than fifty percent (50%) pit bull. Predominately also means that the dog exhibits the physical characteristics of a pit bull more than that of any other breed of dog.

(8) "Sanitary condition" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(9) "Securely enclosed and locked pen or structure" means a fenced-in area that shall be a minimum of ten feet (10') wide, ten feet (10') long, and six feet (6') in height above grade, and with a horizontal top covering said area, all to be at least nine (9) gauge chain link fencing with necessary steel supporting posts. The floor shall be at least three inches (3") of poured concrete with the bottom edge of the fencing embedded in the concrete or extending at least two feet (2') below grade. The gate must be of the same materials as the fencing, fit securely, and be kept securely locked. The owner shall post the enclosure with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property. The enclosure shall contain and provide shelter and protection from the elements, adequate exercise room, be adequately lighted and ventilated, and kept in a sanitary condition.

(10) "Under restraint" means that the dog is secured by a leash, led under the control of a person who is at least eighteen (18) years of age and physically capable of restraining the dog, and that the dog is obedient to that person's commands. A dog kept within a securely enclosed and locked pen or structure shall also be considered to be under restraint. (Ord. #2017-13, Sept. 2010)

10-302. Pit bull restrictions. It shall be unlawful to keep, harbor, own, or in any way possess a pit bull dog within the corporate limits of Alamo; provided, however, that persons owning such dogs at the time this chapter is adopted shall be allowed to keep them, provided that they comply with all of the provisions of this chapter, including § 10-303, within thirty (30) days of the effective date of this chapter. (Ord. #2017-13, Sept. 2010)

10-303. Standards and requirements for pit bulls. The following standards and requirements shall apply to pit bull dogs located within the corporate limits of Alamo.

(1) Permit required. Each owner, keeper, harbinger, or possessor of a pit bull dog shall annually obtain a pit bull permit from the Alamo Town Recorder. Such pit bull permit shall cost fifty dollars (\$50.00) per year and the

pit bull's owner shall make a personal appearance at the Alamo Town Recorder's office when submitting an application for a permit. The fifty dollar (\$50.00) annual permit fee shall be non-refundable and shall be paid prior to any consideration of the permit application or issuance of the permit.

(2) Physical restraint. No person having charge, custody, control, or possession of a pit bull shall permit the dog to go outside its kennel, pen, or other securely enclosed and locked pen or structure unless such dog is under restraint. No person shall permit a pit bull dog to be kept on a chain, rope, or other type of leash shorter than four feet (4') in length outside its kennel or pen unless such person is of at least eighteen inches (18") of age and is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, buildings, or structures.

(3) Muzzle. It is unlawful for any owner or keeper of a pit bull to allow the dog to be outside its kennel, pen, or other securely enclosed and locked pen or structure unless it is necessary for the dog to receive veterinary care. In such cases, the dog must wear a properly fitted muzzle sufficient to prevent the dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(4) Outdoor confinement. Except when leashed and muzzled as provided in this chapter, all pit bull dogs shall be securely confined as defined in § 10-301 of this chapter. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure. All structures erected to house pit bull dogs must comply with zoning and building ordinances and regulations of the Town of Alamo.

(5) Indoor confinement. No pit bull dog shall be kept on a porch, patio, or in any part of a dwelling or structure that would allow the dog to exit such building on its own volition.

In addition, no such dog may be kept in a dwelling or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(6) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" and including a warning symbol to inform children that there is a dangerous dog on the property. All such signs shall be displayed within twenty-four (24) hours of the issuance of a pit bull permit by the Town of Alamo.

(7) Insurance. Prior to the issuance of a pit bull permit by the Town of Alamo, all owners, keepers, harborers, or possessors of pit bull dogs shall provide a certificate of insurance to the Alamo Town Recorder as evidence that they have personal liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping, or maintaining such animal. Such insurance policy shall provide that no cancellation of the policy will be made

unless ten (10) days' advance written notice is first given to the Alamo Town Recorder. Failure to maintain such liability insurance or any other lapse in such coverage shall be grounds for the immediate revocation of the pit bull permit issued by the Town of Alamo.

(8) **Identification photographs.** Prior to the issuance of a pit bull permit by the Town of Alamo, all owners, keepers, possessors, or harborers of pit bull dogs shall provide to the town recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(9) **Reporting requirements.** All owners, keepers, possessors, or harborers of pit bull dogs shall within ten (10) days of the incident report the following information in writing to the Alamo Town Recorder as required hereinafter:

- (a) The removal from the town or death of a pit bull dog;
- (b) The birth of offspring of a pit bull dog; and
- (c) The new address of a pit bull dog owner, keeper, possessor, or harborer should such owner, keeper, possessor, or harborer move his residence within the corporate limits of the Town of Alamo. (Ord. #2017-13, Sept. 2010)

10-304. Sale or transfer of ownership prohibited. No person shall sell, barter, or in any other way transfer possession of a pit bull dog to any person within the Town of Alamo unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the Town of Alamo. (Ord. #2017-13, Sept. 2010)

10-305. Animals born of registered dogs. All offspring born of pit bull dogs within the Town of Alamo shall be removed from the Town of Alamo within six (6) weeks of the birth of such animal. (Ord. #2017-13, Sept. 2010)

10-306. Rebuttable presumptions. There shall be a rebuttable presumption that any dog registered with the Town of Alamo as a pit bull dog or any of those breeds defined by § 10-301 is in fact a dog subject to the requirements of this chapter. (Ord. #2017-13, Sept. 2010)

10-307. Impoundment. Any pit bull dog, not kept in compliance with the provisions of this chapter, may be taken into custody by the appropriate authorities of the Town of Alamo or agents acting on its behalf, and impounded. The dog's owner shall be solely responsible for payment of all boarding fees associated with the impounding of the dog, in addition to any punitive fines to be paid. (Ord. #2017-13, Sept. 2010)

10-308. Court proceedings against the owner. If any pit bull dog is impounded, the Town of Alamo may institute proceedings in municipal court charging the owner with violation of this chapter. Nothing in this section, however, shall be construed as preventing the town or any citizen from instituting a proceeding for violation of this chapter where there has been no impoundment. (Ord. #2017-13, Sept. 2010)

10-309. Court findings. If a complaint has been filed in municipal court against the owner of a dog for violation of this chapter, the dog shall not be released from impoundment or disposed of except on order of the court and payment of all charges and costs incurred under this chapter, including penalties for violating this chapter. The court may, at its discretion, order the dog to be destroyed in a humane manner. (Ord. #2017-13, Sept. 2010)

10-310. Violations and penalty. Any person found violating the provisions of this chapter upon conviction shall be fined fifty dollars (\$50.00) and each day of violation shall be deemed a separate violation. (Ord. #2017-13, Sept. 2010)

CHAPTER 4

VICIOUS DOGS

SECTION

- 10-401. Definitions.
- 10-402. Vicious dogs prohibited.
- 10-403. Procedure for determining that a dog is vicious.
- 10-404. Impoundment of vicious dogs.
- 10-405. Standards and requirements for keeping vicious dogs.
- 10-406. Sale or transfer of ownership prohibited.
- 10-407. Court proceedings against the owner.
- 10-408. Court findings.
- 10-409. Guard dogs.
- 10-410. Violations and penalty.

10-401. Definitions. (1) The definitions included in chapter 3 of this title, excluding those of "pit bull" and "predominately," shall apply to this chapter.

(2) Additionally, the following words, terms, and phrases, and their derivations as used in this chapter, except where the context clearly indicates otherwise, shall have the following meanings.

(3) "Vicious dog" means a dog of any breed other than a pit bull which:

(a) Approaches any person in an aggressive, menacing or terrorizing manner or in an apparent attitude of attack if such person is upon any public ways, including streets and sidewalks, or any public or private property;

(b) Has a known propensity, tendency, or disposition to attack, inflict injury to or to otherwise endanger the safety of persons or domestic animals;

(c) Without provocation, bites or inflicts injury or otherwise attacks or endangers the safety of any person or domestic animal; or

(d) Is trained for dog fighting or which is owned or kept primarily or in part for the purpose of dog fighting. (Ord. #2017-13, Sept. 2010)

10-402. Vicious dogs prohibited. It shall be unlawful for any person to own, keep, harbor, or possess a vicious dog within the corporate limits of the Town of Alamo unless such dog is confined in compliance with this chapter. (Ord. #2017-13, Sept. 2010)

10-403. Procedure for determining that a dog is vicious. (1) Upon his own complaint alleging a dog to be vicious, or upon the receipt of such complaint signed by one (1) or more residents of Alamo, the Alamo Town

Recorder or his designee shall hold a hearing within five (5) days of serving notice to the dog owner. The purpose of the hearing shall be to determine whether such dog is, in fact, vicious. The dog owner shall be notified by a certified letter of the date, time, place, and purpose of the hearing and may attend and have an opportunity to be heard.

(2) In making the determination as to whether a dog is vicious, the town recorder or his designee shall consider, but is not limited to, the following criteria:

- (a) Provocation;
- (b) Severity of attack or injury;
- (c) Previous aggressive history of the dog;
- (d) Observable behavior of the dog;
- (e) Site and circumstances of the incident giving rise to the complaint;
- (f) Age of the victim;
- (g) Statements from witnesses and other interested parties;
- (h) Reasonable enclosures already in place; and
- (i) Height and weight of the dog.

(3) Within five (5) days of the hearing, the town recorder or his designee shall determine whether to declare the dog vicious and shall within five (5) days after such determination notify the dog's owner by certified mail of the dog's designation as a vicious dog and the specific restrictions and conditions for keeping the dog. If the dog is declared vicious, its owner shall confine the dog with a securely enclosed and locked pen or structure, and whenever the dog is removed from such secure enclosure it shall be physically restrained and under restraint as defined in this chapter. The owner of the vicious dog shall notify residents of all abutting properties, including those across the street, of such findings. This notice to occupants of abutting properties shall be by certified mail, return receipt requested, and shall be at the owner's sole expense. The town recorder may: vary the minimum requirements of a secure enclosure if the owner's residence cannot accommodate a secure enclosure as defined in this chapter; or permit an alternate method of enclosure provided that, in the sole discretion of the town recorder, such alternate method fulfills the objectives as a secure enclosure.

(4) No dog shall be declared vicious if the threat, injury, or damage was sustained by a person who:

- (a) Was committing a crime or willful trespass or other tort upon the premises occupied by the owner of the dog;
- (b) Was teasing, tormenting, abusing, or provoking the dog; or
- (c) Was committing or attempting to commit a crime.

No dog shall be declared vicious as the result of protecting or defending a human being, any other animal, or itself against an unjustified attack or assault. (Ord. #2017-13, Sept. 2010)

10-404. Impoundment of vicious dogs. Any vicious dog, not in compliance with the provisions of this chapter, may be taken into custody by the appropriate authorities of the Town of Alamo or agents acting on behalf of the town, and impounded. The dog's owner shall be solely responsible for payment of all boarding fees associated with such impoundment in addition to any punitive fines to be paid. No dog which has been declared vicious pursuant to this chapter shall be released from impoundment unless and until the standards and requirements for keeping vicious dogs, as specified in § 10-405 have been met. (Ord. #2017-13, Sept. 2010)

10-405. Standards and requirements for keeping vicious dogs. The following standards and requirements shall apply to the keeping of vicious dogs located within the corporate limits of Alamo.

(1) **Registration.** Within ten (10) days of a dog being declared vicious pursuant to this chapter, the owner, keeper, harborer, or possessor of such dog shall register dog with the Alamo Town Recorder.

(2) **Physical restraint.** No person having charge, custody, control, or possession of a vicious dog shall permit the dog to go outside its kennel, pen, or other securely enclosed and locked pen or structure unless such dog is under restraint. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, buildings, or structures.

(3) **Muzzle.** It is unlawful for any owner or keeper of a vicious dog to allow the dog to be outside its kennel, pen, or other securely enclosed and locked pen or structure unless it is necessary for the dog to receive veterinary care. In such cases, the dog must wear a properly fitted muzzle sufficient to prevent the dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(4) **Outdoor confinement.** Except when leashed and muzzled as provided in this chapter, all vicious dogs shall be securely confined as described in § 10-303(4) of this chapter. All structures used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. All outdoor structures erected to house vicious dogs must comply with zoning and building ordinances and regulations of the Town of Alamo and construction of such structures shall be completed within thirty (30) days of the owner's dog being declared vicious.

(5) **Indoor confinement.** No vicious dog shall be kept on a porch, patio, or in any part of a dwelling or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a dwelling or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(6) **Signs.** All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by

the public using the words "Beware of Dog" and including a warning symbol to inform children that there is a dangerous dog on the property. All such signs required by this chapter shall be installed and in place within fourteen (14) days of an owner's dog being declared vicious.

(7) Insurance. Within fourteen (14) days of being declared vicious, all owners, keepers, harborers, or possessors of vicious dogs shall provide proof to the town recorder of public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping, or maintaining such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' advance written notice is first given to the Alamo Town Recorder.

(8) Identification photographs. Within fourteen (14) days of being declared vicious, all owners, keepers, possessors, or harborers of vicious dogs shall provide to the Alamo Town Recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(9) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs shall within ten (10) days of the incident report the following information in writing to the Alamo Town Recorder as required hereinafter:

- (a) The removal from the town or death of a vicious dog;
- (b) The birth of offspring of a vicious dog; and
- (c) The new address of a vicious dog owner, keeper, possessor, or harborer should such owner, keeper, possessor, or harborer move his residence within the corporate limits of the Town of Alamo. (Ord. #2017-13, Sept. 2010)

10-406. Sale or transfer of ownership prohibited. No person shall sell, barter, or in any other way transfer possession of a vicious dog to any person within the Town of Alamo unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a vicious dog may sell or otherwise dispose of a vicious dog or the offspring of such dog to persons who do not reside within the Town of Alamo. (Ord. #2017-13, Sept. 2010)

10-407. Court proceedings against the owner. If any vicious dog is impounded, the Town of Alamo may institute proceedings in municipal court charging the owner with violation of this chapter. Nothing in this section, however, shall be construed as preventing the town or any citizen from instituting a proceeding for violation of this chapter where there has been no impoundment. (Ord. #2017-13, Sept. 2010)

10-408. Court findings. If a complaint has been filed in municipal court against the owner of a dog for violation of this chapter, the dog shall not be released from impoundment or disposed of except on order of the court and payment of all charges and costs incurred under this chapter, including penalties for violating this chapter. The court may, upon a finding that the dog is vicious pursuant to this chapter, order the dog to be destroyed in a humane manner. (Ord. #2017-13, Sept. 2010)

10-409. Guard dogs. It shall be unlawful for any person to place or maintain guard dogs in any area of the Town of Alamo for the protection of persons or property unless the following provisions are met:

- (1) The guard dog shall be confined; or
- (2) The guard dog shall be under the direct and absolute control of a handler at all times when not confined; and
- (3) The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one (1) such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty feet (50'), whichever is lesser and shall contain a telephone number where some person responsible for controlling the guard dog can be reached twenty-four (24) hours a day. (Ord. #2017-13, Sept. 2010)

10-410. Violations and penalty. Any person found violating the provisions of this chapter upon conviction shall be fined fifty dollars (\$50.00) and each day of violation shall be deemed a separate violation. (Ord. #2017-13, Sept. 2010)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
4. MISCELLANEOUS.
5. LOITERING, ETC.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Public consumption of beer or intoxicating liquor.
 11-102. Public drunkenness.

11-101. Public consumption of beer or intoxicating liquor. It shall be unlawful for any person to consume, or to have an open container of beer or intoxicating liquor, on any public street, alley, avenue, highway, sidewalk, public park, public school or other public place within the Town of Alamo, Tennessee. (1965 Code, § 10-228, as amended by Ord. #___, Nov. 1972)

11-102. Public drunkenness. It shall be unlawful for any person to be drunk in a public place or in any other place open to public view. (1965 Code, § 10-227)

¹Municipal code references

- Animals and fowls: title 10.
- Fireworks and explosives: title 7, chapter 5.
- Residential and utilities: title 12.
- Streets and sidewalks (non-traffic): title 16.
- Traffic offenses: title 15.

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8, chapter 2.

State law reference

See *Tennessee Code Annotated*, § 33-10-410 (*Arrest for Public Intoxication*, cities may not pass separate legislation).

CHAPTER 2**CHAPTER 2****OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-201. Anti-noise regulations.

11-201. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

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

(b) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

(f) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or

section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

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

(h) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

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

(j) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

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

(a) Municipal vehicles. Any vehicle of the town while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the town, the county, or the state, when the public welfare and convenience renders it impossible to perform such work during the day.

(c) The reasonable use of amplifiers or loudspeakers in the course of public addresses. No such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1965 Code, § 10-233, modified)

CHAPTER 3**TRESPASSING AND INTERFERENCE WITH TRAFFIC****SECTION**

11-301. Interference with traffic.

11-301. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1965 Code, § 10-232)

CHAPTER 4

MISCELLANEOUS

SECTION

11-401. Spitting.

11-401. Spitting. It shall be unlawful for any person to spit upon any public street or sidewalk or upon the floors or walks of any public place. (1965 Code, § 10-229)

CHAPTER 5**LOITERING, ETC.****SECTION**

11-501. Loitering.

11-502. Loitering, driving, etc., in parking areas.

11-503. Prowling.

11-504. Vagrancy.

11-501. Loitering. It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, or idle in, upon, or about any way or place customarily open to public use. (1965 Code, § 10-218)

11-502. Loitering, driving, etc., in parking areas.¹ Any person who loiters on, or who drives, parks, stands, or otherwise operates a motor vehicle on, through or within a parking area, driving area or roadway located on privately owned property which is provided for use by patrons, customers or employees of business establishments or persons attending church activities upon such property, or adjoining property or for use otherwise in connection with activities conducted upon such property, or adjoining property on which property is posted a sign reading: "Business Parking Only, No Loitering," shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars (\$50.00). The sign posted on such private property will be furnished by the Town of Alamo and erected at the owners' expense. (Ord. #____, Sept. 1989, modified)

11-503. Prowling. It shall be unlawful for any person to prowl or wander about the streets, alleys, or other public or private ways or places, or be found abroad at late or unusual hours in the night without any visible or lawful business and when unable to give a satisfactory account of himself. (1965 Code, § 10-219)

11-504. Vagrancy. It shall be unlawful for any person to beg or solicit alms or, if without apparent lawful means of support, to wilfully neglect to apply himself to some honest occupation. (1965 Code, § 10-220)

¹Municipal code reference:

Motor vehicles, traffic and parking: title 15.

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. FUEL GAS CODE.
4. RESIDENTIAL CODE.
5. ENERGY CONSERVATION CODE.
6. MECHANICAL CODE.

CHAPTER 1

BUILDING CODE

SECTION

- 12-101. International Building Code adopted.
- 12-102. Modifications.
- 12-103. Permit fees.
- 12-104. Available in the recorder's office.

12-101. International Building Code Adopted. Pursuant to authority granted by *Tennessee Code Annotated*, § 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Building Code*,¹ 2018 edition, including Appendices B, C, H, and I, are hereby referred to, adopted, and made part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes if any, as prescribed in § 12-102 of this ordinance. (as added by Ord. #2023-3, June 2023 *Ch1_09-11-23*)

12-102. Modifications. The following sections of the *International Building Code*, 2018 edition, are hereby revised as follows:

- (1) The Town of Alamo shall be inserted in all blanks referring to the name of the jurisdiction.
- (2) Add the following text to Section 105.5 "Any work which has not had an inspection within 180 days from issuance of the permit or has not had any subsequent required inspections within 180 days from previous inspections

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

will be deemed that the work has been suspended or abandoned and the permit shall become invalid."

(3) The blanks referring to the date of issuance shall be the effective date of this ordinance.

(4) In Section 1612.3 "November 5, 2008" is to be inserted in the blank. (as added by Ord. #2023-3, June 2023 ***Ch1_09-11-23***)

12-103. Permit fees. All building permit fees are set forth in a "schedule of fees" as authorized and approved from time to time by ordinance of the board of mayor and aldermen.¹ (as added by Ord. #2023-3, June 2023 ***Ch1_09-11-23***)

12-104. Available in the recorder's office. Pursuant to the requirements of § 6-54-502 *Tennessee Code Annotated*, one (1) copy of the *International Building Code*, 2018 edition, has been placed on file in the office of the town recorder of the Town of Alamo and shall be kept there for the use and inspection of the public during normal business hours. (as added by Ord. #2023-3, June 2023 ***Ch1_09-11-23***)

¹Permit fees, as amended from time to time, are available in the office of the recorder.

CHAPTER 2

PLUMBING CODE

SECTION

- 12-201. International Plumbing Code adopted.
- 12-202. Modifications.
- 12-203. Permit fees.
- 12-204. Available in the recorder's office.

12-201. International Plumbing Code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, § 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Plumbing Code*,¹ 2018 edition, including Appendices B, D, E, and F, are hereby referred to, adopted, and made part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes if any, as prescribed in § 12-202 of this ordinance. (as added by Ord. #2023-4, June 2023 *Ch1_09-11-23*)

12-202. Modifications. The following sections of the *International Plumbing Code*, 2018 edition, are hereby revised as follows:

- (1) The Town of Alamo shall be inserted in the blanks referring to the name of the jurisdiction.
- (2) Add the following text to Section 106.5.3 "Any work which has not had an inspection within 180 days from issuance of the permit or has not had any subsequent required inspections within 180 days from previous inspections will be deemed that the work has been suspended or abandoned and the permit shall become invalid."
- (3) In Section 106.6.3, exceptions #2 and #3 are deleted with no substitution.
- (4) In Section 108.4, the blanks referring to violations shall be inserted with "misdemeanor" and "fifty dollars" (\$50.00) as appropriate; and all references to imprisonment shall be deleted.
- (5) In Section 305.4.1, "18 inches" shall be inserted into the blanks referring to minimum depths for underground sanitary water and sewer installations.
- (6) In Section 603.2, Exception #2 is deleted

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

(7) Add the following text to Section 904.1 "The vent stack shall extend a minimum of 12 inches above the roof at the point which it penetrates the roof." (as added by Ord. #2023-4, June 2023 **Ch1_09-11-23**)

12-203. Permit fees. All building permit fees are set forth in a "schedule of fees" as authorized and approved from time to time by ordinance of the board of mayor and aldermen.¹ (as added by Ord. #2023-4, June 2023 **Ch1_09-11-23**)

12-204. Available in the recorder's office. Pursuant to the requirements of § 6-54-502 *Tennessee Code Annotated*, one (1) copy of the *International Plumbing Code*, 2018 edition, has been placed on file in the office of the town recorder of the Town of Alamo and shall be kept there for the use and inspection of the public during normal business hours. (as added by Ord. #2023-4, June 2023 **Ch1_09-11-23**)

¹Permit fees, as amended from time to time, are available in the office of the recorder.

CHAPTER 3

FUEL GAS CODE

SECTION

- 12-301. International Fuel Gas Code adopted.
- 12-302. Modifications.
- 12-303. Permit fees.
- 12-304. Available in the recorder's office.

12-301. International Fuel Gas Code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, § 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Fuel Gas Code*,¹ 2018 edition, is hereby referred to, adopted, and made part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes if any, as prescribed in § 12-302 of this ordinance. (as added by Ord. #2023-6, June 2023 ***Ch1_09-11-23***)

12-302. Modifications. The following sections of the *International Fuel Gas Code*, 2018 edition, are hereby revised as follows:

- (1) The Town of Alamo shall be inserted in the blanks referring to the name of the jurisdiction.
- (2) Add the following text to Section 106.5.3 "Any work which has not had an inspection within 180 days from issuance of the permit or has not had any subsequent required inspections within 180 days from previous inspections will be deemed that the work has been suspended or abandoned and the permit shall become invalid.
- (3) In Section 106.6.3 paragraphs #2 and #3 are deleted.
- (4) In Section 108.4, the word "misdemeanor" shall be inserted in the appropriate blanks, and a maximum fine of fifty dollars (\$50.00) shall be specified; all references to imprisonment are deleted.
- (5) In Section 108.5, "\$50.00" shall be inserted into the blanks specifying the maximum fine for violation of the code. (as added by Ord. #2023-6, June 2023 ***Ch1_09-11-23***)

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-303. Permit fees. All building permit fees are set forth in a "schedule of fees" as authorized and approved from time to time by ordinance of the board of mayor and aldermen.¹ (as added by Ord. #2023-6, June 2023 *Ch1_09-11-23*)

12-304. Available in the recorder's office. Pursuant to the requirements of § 6-54-502 *Tennessee Code Annotated*, one (1) copy of the *International Fuel Gas Code*, 2018 edition, has been placed on file in the office of the town recorder of the Town of Alamo and shall be kept there for the use and inspection of the public during normal business hours. (as added by Ord. #2023-6, June 2023 *Ch1_09-11-23*)

¹Permit fees, as amended from time to time, are available in the office of the recorder.

CHAPTER 4

RESIDENTIAL CODE

SECTION

- 12-401. International Residential Code adopted.
- 12-402. Modifications.
- 12-403. Permit fees.
- 12-404. Available in the recorder's office.

12-401. International Residential Code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, § 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Residential Code*,¹ 2018 edition, including Appendices A, B, C, D, E, G, H, J, K, M, N, O, P, Q, R, S, and T as well as Section G501 of Appendix G, are hereby referred to, adopted, and made part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes if any, as prescribed in § 12-402 of this ordinance. (as added by Ord. #2023-2, June 2023 *Ch1_09-11-23*)

12-402. Modifications. The following sections of the *International Residential Code*, 2018 edition, are hereby revised as follows:

(1) The Town of Alamo shall be inserted in the blanks referring to the name of the jurisdiction.

(2) Add the following text to Section 105.5 "Any work which has not had an inspection within 180 days from issuance of the permit or has not had any subsequent required inspections within 180 days from previous inspections will be deemed that the work has been suspended or abandoned and the permit shall become invalid."

(3) The following design criteria will be inserted in the blanks for design criteria of Table R301.2 (1).

- a. Ground Snow Load- 15
- b. Wind Speed-115
- c. No Topographic wind effects
- d. No Special Wind Region
- e. No windborne debris zone
- f. Seismic Design Category- D
- g. Weathering Index for Concrete- Moderate

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

- h. Frost Line Depth- 12"
 - i. Termite Infestation probability- Heavy
 - j. Winter Design Temperature- Zone 3 IECC
 - k. Ice Barrier Underlayment Requirement- No
 - l. Flood Hazard- Per most recent FEMA Map
 - m. Air Freeze Index- Not Applicable
 - n. Mean Annual Temperature- Not Applicable
- (4) Delete Section R313 "Automatic Sprinklers" in its entirety with no substitution.
- (5) Delete Section NI 102.1.2 "Insulation and Fenestration Requirements by Component", relating to energy conservation, is deleted in its entirety and insert Table 402.1.1 of the 2009 edition of the International Energy Conservation Code "Insulation and Fenestration Requirements by Component" (attached).
- (6) Delete Section NI 102.1.2 "Testing" with no substitutions.
- (7) Add the following to Section NI 103.3.3 with no substitutions.
3. Visual Inspection
- (8) In Section P2603.5.1 insert the words "18 inches" into the appropriate spaces for establishing sewer depths.
- (9) Chapters 34 through 43, inclusively, are hereby deleted in their entirety.
- (10) Whenever the residential code refers to the "Chief Appointing Authority" or "Chief Administrator", it shall be deemed to be a reference to the board of Mayor and Aldermen.
- (11) Whenever the residential code refers to the "Building Official", "Inspector", or "Engineering Department" it shall, for the purposes of the residential code mean such person as the board of commissioners shall have appointed or designated to administer and enforce the provisions of the residential code. (as added by Ord. #2023-2, June 2023 **Ch1_09-11-23**)

12-403. Permit fees. All building permit fees are set forth in a "schedule of fees" as authorized and approved from time to time by ordinance of the board of mayor and aldermen.¹ (as added by Ord. #2023-2, June 2023 **Ch1_09-11-23**)

12-404. Available in the recorder's office. Pursuant to the requirements of § 6-54-502 *Tennessee Code Annotated*, one (1) copy of the *International Residential Code*, 2018 edition, has been placed on file in the office of the town recorder of the Town of Alamo and shall be kept there for the use and inspection of the public during normal business hours. (as added by Ord. #2023-2, June 2023 **Ch1_09-11-23**)

¹Permit fees, as amended from time to time, are available in the office of the recorder.

CHAPTER 5

ENERGY CONSERVATION CODE

SECTION

- 12-501. International Energy Conservation Code adopted.
- 12-502. Modifications.
- 12-503. Permit fees.
- 12-504. Available in the recorder's office.

12-501. International Energy Conservation Code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, § 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Energy Conservation Code*,¹ 2018 edition, is hereby referred to, adopted, and made part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes if any, as prescribed in § 12-502 of this ordinance. (as added by Ord. #2023-7, June 2023 ***Ch1_09-11-23***)

12-502. Modifications. The following sections of the *International Energy Conservation Code*, 2018 edition, are hereby revised as follows:

(1) The Town of Alamo shall be inserted in the blanks referring to the name of the jurisdiction.

(2) Add the following text to Section 403.2.2 (3) "Visual Inspection". (as added by Ord. #2023-7, June 2023 ***Ch1_09-11-23***)

12-503. Permit fees. All building permit fees are set forth in a "schedule of fees" as authorized and approved from time to time by ordinance of the board of mayor and aldermen.² (as added by Ord. #2023-7, June 2023 ***Ch1_09-11-23***)

12-504. Available in the recorder's office. Pursuant to the requirements of § 6-54-502 *Tennessee Code Annotated*, one (1) copy of the *International Energy Conservation Code*, 2018 edition, has been placed on file in the office of the town recorder of the Town of Alamo and shall be kept there

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

²Permit fees, as amended from time to time, are available in the office of the recorder.

for the use and inspection of the public during normal business hours. (as added by Ord. #2023-7, June 2023 ***Ch1_09-11-23***)

CHAPTER 6

MECHANICAL CODE

SECTION

- 12-601. International Mechanical Code adopted.
- 12-602. Modifications.
- 12-603. Permit fees.
- 12-604. Available in the recorder's office.

12-601. International Mechanical Code adopted. Pursuant to authority granted by *Tennessee Code Annotated*, § 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the *International Mechanical Code*,¹ 2018 edition, including Appendices B, D, E, and F, are hereby referred to, adopted, and made part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes if any, as prescribed in § 12-602 of this ordinance. (as added by Ord. #2023-5, June 2023 ***Ch1_09-11-23***)

12-602. Modifications. The following sections of the *International Mechanical Code*, 2018 edition, are hereby revised as follows:

- (1) The Town of Alamo shall be inserted in the blanks referring to the name of the jurisdiction.
- (2) Add the following text to Section 106.4.3 "Any work which has not had an inspection within 180 days from issuance of the permit or has not had any subsequent required inspections within 180 days from previous inspections will be deemed that the work has been suspended or abandoned and the permit shall become invalid."
- (3) Delete Section 106.5.3 with no substitution
- (4) In Section 108.5, "\$50.00" shall be inserted into the blanks specifying the maximum fine for violation of the code.
- (5) In Section 108.4, the blanks referring to violations shall be inserted with "misdemeanor" and "fifty dollars" (\$50.00) as appropriate; and all references to imprisonment shall be deleted.
- (6) In Section 108.5, "\$50.00" shall be inserted into the blanks specifying the maximum fine for violation of the code. (as added by Ord. #2023-5, June 2023 ***Ch1_09-11-23***)

¹Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

12-603. Permit fees. All building permit fees are set forth in a "schedule of fees" as authorized and approved from time to time by ordinance of the board of mayor and aldermen.¹ (as added by Ord. #2023-5, June 2023 ***Ch1_09-11-23***)

12-604. Available in the recorder's office. Pursuant to the requirements of § 6-54-502 *Tennessee Code Annotated*, one (1) copy of the *International Mechanical Code*, 2018 edition, has been placed on file in the office of the Town Recorder of the Town of Alamo and shall be kept there for the use and inspection of the public during normal business hours. (as added by Ord. #2023-5, June 2023 ***Ch1_09-11-23***)

¹Permit fees, as amended from time to time, are available in the office of the recorder.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. JUNK AND DISCARDED ITEMS.
2. MISCELLANEOUS.
3. SLUM CLEARANCE.
4. JUNKYARDS.
5. JUNKED MOTOR VEHICLES.
6. PROPERTY MAINTENANCE REGULATIONS.

CHAPTER 1

JUNK AND DISCARDED ITEMS

SECTION

- 13-101. Outdoor and open burning, smoke, soot, cinders, etc.
 13-102. Junk and discarded items.
 13-103. Obligation to remedy any condition
 13-104. Inapplicability.
 13-105. Violations and penalty.

13-101. Outdoor and open burning, smoke, soot, cinders, etc.

(1) Definitions. For the purpose of administering this section, the following words and phrases are hereby defined:

(a) "Clean wood" means natural wood which has not been painted, varnished, or coated with a similar substance; has not been treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

(b) "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

(c) "Fire chief" means the chief of the Alamo Fire Department.

(d) "Municipality" means the Town of Alamo, Tennessee.

(e) "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

without passing through a stack or a chimney. Open burning includes burning in a burn barrel.

(f) "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

(g) "Outdoor wood-fired boiler" means a wood-fired boiler, stove, or furnace that is not located within a building intended for habitation by humans or domestic animals.

(h) "Patio wood-burning unit" means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

(9) "Refuse" means any waste material whether natural or manmade.

(2) Except as provided in subsection (5), it shall be unlawful for any person to conduct open burning of any natural or man-made materials within the corporate limits of the Town of Alamo, including but not limited to, trees, logs, brush, leaves, grass clippings, weeds, tree stumps, residential, commercial and industrial solid wastes, construction and demolition wastes, and all similar materials.

(3) Patio wood-burning units. A patio wood-burning unit may be installed and used only in accordance with all of the following conditions:

(a) The patio wood-burning unit shall not be used to incinerate refuse.

(b) The patio wood-burning unit shall burn only clean wood.

(c) The patio wood-burning unit shall be located at least fifty feet (50') from the nearest structure which is not on the same property as the patio wood-burning unit.

(d) The patio wood-burning unit shall not cause a nuisance to neighbors.

(4) Fire suppression training. Structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions:

(a) The burn must be exclusively for fire suppression training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.

(b) The burn shall require the prior approval of the board of mayor and aldermen.

(c) Any standing structure that will be used in a fire suppression training exercise must be inspected by a licensed asbestos inspector. A notification of this inspection must be submitted to the Tennessee Department of Environmental Control (TDEC) at least ten (10) business days prior to the exercise.

(d) All asbestos must be removed prior to conducting the fire suppression training. If the structure to be burned is a residential dwelling, the owner may remove the asbestos or have it removed by a

licensed abatement contractor. If the structure to be burned is a commercial or industrial building, all asbestos must be removed by a licensed abatement contractor.

(e) All ash shall be disposed of in an approved landfill or at an alternate location approved by the Tennessee Department of Environmental Control.

(f) At least fourteen (14) days before a planned practice burn, residents located within five hundred feet (500') of the proposed burn site shall be provided written notification signed by the fire chief.

(g) All fire suppression training shall conform to the guidelines established by the National Fire Protection Association (NFPA).

(5) Exceptions. Nothing in this section shall be interpreted or construed as prohibiting:

(a) The use of barbecue, gas, and charcoal grills or smokers for the preparation of food.

(b) The utilizing or maintaining of an outdoor fire by personnel of the Town of Alamo to dispose of clean wood collected by the town in the course of its municipal operations or services. In no event shall any such outdoor fire be utilized or maintained without the prior consent of the Alamo Fire Chief.

(6) Liability. A person utilizing or maintaining any outdoor fire prohibited by this section shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

(7) Right of entry and inspection. The fire chief, any law enforcement officer, and any other officer, agent, or employee designated by the Town of Alamo may inspect any property for the purpose of ascertaining compliance with the provisions of this chapter.

(8) Enforcement and penalties. The fire chief, any law enforcement officer, and any other officer, agent, or employee designated by the Town of Alamo is hereby authorized to enforce the provisions of this chapter. Any person, firm, association, partnership, corporation, or governmental entity found to have violated any of the provisions of this chapter or to have failed to comply with a duly authorized order issued pursuant to this chapter shall be deemed to be responsible for a civil infraction of the Alamo Municipal Code and subject to a civil fine not to exceed fifty dollars (\$50.00). (Ord. #03-08-2012A, March 2012)

13-102. Junk and discarded items. It shall be unlawful for any person, organization, or entity on any premises owned, occupied, or controlled by the same to permit, create, or cause junk or discarded furniture, fixtures, appliances, trash, debris, tires or household items to be placed and left overnight where such items are seen by the public from any public street in the Town of Alamo. (Ord. #2018-8, Sept. 2018)

13-103. Obligation to remedy any condition. If the person, organization, or entity responsible for the conditions cited in § 13-102 fails or refuses promptly to remedy the condition, the mayor or any designee he may choose is authorized immediately to cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the person responsible for the condition and/or the owner of the property. The town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. Upon the filing of the notice with the office of the Register of Deeds in Crockett County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to 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 are collected and shall be subject to the same penalty and interest as delinquent property taxes.

The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, the Alamo 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. (Ord. #2018-8, Sept. 2018)

13-104. Inapplicability. Nothing in this chapter shall apply to routine garbage pick-up or announced junk pick-up. (Ord. #2018-8, Sept. 2018)

13-105. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #2018-8, Sept. 2018)

CHAPTER 2

MISCELLANEOUS

SECTION

- 13-201. Smoke, soot, cinders, etc.
- 13-202. Stagnant water.
- 13-203. Weeds and grass.
- 13-204. Overgrown and dirty lots.
- 13-205. Dead animals.
- 13-206. Health and sanitation nuisances.
- 13-207. Violations and penalty.

13-201. 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. (Ord. #2017-12, Sept. 2017)

13-202. 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, including but not limited to ponds, ditches, birdbaths, swimming pools, and other features that retain water. (Ord. #2017-12, Sept. 2017, modified)

13-203. Weeds and grass. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the town recorder to cut such vegetation when it has reached a height of over one foot (1'). (Ord. #2017-12, Sept. 2017)

13-204. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under *Tennessee Code Annotated*, § 6-54-113, 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 accumulations of debris, trash, litter, or 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 and other harmful animals.

(2) Designation of public officer or department. The mayor shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. It shall be the duty of the department or person designated by mayor to enforce this section to serve notice upon the

owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of this section which has been enacted under the authority of *Tennessee Code Annotated*, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the town; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(4) Clean-up at property owner's expense. If the property owner of record, or other responsible party, fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. 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 such 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. Upon the filing of the notice with the office of the register of deeds in Crockett County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to 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 are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Clean-up of owner-occupied property. When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. The provisions of subsection (4) shall apply to the collection of costs against the owner of an owner-occupied residential property except that the municipality must wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500.00) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (4) for these charges.

(6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the town recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen under subsection (4) above may seek judicial review of the order or act. The time period established in subsection (3) above shall be stayed during the pendency of judicial review.

(8) 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 municipal charter, the Alamo 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 trees, 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 provisions of this municipal code of ordinances or any other applicable law. (Ord. #2017-12, Sept. 2017, modified)

13-205. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the town recorder and dispose of such animal in such manner as the Alamo public officer shall direct. (Ord. #2017-12, Sept. 2017)

13-206. 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. (Ord. #2017-12, Sept. 2017)

13-207. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #2017-12, Sept. 2017)

CHAPTER 3

SLUM CLEARANCE

SECTION

- 13-301. Findings of board.
- 13-302. Definitions.
- 13-303. "Public officer" designated; powers.
- 13-304. Initiation of proceedings; hearings.
- 13-305. Orders to owners of unfit structures.
- 13-306. When public officer may repair, etc.
- 13-307. When public officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of orders.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.
- 13-314. Structures unfit for human habitation deemed unlawful.

13-301. Findings of board. *Pursuant to Tennessee Code Annotated, §§ 13-21-101, et seq., the board of mayor and aldermen finds that there exists 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. (Ord. #2017-12, Sept. 2017)*

13-302. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the board of mayor and aldermen charged with governing the town.

(3) "Municipality" shall mean the Town of Alamo, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

(5) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(7) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the town or state relating to health, fire, building regulations, or other activities concerning structures in the town.

(8) "Public officer" means any officer or person appointed by the Board of Mayor and Aldermen who is authorized by this chapter to exercise the power prescribed herein and pursuant to *Tennessee Code Annotated*, §§ 13-21-101, *et seq.*

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (Ord. #2017-12, Sept. 2017)

13-303. "Public officer" designated; powers. The Alamo mayor shall appoint an appropriate official to exercise the powers prescribed by this chapter. The board of mayor and aldermen may appoint other qualified individuals to serve in this capacity when circumstances warrant, on a case-by-case basis. (Ord. #2017-12, Sept. 2017)

13-304. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (Ord. #2017-12, Sept. 2017)

13-305. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof 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 (not exceeding fifty percent (50%) of the reasonable value), 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 for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (Ord. #2017-12, Sept. 2017)

13-306. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard 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." (Ord. #2017-12, Sept. 2017)

13-307. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (Ord. #2017-12, Sept. 2017)

13-308. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector 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 delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes as set forth in *Tennessee Code Annotated*, §§ 67-5-2010 and 67-5-2410. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The

municipality 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 public officer, the public officer 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 of the county by the public officer, shall be secured in such 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. Nothing in this section shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #2017-12, Sept. 2017)

13-309. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Alamo. 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; or uncleanness. (Ord. #2017-12, Sept. 2017)

13-310. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this 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 the public officer in the exercise of reasonable diligence, and the public officer 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 printed and published in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on 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 Crockett County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #2017-12, Sept. 2017)

13-311. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final

disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, 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 public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (Ord. #2017-12, Sept. 2017)

13-312. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the town in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #2017-12, Sept. 2017)

13-313. 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. (Ord. #2017-12, Sept. 2017)

13-314. 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 chapter shall subject the offender to a penalty of fifty dollars (\$50.00); and each day a violation is allowed to continue shall constitute a separate offense. (Ord. #2017-12, Sept. 2017)

CHAPTER 4

JUNKYARDS

SECTION

- 13-401. Definitions.
- 13-402. Junkyard screening.
- 13-403. Screening methods.
- 13-404. Requirements for effective screening.
- 13-405. Maintenance of screens.
- 13-406. Utilization of highway right-of-way.
- 13-407. Non-conforming junkyards.
- 13-408. Permits and fees.
- 13-409. Violations and penalty.

13-401. Definitions. (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers.

(3) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(4) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

(5) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk is not visible from the highways and streets of the town. (Ord. #2017-12, Sept. 2017)

13-402. Junkyard screening. Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to bring the junkyard into compliance with this chapter. (Ord. #2017-12, Sept. 2017)

13-403. Screening methods. The following methods and materials for screening are given for consideration only:

(1) Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

(2) Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

(3) Architectural barriers. The utilization of:

(a) Panel fences made of metal, plastic, fiberglass, or plywood;

(b) Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood or others treated with a preservative; and

(c) Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

(4) Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen. (Ord. #2017-12, Sept. 2017)

13-404. Requirements for effective screening. (1) Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the town.

(2) The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

(a) Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

(b) Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

(c) Screening shall be located on private property and not on any part of the highway right-of-way.

(d) At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area. (Ord. #2017-12, Sept. 2017)

13-405. Maintenance of screens. The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to ensure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the town. If not replaced within sixty (60) days,

the town may replace said screening and require payment upon demand. (Ord. #2017-12, Sept. 2017)

13-406. Utilization of highway right-of-way. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition. (Ord. #2017-12, Sept. 2017)

13-407. Non-conforming junkyards. Those junkyards within the town, and lawfully in existence prior to the enactment of this code, which do not conform to the provisions of the code shall be considered as "non-conforming." Such junkyards shall be subject to the following conditions, any violation of which shall terminate the non-conforming status:

- (1) The junkyard must continue to be lawfully maintained;
- (2) There must be existing property rights in the junk or junkyard;
- (3) Abandoned junkyards shall no longer be lawful;
- (4) The location of the junkyard may not be changed for any reason.

If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the town; and

- (5) The junkyard may not be extended or enlarged. (Ord. #2017-12, Sept. 2017)

13-408. Permits and fees. It shall be unlawful for any junkyard located within the town to operate without a "junkyard control permit" issued by the town.

- (1) Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The town's fiscal year begins on July 1 and ends on June 30 the year next following.

(2) Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars (\$50.00) which is not subject to either proration or refund.

(3) All applications for an original or renewal permit shall be made on a form prescribed by the town.

(4) Permits shall be issued only to those junkyards that are in compliance with these rules.

(5) A permit is valid only while held by the permittee and for the location for which it is issued. (Ord. #2017-12, Sept. 2017)

13-409. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #2017-12, Sept. 2017)

CHAPTER 5

JUNKED MOTOR VEHICLES

SECTION

- 13-501. Definitions.
- 13-502. Violations a civil offense.
- 13-503. Exceptions.
- 13-504. Enforcement.
- 13-505. Violations and penalty.

13-501. Definitions. For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) (a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earthmoving equipment, and any part of the same.

(b) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective, including, but not limited to, any one (1) or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including,

but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle. (Ord. #2017-12, Sept. 2017)

13-502. Violations a civil offense. It shall be unlawful and a civil offense for any person:

(1) To park and/or in any other manner, place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle;

(2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle; or

(3) To park, store, keep, or maintain on private property a junk vehicle. (Ord. #2017-12, Sept. 2017)

13-503. Exceptions. (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any

zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed;

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking or junking vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance and other regulations governing business engaged in wrecking or junking vehicles; or

(c) A duly permitted and properly zoned automobile repair shop may store motor vehicles undergoing repair on its premises for up to one hundred seventy-nine days (179) days.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the town. (Ord. #2017-12, Sept. 2017, as amended by Ord. #2021-4, Sept. 2021 ***Ch1_09-11-23***)

13-504. Enforcement. Pursuant to *Tennessee Code Annotated*, § 7-63-101, the mayor shall appoint an appropriate official to issue ordinance summons for violations of this ordinance on private property. The official duly appointed by the mayor shall, upon the complaint of any citizen, or acting on his own information, investigate complaints of junked vehicles on private property. If after such investigation the official duly appointed by the mayor finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the official duly appointed by the mayor may: request the town judge to issue a summons; or request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by *Tennessee Code Annotated*, §§ 7-63-101, *et seq.*, or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest. In addition, pursuant to *Tennessee Code Annotated*, § 55-5-122, the municipal court may issue an order to remove vehicles from private property. (Ord. #2017-12, Sept. 2017)

13-505. Violations and penalty. Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation. (Ord. #2017-12, Sept. 2017)

CHAPTER 6

PROPERTY MAINTENANCE REGULATIONS

SECTION

13-601. Unfit residential structures, trailers, and dwelling units.

13-602. Fire, flood, earthquake, or other natural disasters.

13-603. Unsecured structures.

13-604. Right to enter and inspect.

13-605. Repair or maintain the property at owner's expense.

13-606. Violations and penalty.

13-601. Unfit residential structures, trailers, dwelling units. It shall be unlawful for any property owner to offer for rent or lease, or otherwise permit or maintain, any non-owner occupied residential structure, duplex, trailer, or dwelling unit that is unfit for human occupancy. A residential structure, duplex, trailer, dwelling unit is unfit for human occupancy whenever it comes into such disrepair that the doors or windows are missing, broken or unsecure; the floor is unsound and/or unsafe for ordinary use and occupancy; an infestation of rats or other vermin is present; filth, contamination, mold, or unusual dirtiness is present; or there is a lack of ventilation, illumination, hot water, sanitary or heating facilities, or other essential equipment; or any dangerous defect in structural support or integrity, or the failure of the roof to protect the interior of the dwelling unit from the elements.

13-602. Fire, flood, earthquake, or other natural disasters. It shall be unlawful for any property owner to offer for rent or lease, or permit or maintain, any residential structure, duplex, trailer, or dwelling unit that, has suffered significant damage caused by fire, flood, earthquake, or other natural disasters.

13-603. Unsecured structures. It shall be unlawful for any property owner to permit or maintain, any residential structure, trailer, or dwelling unit that is unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger; becomes a harbor for vagrants or criminals; or enables persons to enter to the building or structure for committing a nuisance or an unlawful act.

13-604. Right to enter and inspect. The mayor shall designate any official of the Town of Alamo, who is authorized to enter and inspect any premises upon complaint or his own initiative, to determine whether a violation of this chapter has occurred.

13-605. Repair or maintain property at owner's expense. If the property owner fails or refuses to remedy the unlawful conditions stated in this chapter, the town may remedy the deficiency and collect costs against the owner in the same manner set forth in § 13-204(4).

13-606. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. The Alamo Police Department or other official designated by the mayor are authorized to enforce this chapter.

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOODPLAIN REGULATIONS.
4. SUBDIVISION ORDINANCE.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
14-102. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to *Tennessee Code Annotated*, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and an alderman selected by the board of mayor and aldermen; the other three (3) shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The terms of the mayor and the alderman selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (Ord. #___, Sept. 1988)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of *Tennessee Code Annotated*, title 13. (1965 Code, § 11-102)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Alamo shall be governed by the Alamo Zoning Ordinance, and any amendments thereto.¹ (1965 Code, § 14-201)

¹The Alamo Zoning Ordinance and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

Amendments to the zoning map are of record in the office of the recorder.

CHAPTER 3

FLOODPLAIN REGULATIONS

SECTION

- 14-301. Authorization, findings, purpose.
- 14-302. Definitions.
- 14-303. General provisions.
- 14-304. Administration.
- 14-305. Provisions for flood hazard reduction.
- 14-306. Variance procedures.
- 14-307. Violations and penalty.

14-301. Authorization, findings, purpose. (1) Statutory authorization. The legislature of the State of Tennessee has in *Tennessee Code Annotated*, §§ 13-7-201 to 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Alamo, Tennessee, Mayor and Board of Aldermen, do ordain as follows.

(2) Findings of fact. (a) The Town of Alamo, Tennessee, Mayor and its legislative body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), chapter 1, section 60.3.

(b) Areas of the Town of Alamo, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. This chapter is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion; and

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this chapter are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential home buyers are notified that property is in a floodprone area; and

(h) To maintain eligibility for participation in the NFIP. (Ord. #09-08-2009A, Sept. 2009)

14-302. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage;

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures; and

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this chapter or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1'-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard." See "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building." See "structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer

amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(14) "Exception" means a waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures." See "existing construction."

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(22) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(29) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(30) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights

greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the Town of Alamo, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(44) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood." See "base flood."

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(54) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, or A99.

(55) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(56) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(57) "State coordinating agency" the Tennessee Department of Economic and Community Development's Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

(58) "Structure" for purposes of this chapter, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be: the appraised value of the structure prior to the start of the initial improvement; or in the case of substantial damage, the value of the structure prior to the damage occurring.

(61) The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(62) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(63) "Variance" is a grant of relief from the requirements of this chapter.

(64) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #09-08-2009A, Sept. 2009)

14-303. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of the Town of Alamo, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Town of Alamo, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 0150, 0161, and 0163, dated September 25, 2009, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Alamo, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. #09-08-2009A, Sept. 2009)

14-304. Administration. (1) Designation of ordinance administrator. The mayor shall designate an employee as the administrator to implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to, the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed

structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage.

(i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-305(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or

failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with subsection (2) above.

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-304(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-304(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements,

or other development in Zone A on the Town of Alamo, Tennessee FIRM meet the requirements of this chapter.

(k) Maintain all records pertaining to the provisions of this chapter in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #09-08-2009A, Sept. 2009, modified)

14-305. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this chapter, shall

be undertaken only if said non-conformity is not further extended or replaced.

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-305(2).

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-305(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-302). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-304(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria:

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade; and

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-305(2).

(d) Standards for manufactured homes and recreational vehicles:

(i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-302).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-305(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones, require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data. (See § 14-305(5).)

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-303(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the Town of Alamo, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-303(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-305(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-303(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see subsection (5)(b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-305(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-302). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-304(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-305(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed

development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Town of Alamo, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 14-305(1) and (2). Within approximate A Zones, require that those subsections of § 14-305(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-303(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-305(1) and (2), apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-305(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-304(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-303(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-304 and 14-305 shall apply:

(8) Standards for unmapped streams. Located within the Town of Alamo, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-304 and 14-305. (Ord. #09-08-2009A, Sept. 2009)

14-306. Variance procedures. (1) Alamo Planning Commission.

(a) Authority. The Town of Alamo, Tennessee Planning Commission shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Procedure. Meetings of the Alamo Planning Commission shall be held at such times, as the board shall determine. All meetings of the Alamo Planning Commission shall be open to the public. The Alamo Planning Commission shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Alamo Planning Commission shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the Alamo Planning Commission may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the Alamo Planning Commission a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee for the cost of publishing a notice of such

hearings shall be paid by the appellant. The administrator shall transmit to the Alamo Planning Commission all papers constituting the record upon which the appeal action was taken. The Alamo Planning Commission shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The Alamo Planning Commission shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. In the case of a request for a variance the following shall apply.

(A) The Town of Alamo, Tennessee Planning Commission shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this chapter to preserve the historic character and design of the structure.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this chapter, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this chapter.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-306(1) above.

(b) Variances shall only be issued upon: a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #09-08-2009A, Sept. 2009, modified)

14-307. Violations and penalty. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this chapter or fails to comply with any of its requirements shall, upon adjudication therefor, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Alamo, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #09-08-2009A, Sept. 2009)

CHAPTER 4

SUBDIVISION ORDINANCE

SECTION

14-401. Subdivision to be governed by ordinance.

14-401. Subdivision to be governed by ordinance. Subdivisions within the Town of Alamo shall be governed by the Alamo Subdivision Ordinance, which is incorporated by reference as if set out fully herein.¹

¹The Alamo Subdivision Ordinance, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

TITLE 15**MOTOR VEHICLES, TRAFFIC AND PARKING¹****CHAPTER**

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

CHAPTER 1**MISCELLANEOUS²****SECTION**

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16, chapter 2.

²State law references

Under *Tennessee Code Annotated*, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by *Tennessee Code Annotated*, § 55-10-401; failing to stop after a traffic accident, as prohibited by *Tennessee Code Annotated*, §§ 55-10-101, *et seq.*; driving while license is suspended or revoked, as prohibited by *Tennessee Code Annotated*, § 55-50-504; and drag racing, as prohibited by *Tennessee Code Annotated*, § 55-10-501.

- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Compliance with financial responsibility law required.
- 15-122. Adoption of state traffic statutes.
- 15-123. Removal of official signs prohibited.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by *Tennessee Code Annotated*, title 55, chapter 9. (1965 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1965 Code, § 9-106)

15-103. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1965 Code, § 9-109)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction;
- (b) When the right half of a roadway is closed to traffic while under construction or repair; or
- (c) Upon a roadway designated and signposted by the town for one (1) way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1965 Code, § 9-110)

15-105. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle

within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one- way streets, either lane may be lawfully used in the absence of markings to the contrary. (1965 Code, § 9-111)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or centerline, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1965 Code, § 9-112)

15-107. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

No person shall willfully fail or refuse to comply with any lawful order of any police officer invested by law with the authority to direct, control or regulate traffic.

15-108. General requirements for traffic-control signs, etc. Pursuant to *Tennessee Code Annotated*, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*,² and shall be uniform as to type and location throughout the town.

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of

¹Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

²For the latest revision of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, *et seq.*

vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal.

15-110. Presumption with respect to traffic-control signs, etc.

When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. (1965 Code, § 9-116)

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1965 Code, § 9-117)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated.

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1965 Code, § 9-120)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1965 Code, § 9-121)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1965 Code, § 9-122)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve inches (12") square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed in place

of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (1965 Code, § 9-123)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1965 Code, § 9-124)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Classified and Commercial Driver License Act of 1988."

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1965 Code, § 9-126)

15-120. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, or track is likely to damage the surface or foundation of the street. (1965 Code, § 9-119)

15-121. Compliance with financial responsibility law required.

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

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

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

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in *Tennessee Code Annotated*, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under *Tennessee Code Annotated*, § 55-12-111; or

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

(3) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation is punishable by a civil penalty of up to fifty dollars (\$50.00).

(4) The penalty imposed by this section shall be in addition to any other penalty imposed by the laws of this state or this municipal code.

(5) On or before the court date, the person so charged may submit evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that such financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge which is dismissed pursuant to this subsection shall

be dismissed without costs to the defendant and no litigation tax shall be due or collected.

15-122. Adoption of state traffic statutes. By the authority granted under *Tennessee Code Annotated*, § 16-18-302, the town adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in *Tennessee Code Annotated*, §§ 55-8-101 to 55-8-131, and §§ 55-8-133 to 55-8-180. Additionally, the town adopts *Tennessee Code Annotated*, §§ 55-8-181 to 55-8-193, §§ 55-9-601 to 55-9-606, § 55-12-139, § 55-21-108, and § 55-8-199 by reference as if fully set forth in this section.

15-123. Removal of official signs prohibited. The removal of official town signs is hereby prohibited. Any violation of this section shall subject the offender to a penalty under the general penalty provision of this code.

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1965 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

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

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1965 Code, § 9-103)

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1965 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or police officer. (1965 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones and near playgrounds.

15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1965 Code, § 9-201, modified)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1965 Code, § 9-202)

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

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving.

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the town. (1965 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

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

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

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1965 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1965 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of the intersection of the centerlines of the two (2) roadways. (1965 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1965 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1965 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

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

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1965 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1965 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1965 Code, § 9-403)

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

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

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train;
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train;
- (3) A railroad train is approaching within approximately one thousand five hundred feet (1,500') of the highway crossing and is emitting an audible signal indicating its approach; or
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1965 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1965 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right-of-way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1965 Code, § 9-406)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

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

- (3) Steady red alone, or "Stop":
 (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.
 (b) Pedestrians facing such signal shall not enter the roadway.
- (4) Steady red with green arrow:
 (a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.
 (b) Pedestrians facing such signal shall not enter the roadway.
- (5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1965 Code, § 9-407)

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

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

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1965 Code, § 9-408)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1965 Code, § 9-409)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

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

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

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1965 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (1965 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1965 Code, § 9-503)

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

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection or within fifteen feet (15') thereof;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within fifty feet (50') of a railroad crossing;
- (7) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of the entrance;
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed;
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (10) Upon any bridge; or
- (11) Alongside any curb painted yellow or red by the town. (1965 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1965 Code, § 9-505)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1965 Code, § 9-506)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1965 Code, § 9-602)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1965 Code, § 9-603)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1965 Code, § 9-604)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked, so as to constitute an obstruction or hazard to normal traffic. Any impounded

¹State law reference

Tennessee Code Annotated, §§ 7-63-101, et seq.

vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be the greater of thirty-five dollars (\$35.00) per day or the actual cost if a wrecker service is involved. Any part of a day shall count as a whole day. (Ord. #6-2-2015C, June 2015, modified)

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Obstruction of drainage ditches.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Parades regulated.
- 16-110. Operation of trains at crossings regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Culvert and drainage ditch.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1965 Code, § 12-201)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley or sidewalk at a height of less than fourteen feet (14'). (1965 Code, § 12-202)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1965 Code, § 12-203)

16-104. Projecting signs and awnings, etc., restricted. No signs, awnings, or other structures which project over any street or other public way shall be erected without the prior approval of the board of mayor and aldermen. (1965 Code, § 12-204, modified)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen. (1965 Code, § 12-205)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk. (1965 Code, § 12-206)

16-107. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (1965 Code, § 12-208)

16-108. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1965 Code, § 12-209)

16-109. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without a certificate of liability insurance equal to or greater than the town's coverage whenever such demonstration, etc., shall include livestock or non-street-licensed vehicles. (1965 Code, § 12-210, modified)

16-110. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of twenty-five (25) miles per hour. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1965 Code, § 12-211)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere

with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1965 Code, § 12-212)

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any street, alley, or sidewalk. (1965 Code, § 12-213)

16-113. Culvert and drainage ditch. It shall be unlawful for any person to install a culvert adjacent to any public street or alley in the Town of Alamo, without having first notified the town and obtained permission from whomever the mayor designates.

It shall also be unlawful for any person to obstruct any drainage ditch or water course, or to obstruct or alter the flow of surface water onto or across any town property or public street or alley. (Ord. #____, May 1990, modified)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

16-201. Permit required.

16-202. Manner of excavating--barricades and lights--temporary sidewalks.

16-203. Restoration of streets, etc.

16-204. Insurance.

16-205. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first placed a request with the 811 System, observed the indicated markings, and obtained a valid ticket numbers prior to digging; and without complying with the provisions of this chapter. However, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a valid ticket number when emergency circumstances demand the work to be done immediately and a ticket number cannot reasonably and practicably be obtained beforehand. The person shall thereafter place a request with the 811 System on the first regular business day on which the office of the recorder is open for business, and shall be retroactive to the date when the work was begun. (1965 Code, § 12-101, modified)

16-202. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall have sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1965 Code, § 12-105, modified)

16-203. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in the Town of Alamo shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of *City of Paris, Tennessee v. Paris-Henry County Public Utility District*, 207 Tenn. 388, 340 S.W.2d 885 (1960).

by the town, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1965 Code, § 12-106)

16-204. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident, and for property damages not less than twenty-five thousand dollars (\$25,000.00) for any one (1) accident, and a seventy-five thousand dollars (\$75,000.00) aggregate. (1965 Code, § 12-107)

16-205. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining permission from the Town of Alamo. No driveway shall exceed thirty-five feet (35') in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1965 Code, § 12-110, modified)

TITLE 17

REFUSE AND TRASH DISPOSAL^{1,2}

CHAPTER

1. REFUSE.
2. BRUSH DISPOSAL.

CHAPTER 1

REFUSE

SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Disposal.
- 17-108. Rates.
- 17-109. Violations and penalty.

17-101. Refuse defined. "Refuse" shall mean and include garbage, and rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1965 Code, § 8-101)

17-102. Premises to be kept clean. All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, except when stored as provided in this chapter. (1965 Code, § 8-102)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the Town of Alamo where refuse accumulates or is likely to accumulate, shall provide and keep

¹Municipal code reference

Property maintenance regulations: title 13.

²Solid waste collection rates, as amended from time to time, are available in the office of the recorder.

covered an adequate number of refuse containers. Containers shall be stored in such a way that minimizes their visibility from the street. (1965 Code, § 8-103, modified)

17-104. Location of containers. Where alleys are used by the town refuse collectors, containers shall be placed on or within six feet (6') of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the town refuse collectors, containers shall be placed within three feet (3') of the curb, or adjacent to and back of the ditch or street line if there is no curb, no sooner than 4:00 P.M. the day before a scheduled pick-up. Within twenty-four (24) hours after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1965 Code, § 8-104, modified)

17-105. Disturbing 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. (1965 Code, § 8-105)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule. (1965 Code, § 8-106)

17-107. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. (1965 Code, § 8-108)

17-108. Rates. Refuse and trash disposal rates for individual customers are set by separate ordinance and may be found in the recorder's office.

17-109. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 2

BRUSH DISPOSAL

SECTION

- 17-201. Brush pile waste disposal criteria.
- 17-202. Restricted use of brush pile.
- 17-203. Fees associated with use of brush pile.
- 17-204. Duty to remove.
- 17-205. Duty to reimburse the Town of Alamo.
- 17-206. Violations and penalty.

17-201. Brush pile waste disposal criteria. It shall be unlawful for any person, company, or business to dispose of any material at the Alamo brush pile on the Bryant Farm that is not brush, tree limbs, yard waste and related or similar organic material. (as added by Ord. #2021-2, July 2021 *Ch1_09-11-23*)

17-202. Restricted use of brush pile. It shall be unlawful for any person, company, or business to dispose of any material at the Alamo brush pile on the Bryant Farm that meets the requirements of § 17-201, except for material originating within the city limits of the Town of Alamo or from the premises of its water customers, subject to fees in § 17-203. (as added by Ord. #2021-2, July 2021 *Ch1_09-11-23*)

17-203. Fees associated with use of brush pile. Any person, company, or business wishing to dispose of any material not originating within the city limits of the Town of Alamo or from the premises of its water customers, at the Alamo brush pile on the Bryant Farm, meeting the waste acceptance criteria in §17-201, shall pay a fee of one hundred dollars (\$100.00) per day prior disposing of any material. (as added by Ord. #2021-2, July 2021 *Ch1_09-11-23*)

17-204. Duty to remove. It shall be duty of every person, company, or business who has transported, left behind, or disposed of any material at the Alamo brush pile on the Bryant Farm that fails to meet the requirements of §§ 17-201 or 17-202, to remove promptly said material at his own expense to the satisfaction of the Town of Alamo, when notified. It shall be unlawful to fail or refuse to remove said material. (as added by Ord. #2021-2, July 2021 *Ch1_09-11-23*)

17-205. Duty to reimburse the Town of Alamo. The Town of Alamo retains at all times the option of acting to remove and dispose of any material left at the brush pile on the Bryant Farm that violates any section of this chapter, and bill all reasonable costs to any person, company, or business

responsible for said violation. (as added by Ord. #2021-2, July 2021 ***Ch1_09-11-23***)

17-206. Violations and penalty. Violations of this chapter shall subject the offender to a penalty of fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. The Alamo Police Department or other official designated by the mayor are authorized to enforce this ordinance. (as added by Ord. #2021-2, July 2021 ***Ch1_09-11-23***)

TITLE 18

WATER AND SEWERS

CHAPTER

1. CROSS-CONNECTIONS REGULATIONS.
2. CROSS-CONNECTION CONTROL PLAN.
3. WATER.
4. WATER SHORTAGES.
5. SEWERS.
6. SEWER USE ORDINANCE.
7. FATS, OILS, AND GREASE.

CHAPTER 1

CROSS-CONNECTIONS REGULATIONS¹

SECTION

- 18-101. Objectives.
- 18-102. Definitions.
- 18-103. Compliance with *Tennessee Code Annotated*.
- 18-104. Regulated.
- 18-105. Permit required.
- 18-106. Inspections.
- 18-107. Right of entry for inspections.
- 18-108. Correction of violations.
- 18-109. Required devices.
- 18-110. Non-potable supplies.
- 18-111. Statement required.
- 18-112. Discontinuance of water supply.
- 18-113. Provision applicable.
- 18-114. Violations and penalty.

18-101. Objectives. The objectives of this chapter are:

- (1) To protect the public potable water system of Alamo water system from the possibility of contamination or pollution by isolating within the customer's internal distribution system, such contaminants or pollutants that could backflow or backsiphon into the public water system;

¹Municipal code references

Plumbing code: title 12 chapter 2.

Water and sewer system administration: title 18.

Wastewater treatment: title 18, chapter 6.

(2) To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-house potable water system and non-potable water systems, plumbing fixtures, and industrial piping systems; and

(3) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (Ord. #2018-4, Aug. 2018)

18-102. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter.

(1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than six inches (6"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than six inches (6").

(2) "Atmospheric vacuum breaker" shall mean a device, which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross-connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "By-pass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross-connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly,

with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross-connections.

(9) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated testcocks for testing each check valve.

(10) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with, properly located resilient seated testcocks for testing each part of the assembly.

(11) "Fire protection systems" shall be classified in six different classes in accordance with AWWA Manual M14 - Second Edition 1990. The six (6) classes are as follows:

(a) Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

(b) Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

(c) Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

(d) Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

(e) Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

(f) Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(12) "Inter-connection" shall mean any system of piping or other arrangements whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, 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 system.

(13) "Manager" shall mean the manager of the Alamo water system or his duly authorized deputy, agent or representative.

(14) "Person" shall mean any and all persons, natural or artificial, 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.

(15) "Potable water" shall mean water, which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(16) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(17) "Public water supply" shall mean the Alamo water system, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(18) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e., the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (Ord. #2018-4, Aug. 2018)

18-103. Compliance with Tennessee Code Annotated. The Alamo water system shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Alamo water system shall comply with *Tennessee Code Annotated*, § 68-221-711, as well as the *Rules and Regulations for Public Water Systems and Drinking Water Quality*, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes and inter-connections; and shall establish an effective, on-going program to control these undesirable water uses. (Ord. #2018-4, Aug. 2018)

18-104. Regulated. (1) No water service connection to any premises shall be installed or maintained by the Alamo water system unless the water supply system is protected as required by state laws and this chapter. The owner or person, in control of any premises may be cited into town court and assessed a civil fine of fifty dollars (\$50.00) per day the violation exists or water service shall be discontinued by the Alamo water system if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) 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 Environment and Conservation, and the operation of such cross-connection is at all times under the direction of the manager of the Alamo water system.

(3) If, in the judgment of the manager or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the manager shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

(5) For new installations, the manager or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed, tested and operational prior to the initiation of water service.

(6) For existing premises, personnel from the Alamo water system shall conduct inspections and evaluations, and shall require correction of

violations in accordance with the provisions of this chapter. (Ord. #2018-4, Aug. 2018)

18-105. Permit required. (1) New installations. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Alamo water system for approval.

(2) Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from the Alamo water system. (Ord. #2018-4, Aug. 2018)

18-106. Inspections. The manager or his designated agent shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspection shall be based on potential health hazards involved, and shall be established by the Alamo water system in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. (Ord. #2018-4, Aug. 2018)

18-107. Right of entry for inspections. The manager or his authorized representative shall have the right to enter, at any reasonable time, any properly served by a connection to the Alamo water system public water system for the purpose of inspecting the piping system therein for cross-connection, auxiliary intakes, by-passes or inter-connections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections, and shall be grounds for civil fines and/or disconnection of water service. (Ord. #2018-4, Aug. 2018)

18-108. Correction of violations. (1) Any person found to have cross-connections, auxiliary intakes, by-passes or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, the manager or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross-connections, auxiliary intakes, by-passes or inter-connections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Alamo

water system shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and *Tennessee Code Annotated*, § 68-221-711, within the time limits established by the manager or his representative, shall be grounds for civil fines and/or denial of water service. If proper protection has not been provided after a reasonable time, the manager shall cite the customer to town court or give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing. (Ord. #2018-4, Aug. 2018)

18-109. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

- (a) Impractical to provide an effective air-gap separation;
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Alamo water system that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;
- (c) The nature and mode of operation within a premise are such that frequent alterations are made to the plumbing;
- (d) There is likelihood that protective measures may be subverted, altered or disconnected;
- (e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required; and
- (f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems and swimming pools with no permanent plumbing installed) approved by the Tennessee Department of

Environment and Conservation and the Alamo water system, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the Alamo water system prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Premises requiring reduced pressure principle assemblies or air gap separation; high risk high hazards. Establishments which pose significant risk of contamination or may create conditions which pose an extreme hazard of immediate concern (high risk high hazards), the cross-connection control inspector shall require immediate or a short amount of time (fourteen (14) days maximum), depending on conditions, for corrective action to be taken. In such cases, if corrections have not been made within the time limits set forth, water service will be discontinued.

High risk high hazards require a reduced pressure principle (or detector) assembly. The following list is establishments deemed high risk high hazard and require a reduced pressure principle assembly:

- (a) High risk high hazards.
 - (i) Mortuaries, morgues, autopsy facilities;
 - (ii) Hospitals, medical buildings, animal hospitals and control centers, doctor and dental offices;
 - (iii) Sewage treatment facilities, water treatment, sewage and water treatment pump stations;
 - (iv) Premises with auxiliary water supplies or industrial piping systems;
 - (v) Chemical plants (manufacturing, processing, compounding, or treatment);
 - (vi) Laboratories (industrial, commercial, medical research, school);
 - (vii) Packing and rendering houses;
 - (viii) Manufacturing plants;
 - (ix) Food and beverage processing plants;
 - (x) Automated car wash facilities;
 - (xi) Extermination companies;
 - (xii) Airports, railroads, bus terminals, piers, boat docks;
 - (xiii) Bulk distributors and users of pesticides, herbicides, liquid fertilizer, etc.;
 - (xiv) Metal plating, pickling, and anodizing operations;
 - (xv) Greenhouses and nurseries;
 - (xvi) Commercial laundries and dry cleaners;
 - (xvii) Film laboratories;
 - (xviii) Petroleum processes and storage plants;
 - (xix) Restricted establishments;
 - (xx) Schools and educational facilities;

- (xxi) Animal feedlots, chicken houses, and CAFOs;
- (xxii) Taxidermy facilities; and
- (xxiii) Establishments which handle, process, or have extremely toxic or large amounts of toxic chemicals or use water of unknown or unsafe quality extensively.

(b) High hazard. In cases where there is less risk of contamination, or less likelihood of cross-connections contaminating the system, a time period of (ninety (90) days maximum) will be allowed for corrections. High hazard is a cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, cause death, illness, and spread disease. (See Appendix A of manual)

(4) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by Alamo water system as needing protection.

(a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly; except: a double check detector assembly shall be required where a hydrant or other point of use exists on the system; or a reduced pressure backflow prevention device shall be required where:

(i) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(ii) Premises have unusually complex piping systems; or

(iii) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(d) Swimming pools with no permanent plumbing and only filled with hoses will require a hose bibb vacuum breaker be installed on the faucet used for filling.

(5) The manager or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(6) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve

assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person approved by the Alamo water system who is knowledgeable in the proper installation. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems;

(b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate testcocks, fittings and caps required for the testing of the device (except hose bibb vacuum breakers). All fittings shall be of brass construction, unless otherwise approved by the Alamo water system, and shall permit direct connection to department test equipment;

(c) The entire device, including valves and testcocks, shall be easily accessible for testing and repair;

(d) All devices shall be placed in the upright position in a horizontal run of pipe;

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment;

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12"), plus the nominal diameter of the device above either: the floor; the top of opening(s) in the enclosure; or maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty inches (60");

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in non-removable enclosures shall have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs;

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain;

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1");

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system;

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging;

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible;

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/backsiphonage through the drain may occur;

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two (2") inches, the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by the Alamo water system. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two (2") inches, the enclosure shall be completely removable. Access for backflow prevention devices two and one-half inches (2 1/2") and larger shall be provided through a minimum of two access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four (4") inches thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of forty degrees Fahrenheit (+40°F) with an outside temperature of negative thirty degrees Fahrenheit (-30°F) and a wind velocity of fifteen (15) miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one device has been installed and the continuance of service is critical, the Alamo water system shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the Alamo water system may require the installation of a duplicate device; and

(p) The Alamo water system shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by

qualified personnel acceptable to the Alamo water system. Expense of such repairs shall be borne by the owner for occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for civil fines and/or discontinuance of water service to a premises. Likewise, the removal, by-passing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be grounds for civil fines and/or 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 Alamo water system.

(7) Testing of devices. Devices shall be tested at least annually by the Alamo Water System or by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Resources for the testing of such devices. If tests are performed by the Alamo water system, a record of this test will be on file with the Alamo water system and a copy of this report will be supplied to the customer. If a qualified private tester is used, the Alamo water system shall be provided a copy of the test results. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. The Alamo water system will charge a fee of sixty dollars (\$60.00) per device if they are requested to perform the annual test plus any required retesting. The customer who owns the device will be responsible for the costs of all testing. (Ord. #2018-4, Aug. 2018, modified)

18-110. Non-potable supplies. (1) The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

(2) The minimum acceptable sign shall have black letters at least one (1") inch high located on a red background. Color-coding of pipelines, in accordance with (OSHA) Occupational Safety and Health Act guidelines, shall be required in locations where in the judgment of the Alamo water system, such coding is necessary to identify and protect the potable water supply. (Ord. #2018-4, Aug. 2018)

18-111. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is

circulated through a piping system, shall file with the Alamo water system a statement of the nonexistence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes or inter-connections. Such statement shall contain an agreement that no cross-connections, auxiliary intakes, by-passes or inter-connections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (Ord. #2018-4, Aug. 2018)

18-112. Discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the manager may discontinue the public water supply service to any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass or inter-connection; and service shall not be restored until such cross-connection, auxiliary intake, by-pass or inter-connection has been eliminated. (Ord. #2018-4, Aug. 2018)

18-113. Provision applicable. The requirements contained in this chapter shall apply to all premises served by the Alamo water system and are hereby made part of the conditions required to be met for the Alamo water system to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the ordinance is entitled to a due process hearing upon timely request. (Ord. #2018-4, Aug. 2018)

18-114. Violations and penalty. The requirements contained herein shall apply to all premises served by the town 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 action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be subject to a penalty under the general penalty provision of this code. Each day a violation is allowed to occur shall be a separate offense.

CHAPTER 2

CROSS-CONNECTION CONTROL PLAN

SECTION

- 18-201. Introduction.
- 18-202. Authority for cross-connection control.
- 18-203. Program to be pursued.
- 18-204. Procedures for Inspections.
- 18-205. Premises requiring reduced pressure principle assemblies or air gap separation.
- 18-206. Premises allowing double check valve assemblies.
- 18-207. Inspection and testing of backflow prevention assemblies.
- 18-208. Parallel units.
- 18-209. Records.
- 18-211. Modifications to plan.

18-201. Introduction. (1) Goal. The goal of the Alamo Water System is to supply safe water to each and every customer under all foreseeable circumstances. Each instance where water is used improperly so as to create the possibility of backflow due to cross-connections threatens the health and safety of customers and chances of realizing this goal. The possibility of backflow due to improper use of water within the customer's premises is especially significant because such cross-connections may easily result in the contamination of our water supply mains. Such situations may result in the public water system becoming a transmitter of diseased organisms, toxic materials, or other hazardous substances that may adversely affect large numbers of people. The only protection against such occurrences is the elimination of such cross-connections or the isolation of such hazards from the water supply lines by properly installed approved backflow prevention assemblies. The Alamo Water System must continue maintenance of a continuing program of cross-connection control to systematically and effectively prevent the contamination or pollution of all potable water systems.

(2) Plan of action. The Alamo Water System is determined to take every reasonable precaution to ensure that cross-connections are not allowed to contaminate the water being distributed to its customers. This cross-connection plan outlines a course of action designed to control cross-connection within the area served by the utility. This plan is intended to be a practical guide for safeguarding the quality of water distributed from becoming contaminated or polluted through backflow. By following the plan of action, the water provider will ensure that all aspects of the ordinance on cross-connection control are being followed by customer. (Ord. #_____, Aug. 2018)

18-202. Authority for cross-connection control. This chapter expresses clear determination on the part of the board that the water system is to be operated free of cross-connections that endanger the health and safety of those depending upon the public water supply. This chapter is considered to be a sound basis for the control of cross-connection hazards by the operating staff and management of the Alamo Water System. The provisions, contained within this chapter, are in keeping with the requirements set forth in § 68-221-711(6) of *Tennessee Code Annotated* and § 1200-5-1-.17(6.) of Tennessee Department of Environment and Conservation *Rules Governing Public Water Systems*. (Ord. #_____, Aug. 2018)

18-203. Program to be pursued. The Alamo Water System will establish an active on-going cross-connection control program. This program is to be a continuing effort to locate and correct all existing cross-connection hazards and to discourage the creation of new problems. Safeguarding the quality of water being distributed to our customers is a high priority concern of the management of the Alamo Water System.

(1) **Staffing.** The Alamo Water System has designated an individual to see that the program to control cross-connections is pursued in an aggressive and effective manner. It is proposed that ample time will be devoted to the program to ensure its effectiveness. Additional personnel will be added as is deemed necessary.

(2) **Cross-connection control surveys/inspections.** A representative of the water system will survey the distribution for all customers, both residential and nonresidential, for possible cross-connections. If it is determined from the surveys that possible cross-connections may exist, the premise will be inspected. The need for backflow protection will be determined based on the results from the inspection. Notification of the type of backflow prevention assembly required and a date of compliance will be sent to the customer.

(a) **Non-residential.** All new installation nonresidential and commercial establishments are required to have an approved backflow preventer installed, if needed, that is in agreement to the hazard present or be inspected every five (5) years. The inspections will be performed on all new establishments before water service is established or within ninety (90) days of connection. If there are existing establishments that have not been inspected, a list agreed upon by the state (based on risk and public safety) and time line for inspection by the water provider will be generated. All non-residential establishments not requiring an assembly will be inspected (every five (5) years maximum). If establishment changes ownership (name listed on water bill), if plumbing permits are issued or irrigation systems installed, then an inspection will need to be performed (no later than ninety (90) days). The need for backflow protection will be determined based on the results from the inspection. Notification of the type of backflow prevention assembly

required and a date of compliance will be sent to the customer. (A list of criteria for requiring assemblies - Appendix A.)¹

(b) Residential. For new residential customers, a written questionnaire will be given upon request for water service. If the survey reveals that a potential cross-connection may be present, an inspection is to be performed. The need for backflow protection will be determined based on the results from the inspection. Notification of the type of backflow prevention assembly required and a date of compliance will be sent to the customer. Each new residential customer will agree to not create cross-connections and a brochure is given to each new customer describing cross-connections and the responsibility of the customer in not creating one.

If the written questionnaire reveals that the new customer may have any of the following, an inspection will be required:

- (i) Lawn irrigation systems.
- (ii) Residential fire protection systems (closed loop systems will require a double check valve minimum).
- (iii) Pools, saunas, hot tubs, fountains.
- (iv) Auxiliary intakes and supplies-wells, cistern, ponds, streams, etc.
- (v) Home water treatment systems.
- (vi) Hobbies that require extensive amounts of toxic chemicals (taxidermy, metal plating, biodiesel, ethanol production, etc.).
- (vii) Any other situations or conditions listed in the manual or conditions deemed a threat by the water system.

Written questionnaires will be sent to existing residential customers to determine if potential cross-connections exist. The distribution system will be entirely surveyed within five (5) years. The distribution system will continue to be surveyed in this manner. Questionnaires that reveal potential cross-connections based on the criteria above will be inspected and a determination if backflow prevention assemblies are needed.

The system will be surveyed (or residential lawn irrigation systems through questionnaires received and by secondary meters. All residential lawn irrigation systems will require a reduced pressure principle assembly. Residential customers with pools, saunas, hot tubs not filled by a hard pipe directly or indirectly connected may be allowed to use an air gap (and may be requested to use an atmospheric vacuum breaker at the hose bibb). However, if the pool or vessels is connected directly or

¹Appendix A is available in the office of the recorder.

indirectly by a hard line, a reduced pressure principle assembly is required at minimum.

Residential customers required to have backflow prevention assemblies will be informed of possible thermal expansion problems within the establishment and correction of the condition.

(c) Well system inspections. Wells drilled on properties that are supplied by a public water system, particularly those designed for chemigation and fertigation, will need to be inspected to ensure separation or the premises will require an approved assembly.

Wells that are drilled within the area of the distribution system within the last calendar year are inspected and a well user agreement is signed between the community water-system and the customer. A list of existing wells that do not have a well user's agreement within the distribution area. will be generated and ten (10) wells per year will be inspected until the entire list has been completed. Any well system that is connected directly or indirectly to the water system is required to disconnect or install a reduced pressure principle assembly. The customer will be required to sign a well user agreement if no assembly is required. It is recommended that inspections be performed on new listings within the year, and then perform inspections on existing, un-inspected wells. The list is updated at the local environmental field office and is available to the water system.

New lines that are constructed in areas where residential areas have been mainly supplied by well systems are surveyed and inspected.

(3) Public education and awareness efforts. The Alamo Water System recognizes that it is important to inform its customers of the health hazards associated with cross-connections and to acquaint them with the program being pursued to safeguard the quality of water being distributed. The water system will seek to use every practical means available to acquaint the customers with the health hazards associated with cross-connections in an effort to get cooperation. Use of customer surveys and annual newspaper notices will be incorporated into the notification plan.

Information will be provided to all customers about cross-connection control and backflow prevention by individual pamphlets or through a notice in the local newspaper at least once per year. A brochure will be given to all new customers requesting water service describing cross-connections and prevention of backflow.

The following measures may also be used to inform customers about the need to control cross-connections:

(a) Posters at the counter where the water bills are paid displayed one (1) month out of the year

(b) (i) Personal visits to commercial, industrial, institutional, and agricultural customers to explain the need for controlling cross-connections.

(ii) Whenever possible, any such potential customer will be informed of needed cross-connection measures in the design or construction stage.

(4) Customer's responsibility. Cross-connections, created and maintained by the customer for his convenience endanger the health and safety of all who depend upon the public water supply. Therefore, the customer who creates a cross-connection problem shall bear the expense of providing necessary backflow protection and for keeping the protective measures in good working order. This includes repair, testing, installation, etc.

(5) Enforcement. Where cross-connections are found to exist, the Alamo Water System will require the problem to be eliminated or isolated by a properly installed, approved backflow prevention assembly to prevent the possibility of backflow into the distribution system. Such protective measures will include a backflow prevention assembly on the customer's water service line ahead of any water outlets. Every effort will be made to secure the voluntary cooperation of the customer in correcting cross-connection hazards. If voluntary action cannot be obtained with time set forth by written notice (ninety (90) days maximum for high and low hazard, fourteen (14) days maximum for high risk high hazards) to the customer, the owner or controller of the premises may be cited to city court and fined up to fifty dollars (\$50.00) per day the violation exists and/or water service will be discontinued until conditions are in line with the water provider's ordinance for the protection of the health and safety of the water distribution system.

After surveys or inspections have been completed, the establishments will be contacted by written correspondence outlining any correction (adding or repairing backflow prevention devices) needed and the time schedule allowed for correction of conditions. If the conditions have not been corrected by the time allotment (ninety (90) days maximum for high and low hazard, fourteen (14) days maximum for high risk high hazards), the water service will be discontinued to the establishment, along with any fines or other penalties deemed necessary by the Alamo Water System.

The Alamo Water System may give additional warnings of discontinuance and/or bring about penalties before the water service is discontinued. The time period for correction will be determined by the water provider, based on the seriousness of the hazard and risk of contamination, ranging from immediate correction or time period of up to ninety (90) days. The maximum allowable time for correction will be no more than ninety (90) days. Those sites deemed high risk high hazard are corrected within a maximum limit of fourteen (14) business days, preferably immediate correction. If the conditions do not satisfy the ordinance or plan within ninety (90) days, fines may be issued and/or water service will be discontinued. In the case of backflow prevention devices on fire systems, it is recommended that the fire marshal be contacted before water service is discontinued, to prevent harm to anyone in case a fire occurred in a

public building. The fire marshal can condemn the building, thus not allowing anyone to enter.

Water service will not be allowed to the establishment until all corrections have been made and all conditions of the ordinance have been satisfied. (Ord. #_____, Aug. 2018)

18-204. Procedures for inspections. The Alamo Water System hopes that its efforts to acquaint its customers with the hazards of cross-connections will be successful to the point that the customer will try to maintain their internal water delivery system free of cross-connections. It is recognized that many customers may not recognize that they have a situation that would permit backflow into the water supply lines. Therefore, a thorough investigation will be made of all premises considered likely to have cross-connections. Such inspections will involve the customer's entire water using equipment, and other system components in an effort to locate all actual and potential cross-connections. The findings will be reported to the owner or occupant in writing along with a request for needed corrective action necessary to properly protect the public water system.

(1) Field visit procedures. During the inspection, a field sheet will be completed showing details of significant findings. The hazards which cross-connections pose will be explained fully to the persons assisting the inspection. The customer will be informed that the information gathered during the inspection will be reviewed by the water system's cross-connection control coordinator and that a written report containing any recommendations and requirements will be mailed to them as soon as possible.

(2) Reports to customers. The findings of the investigation will be summarized and a written report will be sent to the person assisting in the investigation, or the ranking management official of the establishment. Cross-connections found will be described briefly along with recommended method of correction. An effort will be made to keep the description of the findings and recommendations clear, concise and as brief as possible. The correspondence will indicate a willingness to assist with questions. The customer will be given a time limit for making the needed corrections depending (maximum of ninety (90) days) upon the seriousness of the cross-connections involved and upon the complexity and difficulty of correcting the problems.

(3) Follow-up visits and re-inspections. Follow-up visits will be made as needed to assist the customer and to assure that satisfactory progress has been made. Such visits will continue until all corrective actions have been completed to the satisfaction of the water system.

(4) Installation of backflow prevention devices. Where the customer is asked to install a backflow prevention assembly, the customer will be supplied with a list of acceptable and approved assemblies. In addition, minimum acceptable installation criteria will be supplied. It will be pointed out that a unit cannot be accepted until the water system has verified that the installation fully

meets the installation criteria and has been tested to verify that the assembly has a status of "passed." Such backflow prevention assemblies must have a make, model, and orientation currently listed as acceptable by the both the water system and Tennessee Department of Environment and Conservation.

(5) Technical assistance. The customer will be urged to notify the water system when they are ready to begin installing other a reduced pressure or double check valve type backflow preventer assembly. The water system cross-connection representative will visit the site to detail how the units must be installed to achieve the desired protection and to minimize maintenance and testing problems. (Ord. #_____, Aug. 2018)

18-205. Premises requiring reduced pressure principle assemblies or air gap separation. (1) High risk high hazards. Establishments which pose significant risk of contamination or may create conditions which pose an extreme hazard of immediate concern (high risk high hazards), the cross-connection control inspector shall require immediate or a short amount of time (fourteen (14) days maximum), depending on conditions, for corrective action to be taken. In such cases, if corrections have not been made within the time limits set forth, water service will be discontinued.

High risk high hazards require a reduced pressure principle (or detector) assembly. The following list is establishments deemed high risk high hazard and require a reduced pressure principle assembly:

- (a) High risk high hazards.
 - (i) Mortuaries, morgues, autopsy facilities.
 - (ii) Hospitals, medical buildings, animal hospitals and control centers, doctor and dental offices.
 - (iii) Sewage treatment facilities, water treatment, sewage and water treatment pump stations.
 - (iv) Premises with auxiliary water supplies or industrial piping systems.
 - (v) Chemical plants (manufacturing, processing, compounding, or treatment).
 - (vi) Laboratories (industrial, commercial, medical research, school).
 - (vii) Packing and rendering houses.
 - (viii) Manufacturing plants.
 - (ix) Food and beverage processing plants.
 - (x) Automated car wash facilities.
 - (xi) Extermination companies.
 - (xii) Airports, railroads, bus terminals, piers, boat docks
 - (xiii) Bulk distributors and users of pesticides, herbicides, liquid fertilizer, etc.
 - (xiv) Metal plating, pickling, and anodizing operations.
 - (xv) Greenhouses and nurseries.

- (xvi) Commercial laundries and dry cleaners.
- (xvii) Film laboratories.
- (xviii) Petroleum processes and storage plants.
- (xix) Restricted establishments.
- (xx) Schools and educational facilities.
- (xxi) Animal feedlots, chicken houses, and CAFOs.
- (xxii) Taxidermy facilities.
- (xxiii) Establishments which handle, process, or have extremely toxic or large amounts of toxic chemicals or use water of unknown or unsafe quality extensively.

(2) High hazard. In cases where there is less risk of contamination, or less likelihood of cross-connections contaminating the system, a time period of (ninety (90) days maximum) will be allowed for corrections. High hazard is a cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, cause death, illness, and spread disease. (See Appendix A.)¹ (Ord. # _____, Aug. 2018)

18-206. Premises allowing double check valve assemblies.

Low hazard. Low hazard is a cross-connection or potential cross-connection involving any substance that would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the public water supply. Low hazards are protected by double check valve assemblies at minimum. Double check valve (and detector) assemblies used for main line protection are allowed only on Classes 1-3 fire protection systems (AWWA Classifications for Fire Systems). (Ord. # _____, Aug. 2018)

18-207. Inspection and testing of backflow prevention assemblies.

(1) Approval of new installations. The water system will not consider the installation of assemblies to be complete until:

- (a) The installation has been inspected, and approved by the water system based on installation criteria; and
- (b) Assembly is tested initially and has a status of "passed."

(2) Routine inspection and testing of assemblies. To assure that all assemblies are functioning properly, assemblies will be tested within a twelve (12) month (three hundred sixty-five (365) days from last test) period by backflow prevention assembly testers with a certificate of competency. The owner may have the Alamo Water System test the device or hire another qualified individual. The Alamo Water System will charge a fee set by separate ordinance for testing. If assembly is not tested within the twelve (12) month period, enforcement action will be started. In conjunction with testing the

¹Appendix A is available in the recorder's office.

assembly, the water system representative or approved tester will investigate to determine:

- (a) That cross-connections, actual or potential, have not been added ahead of the protective assemblies,
- (b) The assembly meets all installation criteria; and
- (c) The assembly has not been bypassed or altered in some other way to compromise the backflow protection.

All reduced pressure and double check valve backflow prevention assemblies, including detector assemblies, utilized for the protection of the water system will be tested by a person possessing a valid certificate of competency from the State and approved by the water system in keeping with the following criteria:

- (i) Immediately following installation;
- (ii) At least every twelve (12) months;
- (iii) Any time assemblies have been partially disassembled for cleaning and/or repair and;
- (iv) Where there is indication that the unit may not be functioning properly (i.e. excessive or continuous discharges from relief valve, chatter, or vibration of internal parts).

(3) Accepted test procedure. Tests of assemblies will be made using a three (3) or five (5) valve test kit that has valid annual certification in accordance to the latest approved testing procedure from the division of water resources.

(4) Official tests. Only tests performed by persons possessing a valid certificate of competency will be considered official tests by the water systems. All test reports submitted must be of the type approved by the division of water resources. All parts of testing procedure are recorded accurately on the test report with a determination of status ("passed" or "failed"). Certificates of competency are not transferrable.

(5) Prior arrangements for testing. If testing is performed by the Alamo Water System, prior arrangements will be made for a mutually agreeable time for testing the assemblies prior to performing the test. In all cases, the time which water services are interrupted will be held to a minimum in order to minimize the inconvenience to the customer. The customer, upon notification by the water system, has an obligation to work out a mutually agreeable time for testing assemblies within time allotted by the water system.

(6) Repairs. Should a protective assembly not be tested within the twelve (12) month time frame be found defective or have a status of "failed," the water system will require the assembly to be repaired promptly with manufacturer's specified parts, in accordance to manufacturer's suggested procedure, and placed in proper operating condition within a (specified) time limit (maximum ninety (90) day, fourteen (14) days for high risk high hazards). Following repairs, the assembly is to be tested again to verify that it is meeting performance standards and have a status of "passed." The owner will be held

responsible for maintaining protective measures in a good state of repairs. The owner of an assembly needing repairs or maintenance will be permitted to do the work, if such owner is properly qualified or the owner may elect to secure the services of someone else experienced in the repair of the assemblies. (Ord. #_____, Aug. 2018)

18-208. Parallel units. The water system may require the installation of parallel assemblies if the customer cannot readily accommodate interruptions of water service for periodic testing and repairs of the assemblies or is unwilling to cooperate in scheduling a shutdown promptly for testing during normal hours worked by water system personnel. (Ord. #_____, Aug. 2018)

18-209. Records. Good records are invaluable in the water system's efforts to safeguard the quality of water being distributed against degradation from backflow through cross-connections. Adequate records will be maintained as a part of the water system's permanent files to:

- (1) Document the overall effort of the water system to properly discharge its responsibility to see that each customer receives a safe water under all foreseeable circumstances;
- (2) Give a complete picture as to the current status and history of the individual premises regarding the potential for backflow, corrections made, etc.;
- (3) To support enforcement action, whenever necessary, to obtain backflow protection; and
- (4) Document that assemblies have been properly installed, maintained, and tested routinely. Records to be maintained by the water system will include, but not necessarily be limited to the following:
 - (a) Master list of all establishments with assemblies used for premise isolation, including location, assembly used, make, model, size, serial number etc.;
 - (b) Correspondence between water system and its customers;
 - (c) Copy of approved plan;
 - (d) Copy of approved ordinance;
 - (e) Test reports for each assembly;
 - (f) Copies of certificates of competency for each tester;
 - (g) Copies of test kit certifications;
 - (h) Site inspection reports;
 - (i) Residential written surveys;
 - (j) Backflow incident reports;
 - (k) Records on initial surveys, recommendations, follow-up, corrective action, routine reinspections, etc.;
 - (l) A file system designed to call to the attention of the cross-connection control personnel when testing and re-inspections of premises are needed;
 - (m) Public education pamphlets and information.

If a private qualified tester is used to test devices, the Alamo Water System shall be provided a copy of the test report. (Ord. #_____, Aug. 2018)

18-210. Backflow contamination procedures. If contamination is caused by backflow, the Alamo Water System will take the following actions to protect the health of the customer:

- (1) Isolate the lines containing any contaminant from the distribution system;
- (2) Inform customers with contaminated lines not to consume or use the water;
- (3) Report contamination to the local environmental field office;
- (4) Determine and separate the cross-connection allowing the backflow and contamination;
- (5) Remove contamination from lines;
- (6) Test and ensure that lines meet division of water supply regulations for safe water;
- (7) Return service to affected customers once water is safe;
- (8) Document the details of the incident including cause, isolation, and correction, and send report to the local environmental field office;
- (9) Continue to survey and inspect system for similar situations that may allow backflow. (Ord. #_____, Aug. 2018)

18-211. Modifications to plan. This plan may be modified from time to time to meet the needs of the utility and to meet the state's requirements. The plan and ordinance will be reviewed by the water system every five (5) years to determine if the existing plan meets requirements set forth by the division of water resources and that it promotes an ongoing program. The manager shall be authorized to modify, as needed, this plan without the approval of the water system's governing body. The manager shall report any modifications to this plan to the board for their information, in a timely manner. The manager shall also advise the local environmental field office of any changes to this plan for their review and comments. (Ord. #_____, Aug. 2018)

CHAPTER 3**WATER**¹**SECTION**

- 18-301. Board of mayor and aldermen.
- 18-302. Permit and tap fee required for new service.
- 18-303. Water rates.
- 18-304. Multiple dwelling units.
- 18-305. Rules and regulations of the water department.
- 18-306. Definitions.
- 18-307. Responsibility for charges.
- 18-308. Status of new owners.
- 18-309. Unusual construction.
- 18-310. Conditions under which service is furnished.
- 18-311. No liability for interruption of service.
- 18-312. No liability for dirty water.
- 18-313. Maintenance limitations of department.
- 18-314. No liability for boilers.
- 18-315. No liability for shutting off water without notice.
- 18-316. Conditions for turning on water.
- 18-317. Date of consumer's liability to pay charges.
- 18-318. Collection of miscellaneous charges.
- 18-319. Non-refundable security fee shall be required.
- 18-320. When meter is out of order.
- 18-321. No right to furnish to other premises.
- 18-322. Paying for service line and meter installation.
- 18-323. Repairing water meters.
- 18-324. Access to meters.
- 18-325. Work on private premises.
- 18-326. Testing fire pipes.
- 18-327. Service connection and meter setting.
- 18-328. Main extensions.
- 18-329. New buildings and existing buildings.
- 18-330. Additional rules and regulations.
- 18-331. Fire suppression lines.

18-301. Board of mayor and aldermen. The operation of the town's waterworks system shall be under the supervision and control of the board mayor and aldermen required and provided for by Public Acts of 1993, chapter

¹Municipal code reference
Building and utility code: title 12.

63, and originally appointed in 1936. The board of mayor and aldermen shall have such organization, powers, and duties as are prescribed in such Acts. (1965 Code, § 13-101, modified)

18-302. Permit and tap fee required for new service. Persons desiring water service from the Alamo Water Department to premises located within the town limits shall first apply to the water department for a permit before beginning any construction. A tapping fee shall be paid by the customer at the time of issuance of said permit, in accordance with the following table of charges:

Size of Customer's Service Line	Tapping Fee
3/4 inch	\$ 400.00, plus costs of materials and contract labor.
1 inch	\$ 600.00, plus costs of materials and contract labor.
2 inch	\$1,600.00, plus costs of materials and contract labor.

For larger taps a special contract shall be negotiated with the Alamo Water Department by the person desiring such service. (1965 Code, § 13-102, as amended by Ord. #___, Feb. 1976, and Ord. #2017-6, July 2017, modified, as amended by Ord. #2022-13, Dec. 2022 *Ch1_09-11-23*)

18-303. Water rates. Customers inside the town limits shall pay for water supplied by the Water Department of the Town of Alamo. A schedule of water rates shall be set by separate ordinance, amended as needed, and may be found in the recorder's office. (1965 Code, § 13-103, as amended by Ord. #___, Feb. 1976, modified)

18-304. Multiple dwelling units. Each unit must be metered separately.

18-305. Rules and regulations of the water department. The following rules and regulations shall govern the operation of the Alamo Water Department.

These rules and regulations shall form a part of the contract of service between the Alamo Water Department and its customers, both inside and outside the corporate limits. (1965 Code, § 13-105)

18-306. Definitions. (1) "Consumer." The term "consumer" shall mean the individual, firm, or corporation whose name the water department has on its books as the party who has applied for water service or any individual, firm, or corporation who, in fact, uses the water service of the Town of Alamo.

(2) "Consumer's pipe." The pipe carrying water from the meter exit throughout the premises of the customer.

(3) "Lateral" or "service pipe." A lateral or service pipe is the pipe running from the main pipe to the meter.

(4) "Main." A main pipe is the supply pipe from which lateral or service connects are made.

(1965 Code, § 13-106)

18-307. Responsibility for charges. Consumers of water will be charged with and held responsible for all water passing through their meter until such time as they shall notify the water department at its office and in writing that they no longer desire the use of water and, in case of the sale of the property, such notice shall give the name of the new owner. (1965 Code, § 13-107)

18-308. Status of new owners. New owners of buildings shall have no right to the use of water until application has been made for the same and until all outstanding bills against the premises are paid. (1965 Code, § 13-108)

18-309. Unusual construction. Owners of property desiring any unusual construction, alterations, or attachments connected with the water supply must submit plans and specifications for the same to the water department for approval before making such construction, alteration, or attachment, and the department's determination as to whether the same are permissible, and the terms and conditions under which their use will be allowed, shall be final. (1965 Code, § 13-109)

18-310. Conditions under which service is furnished. The water department does not guarantee constant pressure or uninterrupted service, nor does it assure the consumer a full volume of water or the required pressure per square inch necessary to effectively operate hydraulic elevators, sprinkler systems, or other appliances, the same being subject to all the variable conditions that may take place in the use of water from the town mains. (1965 Code, § 13-110)

18-311. No liability for interruption of service. No consumer shall be entitled to damages, or to have any portion of his payment for water service refunded for any interruption of supply. (1965 Code, § 13-111)

18-312. No liability for dirty water. Neither the water department nor the Town of Alamo shall be responsible for damages caused by dirty water. (1965 Code, § 13-112)

18-313. Maintenance limitations of department. Water service pipes from the main to the meter, and the meter, shall be laid and kept in repair by the water department at its expense and will at all times be subject to its control. Only the authorized employees of the water department will be allowed to turn on, turn off, repair, remove, or relocate any service pipes, water meter, or apparatus connected therewith, or make repairs to same.

The water department will furnish and install at its expense the necessary meter, meter box, and meter loop which shall be located as near the customer's property line as is feasible and in the most suitable place. The service pipe and the meter and all meter accessories shall remain the property of the department whether installed on the property of the customer or not.

The point of delivery of water shall be the outlet of the water department meter. All pipe, apparatus, and equipment on the customer's side of the point of delivery shall be installed and maintained by and at the expense of the customer. (1965 Code, § 13-113)

18-314. No liability for boilers. The water department shall have the right at any time, without notice, to shut off the water in its mains for the purpose of making repairs, extensions, or for other necessary purposes, and all persons having boiler or other appliances on their premises depending on the pressure in the pipes to keep them supplied with water are hereby cautioned against danger from these sources, and are required to provide, at their own expense, suitable safety appliances to protect themselves against such danger, and in any event, it is expressly stipulated that the department shall not be liable for any damages resulting from water having been cut off, either through accident or necessity. (1965 Code, § 13-114)

18-315. No liability for shutting off water without notice. When it becomes necessary to shut off the water from any section of the town because of an accident or for the purpose of making changes or repairs, the water department will endeavor to give timely notice to as many of the consumers affected thereby as time and character of the repairs or accident will permit, and will, so far as practicable, use its best efforts to prevent inconveniences and damage arising from any such cause, but failure to give such notice will not render the department responsible or liable for any damages that may result from the shutting off of the water or any coincident conditions. (1965 Code, § 13-115)

18-316. Conditions for turning on water. When water has been shut off for a violation of rules, nonpayment of charges, or other offense, it shall not be turned on again until the water department is satisfied that there will be no

further cause of complaint, and that all fees and penalties are paid. Said fees and penalties shall be set by separate ordinance and may be found in the recorder's office. (1965 Code, § 13-116, modified)

18-317. Date of consumer's liability to pay charges. All new customers for water service will be charged from the date the connection is made and during the first month will be charged a pro rata part of the monthly charge. (1965 Code, § 13-117)

18-318. Collection of miscellaneous charges. Bills will be rendered to customers for any amounts owing the water department for service other than water charges in the same manner as bills for water charges, and service will be discontinued for failure to pay all such bills in the same manner as for nonpayment of water charges. (1965 Code, § 13-118)

18-319. Non-refundable security fee shall be required. New customers shall post a non-refundable security fee shall be set by separate ordinance and may be found in the recorder's office. (1965 Code, § 13-119, modified)

18-320. When meter is out of order. If a meter gets out of order or fails to register, the consumer will be charged the service fee until the meter is replaced. (1965 Code, § 13-120, modified)

18-321. No right to furnish to other premises. A consumer of water will not be permitted to supply premises owned by any other person. (1965 Code, § 13-121)

18-322. Paying for service line and meter installation. Charges for a new service line and meter installation will be levied and paid in advance. (1965 Code, § 13-122, modified)

18-323. Repairing water meters. The water department shall have the right to remove, repair, or replace any meter at any time it sees fit. (1965 Code, § 13-123, as amended by Ord. #2018-7, Sept. 2018, modified)

18-324. Access to meters. It shall be the duty of all consumers to see that meters or service connections wherever located shall be readily accessible at all times to water department employees. Failure to remove any obstruction which prevents access to the meter within three (3) days after being notified by the water department will cause the water to be shut off from the premises and it shall not again be turned on until all obstructions are removed, all regulations complied with, and all expense for shutting off and turning on the water is paid by the consumer. (1965 Code, § 13-124)

18-325. Work on private premises. The water department shall furnish no material for use on private premises, nor do any work thereon, other than installing meters and service lines. (1965 Code, § 13-125)

18-326. Testing fire pipes. No water shall be taken or used through private fire pipes for any purpose other than for extinguishing fires or testing said fire equipment. All tests must be conducted under the supervision of the water department. (1965 Code, § 13-126)

18-327. Service connection and meter setting. Service pipes will be laid in all cases by the water department from the main to the property line. The water department will install, and pay for the installing of, all service pipes to the property line and will keep the same in repair. The owner or consumer will install all pipes and fixtures within the property line and keep the same in repair and shall attach to his water line a stop or cutoff valve. Failing to do so will be cause for disconnecting water.

The consumer shall be responsible for damages to meters and/or meter settings where such damage is caused by a change in grade of the lot or by the carelessness or negligence of the consumer, his agent, or employee, or any member of his family. Such consumer will be billed for the actual cost of any repair or replacement and such bill shall be paid within thirty (30) days from the date of mailing thereof. (1965 Code, § 13-127)

18-328. Main extensions. Customers desiring water main extensions must pay all of the cost of making such extensions. (1965 Code, § 13-128, modified)

18-329. New buildings and existing buildings. No person, firm, or corporation shall build in the town limits of the Town of Alamo without tying the new construction to town water. Such builders shall not have the right to use their own wells nor to provide their own water in any way or manner. All new customers must comply with the rules and regulations of the water department.

It shall be unlawful for any builder, property owner, tenant, or user to erect or maintain any structure intended for human occupancy or use without a connection to the Alamo water system, and a currently paid account thereto. (1965 Code, § 13-130, as amended by Ord. #2022-2, March 2022 *Ch1_09-11-23*)

18-330. Additional rules and regulations. The board of mayor and aldermen shall have the right to make all such additional rules and regulations for the implementing of this chapter as may be necessary, and such rules and regulations shall have the same force and effect as this chapter, and be subject to the same penalties for violations. (1965 Code, § 13-131, modified)

18-331. Fire suppression lines. (1) Fire suppression line defined. A fire suppression line is any connection made to the municipal water distribution system, the sole purpose of which is to supply water to a fire suppression system, sprinkler, or similar devices.

(2) Tap fees for connection to municipal water main. The monthly fee for maintaining a fire suppression line to the Alamo municipal water distribution system shall set by separate ordinance which may be found in the recorder's office.

(3) If a customer's check is returned by a financial institution for any reason, a fee of twenty dollars (\$20.00) will be added to the amount due. The customer will be notified that the check is being held and the customer may be required to pay the amount by money order, Certified check, or cash at the discretion of the utility staff. (Ord. #2017-14, Sept. 2017, modified, as amended by Ord. #2022-4, July 2022 ***Ch1_09-11-23***, and Ord. #2023-10, June 2023 ***Ch1_09-11-23***)

CHAPTER 4

WATER SHORTAGES

SECTION

- 18-401. Waste of water.
- 18-402. Declaration of water shortage emergency.
- 18-403. Status of water shortage emergency.
- 18-404. Non-essential uses during water shortage emergency.
- 18-405. Board of mayor and aldermen action.
- 18-406. Notice.
- 18-407. Customer non-compliance.

18-401. Waste of water. No water furnished by the water system shall be wasted during water shortage emergency periods. Waste of water includes, but is not limited to, the following:

- (1) Permitting water to escape down a gutter, ditch, or other surface drain;
- (2) Failure to repair a controllable leak; and
- (3) Failure to put to reasonable beneficial use any water withdrawn from the water system. (Ord. #___, Oct. 1989)

18-402. Declaration of water shortage emergency. The mayor is authorized to declare a water shortage emergency to exist in accordance with the standards in § 18-403. The mayor must immediately attempt to contact all aldermen to inform them of the emergency action. An end to a water shortage emergency must be declared by the mayor. (Ord. #___, Oct. 1989)

18-403. Status of water shortage emergency. In declaring a water shortage emergency, such emergency shall be designated status 1 or status 2 as follows:

Status 1 exists when the water level in a major distribution system reservoir cannot be brought above the two-thirds (2/3) full mark in forty-eight (48) hour period.

When the water supply reaches status 1, the mayor may declare any or all of the uses of water identified as non-essential use category 1 provided for in this chapter as being prohibited and said prohibition shall remain in full force and effect until modified by the board of aldermen. The list of the non-essential uses may be increased or decreased pending the next meeting of the board of mayor and aldermen.

Status 2 exists when the water level in a major distribution system reservoir cannot be brought above the one-quarter (1/4) full mark within a forty-eight (48) hour period.

If status 2 is reached, the mayor may declare any or all of the non-essential uses provided for in this chapter as being prohibited and the same shall remain in full force and effect until modified by the board of mayor and aldermen. The board of mayor and aldermen may increase or decrease the number of prohibited non-essential uses based on recommendations of the water superintendent. (Ord. #___, Oct. 1989)

18-404. Non-essential uses during water shortage emergency.

(1) Non-essential uses category 1. The following uses are declared to be non-essential uses, category 1:

- (a) Any non-essential use in excess of seventy percent (70%) of the amount used during the corresponding billing period for the previous year;
- (b) Washing sidewalks, driveways, parking areas, tennis courts, patios, or other exterior paved areas, except by the water systems for the public safety;
- (c) Filling or re-filling a swimming pool;
- (d) Non-commercial washing of privately owned motor vehicles, trailers, and boats;
- (e) Watering of lawns, flower gardens, and ball fields;
- (f) Watering any portion of a golf course; and
- (g) Use of water for dust control or compaction during construction.

(2) Non-essential use category 2. The following uses are declared to be non-essential uses, category 2, in addition to those listed for category 1:

- (a) Watering of trees, shrubs, or other plants, except by commercial nurseries, in which case subsection (2)(c) below will apply;
- (b) Use by a motor vehicle washing facility;
- (c) Any non-residential use in excess of fifty percent (50%) of the amount used by the customer during the corresponding billing period for the previous year. If the customer was not operating the previous year, an estimated amount shall be computed by the water system from its records. The mayor may increase the percentage for any connection use or customer if it is determined that such increase is necessary to protect the public health, safety, and welfare or to spread equitably among the water users the burden imposed by the shortage in the water supply; and
- (d) Water served for drinking purposes at restaurants or other public or non-public eating establishments unless such water is specifically requested by the patron or customer. (Ord. #___, Oct. 1989)

18-405. Board of mayor and aldermen action. (1) The board of mayor and aldermen may declare a water shortage emergency irrespective of whether the water supply has reached status 1 or 2, and designate prohibited usages.

(2) Only the board of mayor and aldermen may terminate or end a water shortage emergency declared by the board of mayor and aldermen.

(3) Any water shortage emergency described by the board of mayor and aldermen shall continue until the next meeting of the board of mayor and aldermen. If the board does not take action to terminate the water shortage emergency, the same shall continue in full force and effect. The board of mayor and aldermen may terminate or modify any limitations on non-essential use of water. (Ord. #___, Oct. 1989)

18-406. Notice. Upon the declaration of the existence of a water shortage emergency, the mayor shall notify the local media and furnish detailed information concerning the existence of the water shortage emergency and all prohibited uses. In addition, a newspaper ad shall be published once per week in any weekly local newspapers, informing the public of the water shortage emergency and any prohibition concerning the non-essential uses. Every practical effort shall be made to keep the water-using public informed of conditions during any declared water shortage emergency. (Ord. #___, Oct. 1989)

18-407. Customer non-compliance. (1) Any failure of a customer to comply with the requirements of a declared water shortage emergency may be reported to any official of the water system and shall be immediately investigated by the water superintendent. If non-compliance is found to exist, he shall request immediate compliance by the customer. Should the customer fail or refuse to immediately comply with the request, the water superintendent shall immediately discontinue water service to the customer.

(2) Any customer whose service is disconnected because of a failure to comply with the requirements of a declared water shortage emergency shall have the right, after the first such disconnection, to have service reinstated upon payment to the water system of its customary reconnection charge and upon execution of a written statement that he will comply with the requirements of the declared emergency. If service is disconnected because of subsequent failure to comply, such customer shall have the right to reinstatement of service only after approval of the board of mayor and aldermen and subject to such terms and conditions as the board shall impose.

(3) The decision of the water superintendent shall be appealed for a hearing to the board of mayor and aldermen. The disconnection shall remain in effect until the appeal is heard. A hearing shall be conducted within seventy-two (72) hours of the time the request for hearing is made by the customer. In the event a hearing is not conducted within seventy-two (72) hours, service shall be reinstated until the hearing is conducted. All requests for a hearing shall be made to the town recorder. (Ord. #___, Oct. 1989)

CHAPTER 5**SEWERS¹****SECTION**

- 18-501. Board of mayor and aldermen.
- 18-502. Definitions.
- 18-503. Connections to sewerage system.
- 18-504. Main extensions.
- 18-505. New builders.
- 18-506. Sewer service charges and deposits.
- 18-507. Additional rules and regulations.
- 18-508. Maintenance of private sewer pumps.

18-501. Board of mayor and aldermen. The operation of the town's sewerage system shall be under the supervision and control of the board of mayor and aldermen required and provided for by Public Acts of 1933, chapter 68, and originally appointed in 1936. The board of mayor and aldermen shall have such organization, powers, and duties as are prescribed in such act. (1965 Code, § 13-201, modified)

18-502. Definitions. (1) "Lateral" or "service connections." A lateral or service pipe is a pipe running from the main sewer pipe to the consumer's property line.

(2) "Main." A main sewer pipe is the pipe laid in the street from which lateral or service connections are made. (1965 Code, § 13-202)

18-503. Connections to sewerage system. From and after the effective date of these provisions it shall be unlawful for any person, firm, or corporation not employed by, authorized to, or under contract with the Town of Alamo, to make any cuts in the surface of a town street for the purpose of laying or repairing any sewer service line or laterals, or to lay or repair any sewer service or lateral.

Any person, firm, or corporation during new sewer service to points within or outside of the corporate limits of the Town of Alamo shall first apply to the water and sewer commission for such service and make an application with the sewer department. (1965 Code, § 13-203, modified)

¹Municipal code reference

Plumbing code: title 12, chapter 2.

18-504. Main extensions. Customers desiring sewer main extensions must pay all of the cost of making such extensions. (1965 Code, § 13-204, modified)

18-505. New builders. No person, firm, or corporation shall construct any building in the town limits of Alamo without tying such new building onto the town sewers unless specifically authorized not to tie to such sewers by the water and sewer commissioners. No one shall have the right to use septic tanks, cesspools, field drains or the like within the Town of Alamo unless specifically authorized to use such tanks, pools, or drains by the water and sewer commissioners. New builders must abide by these and all other water and sewer regulations. (1965 Code, § 13-205, modified)

18-506. Sewer service charges and deposits. Sewer service charges and deposits are set by separate ordinance and may be found in the recorder's office.

18-507. Additional rules and regulations. The board of mayor and aldermen of the Town of Alamo shall have the right to make such additional rules and regulations as are necessary for the proper carrying out of the provisions of this chapter. (1965 Code, § 13-207, modified)

18-508. Maintenance of private sewer pumps. As of June 1, 2021, the Town of Alamo has no responsibility to maintain or replace sewer pumps on private property except by written contract.

CHAPTER 6**SEWER USE ORDINANCE****SECTION**

- 18-601. Purpose and policy.
- 18-602. Definitions.
- 18-603. Requirements for proper wastewater disposal.
- 18-604. Physical connection public sewer.
- 18-605. Inspection of connections.
- 18-606. Maintenance of building sewers.
- 18-607. Private domestic wastewater disposal.
- 18-608. Applications for discharge of domestic wastewater.
- 18-609. Industrial wastewater discharge permits.
- 18-610. Confidential information.
- 18-611. General discharge prohibitions.
- 18-612. Restrictions on wastewater strength.
- 18-613. Protection of treatment plant influent.
- 18-614. Federal categorical pretreatment standards.
- 18-615. Right to establish more restrictive criteria.
- 18-616. Special agreements.
- 18-617. Exceptions to discharge criteria.
- 18-618. Accidental discharges.
- 18-619. Monitoring facilities.
- 18-620. Inspection and sampling.
- 18-621. Compliance date report.
- 18-622. Periodic compliance reports.
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- 18-625. Notification of violation.
- 18-626. Issuance of cease and desist orders.
- 18-627. Show cause hearing.
- 18-628. Submission of time schedule.
- 18-629. Legal action.
- 18-630. Emergency termination of service.
- 18-631. Public nuisance.
- 18-632. Correction of violation and collection of costs.
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- 18-637. Purpose.
- 18-638. Types of charges and fees.
- 18-639. Fees for applications for discharge.

- 18-640. Inspection fee and tapping fee.
- 18-641. Sewer user charges.
- 18-642. Surcharge fees.
- 18-643. Industrial wastewater discharge permit fees.
- 18-644. Fees for industrial discharge monitoring.
- 18-645. Billing.
- 18-646. Validity.

18-601. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the Town of Alamo, Tennessee, wastewater treatment system.

The objectives of this chapter are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, will cause the town's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or will cause physical damage to the wastewater treatment system facilities;
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (5) To enable the Town of Alamo to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR part 403), and other applicable federal and state laws and regulations; and
- (6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the Town of Alamo must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides: for the issuance of permits to system users; for the regulations of wastewater discharge volume and characteristics; for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the Town of Alamo, Tennessee and to persons outside the town who are, by contract or agreement with the town, users of the municipal wastewater treatment system. Except as otherwise provided herein, the Superintendent of Water and Sewer of the Town of Alamo shall administer, implement, and enforce the provisions of this chapter. (Ord. #__, Jan. 1987)

18-602. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*

(2) "Approval authority." The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president if the industrial user is a corporation;

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees (20°C) centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(5) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(6) "Categorical standards." National categorical pretreatment standard or pretreatment standard.

(7) "City." The Mayor and Board of Aldermen of the Town of Alamo, Tennessee; may also be referred to as "town" or "city."

(8) "Compatible pollutant." BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this town's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(9) "Control authority." The term "control authority" shall refer to the "approval authority," defined herein above; or the superintendent if the town has an approved pretreatment program under the provisions of 40 CFR 403.11.

(10) "Cooling water." The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(11) "Customer" means any individual, partnership, corporation, association, or group who receives sewer service from the town under either an express or implied contract requiring payment to the town for such service.

(12) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(13) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only.

(14) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency, or where appropriate the term may also be used as designation for the administrator or other duly authorized official of the said agency.

(15) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(16) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and without consideration of time.

(17) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

(18) "Incompatible pollutant" shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(19) "Indirect discharge." The discharge or the introduction of nondomestic pollutants from any source regulated under § 307(b) and (c) of the Act (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(20) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to § 402 of the Act (33 U.S.C. 1342).

(21) "Interference." The inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with § 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(22) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §§ 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(23) "NPDES (National Pollutant Discharge Elimination System)" shall mean the program for issuing, conditioning, and denying permits for the

discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to § 402 of the Federal Water Pollution Control Act as amended.

(24) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a § 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(25) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

(26) "pH." The logarithm (Base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(27) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(28) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(29) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 CFR, § 403.6(d).

(30) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(31) "Publicly owned treatment works (POTW)." A treatment works as defined by § 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plants, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

(32) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(33) "Septage." The settled solid matter which accumulates in a septic tank.

(34) "Septic tank." A horizontal, continuous flow, one-story sedimentation tank through which sewage is allowed to flow slowly to permit the settleable suspended matter to settle to the bottom, where it is retained until anaerobic decomposition is established, resulting in and the changing of some of the organic matter into liquid and gaseous substances and of consequent reduction in the quantity of sludge to be disposed of.

(35) "Septic tank effluent." The overflow of settled wastewater from a septic tank which has received primary treatment and has the biological characteristics of biochemical oxygen demand (BOD) of less than one hundred forty (140) mg/l and a Suspended Solids (SS) content of less than one hundred (100) mg/l.

(36) "Shall" or "will" is mandatory; "May" is permissive.

(37) "Slug" shall mean any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation; and discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way; or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(38) "Small diameter sewage collection system." A system of pipes and other appurtenances designed to collect and transport only septic tank effluent for central treatment and disposal. A small diameter sewage collection system is not designed to collect and transport raw wastewater with a high solids content or any other incompatible wastes.

(39) "State" State of Tennessee.

(40) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office Management and Budget, 1987.

(41) "Storm sewer or storm drain." Shall mean a pipe or conduit which carries storm and surface waters and drainage but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters upon approval of the superintendent.

(42) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(43) "Superintendent." The person designated by the town to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(44) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

(45) "Town." Same as definition of "city" above.

(46) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of Clean Water Act (307)(a) or other Acts.

(47) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four (24) hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(48) "User." Any person who contributes, causes or permits the contribution of wastewater into the town's POTW.

(49) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(50) "Wastewater treatment systems." Defined the same as POTW.

(51) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (Ord. #___, Jan. 1987)

18-603. Requirements for proper wastewater disposal. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Alamo, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any waters of the state within the Town of Alamo any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except for a septic tank of the design, manufacture, and construction approved by the Town of Alamo.

(4) Except as provided in subsection (5) below, the owner of all houses, buildings, or properties used for human occupancy, service area and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities to a septic tank of the design, manufacture, and construction approved by the Town of Alamo, and to connect said septic tank directly to the proper

public sewer in accordance with the provisions of this chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within five hundred feet (500') of the building drain as defined herein.

(5) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(6) Where a public sanitary sewer is not available under the provisions of subsection (4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-607 of this code. (Ord. #___, Jan. 1987)

18-604. Physical connection public sewer. (1) No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by §§ 18-612 and 18-613 of this code.

(2) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(3) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the building may be extended to the rear building and the whole considered as one building sewer.

(4) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent, to meet all requirements of this chapter. All others must be sealed to the specifications of the superintendent.

(5) Building sewers shall conform to the following requirements:

(a) The minimum size of a building sewer shall be four inches (4").

(b) The minimum depth of a building sewer shall be eighteen inches (18").

(c) Four-inch (4") building sewers shall be laid on a grade greater than one-eighth inch (1/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(d) Slope and alignments of all building sewers shall be neat and regular.

(e) Building sewers shall be constructed only of:

- (i) Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type;
- (ii) Cast iron soil pipe with leaded compression joints; or
- (iii) Polyvinyl chloride pipe with solvent welded or with rubber compression joints;
- (iv) ABS compression joints of approved type; or
- (v) Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(f) A cleanout shall be located five feet (5') outside of the building, one (1) as it taps, one (1) to the utility lateral, and one (1) at each change of direction of the building sewer which is greater than forty-five (45) degrees. Additional cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4") on a four-inch (4") pipe.

(g) Connections of building sewers to the public sewer system shall be made the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight and watertight.

(h) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one-eighth inch (1/8") per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or the backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(i) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications of the ASTM and *Water Pollution Control Federal Manual of Practice No. 9*. Any deviation from the

prescribed procedures and materials must be approved by the superintendent before installation.

(j) An installed building sewer shall be gastight and watertight.

(k) All building sewers shall require the installation of a septic tank of the size, design, manufacture, and construction approved by the Town of Alamo to ensure compatibility with the small diameter sewage collection system. The tank will have a minimum volume of one thousand one hundred (1,100) gallons for single-family residences and a minimum volume to be determined by the town for all other structures.

(6) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(7) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(8) It shall be unlawful for any builder, property owner, tenant, or user to erect or maintain any structure intended for human occupancy or use without a connection to the Alamo sewer system where the public sewer is available, and a currently paid account thereto. If public sewer is not available the property shall be served by a disposal system licensed by the state until such time public sewer becomes available. (Ord. #__, Jan. 1987, as amended by Ord. #2022-2, March 2022 *Ch1_09-11-23*)

18-605. Inspection of connections. (1) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered by the superintendent or his authorized representative.

(2) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative. (Ord. #__, Jan. 1987)

18-606. Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the superintendent to meet specifications of the town. The town will accept the responsibility of the routine pumping and maintenance all septic tanks as the only exclusion to the property owner's or user's maintenance responsibility. (Ord. #__, Jan. 1987)

18-607. Private domestic wastewater disposal. (1) Availability.

(a) Where a town public sanitary sewer is not available under the provisions of § 18-603(4), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to a one-eighth inch (1/8") per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-603, the owner shall provide a private sewage pumping station as provided in § 18-604(5)(h).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Crockett County Health Department and the Tennessee Department of Environment and Conservation.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the town and Crockett County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the town and Crockett County Health Department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the town and Crockett County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the town and Crockett County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the town and Crockett County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Tennessee and/or the Crockett County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(f) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Crockett County Health Department and the Tennessee Department of Environment and Conservation. (Ord. #____, Jan. 1987, modified)

18-608. Applications for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new discharges as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-604 of this chapter and an inspection has been performed by the superintendent or his representative.

The receipt by the town of a prospective customer's application for service shall not obligate the town to render the service. If the service applied for cannot be supplied in accordance with this chapter and the town's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service, except that conditional waivers for additional services may be granted by the superintendent for interim periods if compliance may be assured within a reasonable period of time. (Ord. #____, Jan. 1987)

18-609. Industrial wastewater discharge permits. Whenever any requirement for industrial pre-treatment is added to the Alamo wastewater NPDES permit, or upon the town's own initiative, the following shall apply:

(1) **General requirements.** All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall renew their wastewater discharge permit within one hundred eighty (180) days after the effective date of this chapter.

(2) **Applications.** Applications for wastewater discharge permits shall be required as follows:

(a) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent an application in the form prescribed by the superintendent, and accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within sixty (60) days after the effective date of this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW.

(b) The application shall be in the prescribed form of the town and shall include, but not be limited to, the following information: name, address and SIC number of applicant; wastewater volume, wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and thirty (30) minute peaks; a description of all toxic material handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location, and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the superintendent.

(c) Any user who elects or is required to construct new or additional facilities for pretreatment shall, as part of the application for wastewater discharge permit, submit plans, specifications, and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter.

(d) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by §§ 18-615, 18-616, or 18-618 of this chapter.

(e) The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater discharge permit subject to terms and conditions provided herein.

(f) The receipt by the town of a perspective customer's application for wastewater discharge permit shall not obligate the town to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter of the town's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the town to the applicant of such service.

(g) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete application will be notified by the superintendent that the

application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(3) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the town. Permits may contain the following:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(b) Limits on the average and maximum wastewater constituents and characteristics;

(c) Limits on average and maximum rate and time of discharge or requirements for equalization;

(d) Requirements for installation and maintenance of inspection and sampling facilities;

(e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(f) Compliance schedules;

(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town and affording town access thereto;

(i) Requirements for notification of the town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(j) Requirements for notification of slug discharged; and

(k) Other conditions as deemed appropriate by the town to ensure compliance with this chapter.

(4) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the superintendent within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (2)(b) and (2)(c) above. The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or just cause exists. The

user shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(5) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(6) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(7) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(a) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(b) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(d) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics. (Ord. #____, Jan. 1987, modified)

18-610. Confidential information. All information and data on a user obtained from reports, questionnaire permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the town's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (Ord. #____, Jan. 1987)

18-611. General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW.

(1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or to any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the board, the town, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage, with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hair, hides, or fleshlings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 5.0 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a

categorical pretreatment standard. A toxic pollutant identified pursuant to § 307(a) of the Act.

(5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under § 405 of the Act; and criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(7) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(8) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving steam water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty (40) degrees Centigrade (one hundred four (104) degrees Fahrenheit).

(10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(11) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(13) Any wastewater which causes a hazard to human life or creates a public nuisance.

(14) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two and one hundred forty degrees (32° and 140°) Fahrenheit zero and sixty degrees (0° and 60°) Centigrade.

(15) Any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as

storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Public Health. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Public Health, to storm sewer or natural outlet. (Ord. #____, Jan. 1987)

18-612. Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

TABLE A - USER DISCHARGE RESTRICTIONS

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Antimony	5.0	8.0
Arsenic	1.0	1.5
Cadmium	1.0	1.5
Chromium (total)	4.0	7.0
Copper	3.0	5.0
Cyanide	1.0	2.0
*Based on 24-hour flow proportional composite samples.		
Lead	1.0	1.5
Mercury	0.1	0.2
Nickel	3.0	4.5
Pesticides & herbicides	0.5	1.0
Phenols	10.0	15.0
Selenium	1.0	1.5
Silver	1.0	1.5
Surfactants, as MBAS	25.0	50.00
Zinc	3.0	5.0

(Ord. #____, Jan. 1987)

18-613. Protection of treatment plant influent. The superintendent shall monitor the treatment works influent for each parameter in the following table, (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds levels established by this table, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

TABLE B - PLANT PROTECTION CRITERIA

Parameter	Maximum Concentration mg/l (24 Hour Flow) Proportional Composite Sample)	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Aluminum dissolved (AL)	3.00	6.0
Antimony (Sb)	0.50	1.0
Arsenic (As)	0.06	0.12
Barium (Ba)	2.50	5.0
Boron (B)	0.4	0.8
Cadmium (Cd)	0.004	0.008
Chromium Hex	0.06	0.12
Cobalt (Co)	0.03	0.06
Copper (Cu)	0.16	0.32
Cyanide (CN)	0.03	0.06
Fluoride (F)	0.6	1.2
Iron (Fe)	3.0	6.0
Lead (Pb)	0.10	0.2
Manganese (Mn)	0.1	0.2

Parameter	Maximum Concentration mg/l (24 Hour Flow) Proportional Composite Sample)	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Mercury (Hg)	0.025	0.05
Nickel (Ni)	0.15	0.30
Pesticides & herbicides	.001	.002
Phenols	1.00	2.0
Selenium (Se)	0.01	0.02
Silver (Ag)	0.05	0.1
Sulfide	25.0	40.0
Zinc (Zn)	0.3	0.6
Total Kjeldahl Nitrogen (TKN)	45.00	90.00
Oil & grease	50.0	100.00
MBAS	5.0	10.0
BOD	*	
COD	*	
Suspended Solids	*	

*Not to exceed the design capacity of treatment works.

BDL = Below Detectable Limits

(Ord. #____, Jan. 1987)

18-614. Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under the chapter for sources in that subcategory, shall immediately supercede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR section 403.12. (Ord. #____, Jan. 1987)

18-615. Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW

or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Public Health and/or the United States Environmental Protection Agency. (Ord. #____, Jan. 1987)

18-616. Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the town and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the town and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength. (Ord. #____, Jan. 1987)

18-617. Exceptions to discharge criteria. (1) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in §§ 18-615 and 18-616 of this code. Exceptions can be granted according to the following guidelines:

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the town.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the town in its review of the application.

(2) Conditions. All exceptions granted under this subsection shall be temporary and subject to revocation at any time by the superintendent upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if accepted, will not:

- (a) Interfere with the normal collection and operation of the wastewater treatment system;
- (b) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management; or
- (c) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate the NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its in-force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration stipulated in this chapter based on the average daily flow of the user.

(3) Review of application by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the town upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate same within thirty (30) days and shall submit his recommendations to the town at its next regularly scheduled meeting.

(4) Review and application by the town. The town shall review and evaluate all applications for exceptions and shall take into account the following factors:

- (a) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in §§ 18-615 through 18-622 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;
- (b) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of § 307(a) of the Act (22 U.S.C. § 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;
- (c) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

- (d) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;
- (e) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;
- (f) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge; and
- (g) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge. (Ord. #____, Jan. 1987)

18-618. Accidental discharges. (1) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(2) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or his designated official) by telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, the health and welfare of the public, and the environment.

Such notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

This notification will not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(3) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer from such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. #____, Jan. 1987)

18-619. Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When, in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the superintendent may require the separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user.

If sampling or metering equipment is also required by the superintendent, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the monitoring facility shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the superintendent, an existing user is notified in writing, of the necessity of monitoring facilities, construction must be completed within one hundred eighty (180) days following written notification unless an extension is granted by the superintendent. (Ord. #____, Jan. 1987)

18-620. Inspection and sampling. The town shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of

their duties. The town, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The superintendent or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment. (Ord. #____, Jan. 1987)

18-621. Compliance date report. Within one hundred eighty (180) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional. (Ord. #____, Jan. 1987)

18-622. Periodic compliance reports. (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(2) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report

required by subsection (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(3) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to § 304(g) of the Act and contained in 40 CFR, part 136 and amendments thereto or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent. (Ord. #____, Jan. 1987)

18-623. Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (1) The date, exact place, method, and time of sampling and the names of the person taking the samples;
- (2) The dates analyses were performed;
- (3) Who performed the analyses;
- (4) The analytical techniques/methods use; and
- (5) The results of such analyses.

Any industrial user subject to the reporting requirements established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Superintendent, Director of the Division of Water Quality Control Tennessee Department of Public Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the superintendent, the approval authority, or the Environmental Protection Agency. (Ord. #____, Jan. 1987)

18-624. Safety. While performing the necessary work on private properties, the superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by

negligence or failure of the company to maintain safe conditions. (Ord. #____, Jan. 1987)

18-625. Notification of violation. Whenever the WWTP operator finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the WWTP operator or his agent may serve upon said user written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the WWTP operator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. (Ord. #____, Jan. 1987)

18-626. Issuance of cease and desist orders. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the superintendent may issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits, requirements, or provisions to:

- (1) Comply forthwith;
- (2) Comply in accordance with a time schedule set forth by the superintendent;
- (3) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (4) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

Failure of the superintendent to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge. (Ord. #____, Jan. 1987)

18-627. Show cause hearing. (1) The town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the board of aldermen why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the town board regarding the violation, the reasons why the action is being taken, the proposed enforcement action, and directing the user to show cause before the town board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(2) The board of aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the water and sewer department to:

(a) Issue in the name of the board and aldermen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(b) Take the evidence; and

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereon.

(3) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(4) After the board of aldermen has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. (Ord. #____, Jan. 1987)

18-628. Submission of time schedule. When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the superintendent within thirty (30) days of the issuance of a cease and desist order. (Ord. #____, Jan. 1987)

18-629. Legal action. If any person discharges sewage, industrial wastes, or other wastes into the town's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the town, the town attorney may commence an action for appropriate legal and/or equitable relief in the chancery court of this county. (Ord. #____, Jan. 1987)

18-630. Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the superintendent presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the superintendent or in his absence the person then in charge of the treatment works shall immediately notify the mayor of the nature of the emergency. The superintendent shall also attempt to notify the industrial user

or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the town or in their absence such elected officials of the town as may be available, the superintendent shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated or corrected. (Ord. #____, Jan. 1987)

18-631. Public nuisance. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the superintendent as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the town codes or ordinances governing such nuisance. (Ord. #____, Jan. 1987)

18-632. Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violation hereof. The cost of such correction may be added to any sewer service charge payable by the person violating the chapter or the owner or tenant of the property upon which the violation occurred, and the town shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. (Ord. #____, Jan. 1987)

18-633. Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge. (Ord. #____, Jan. 1987)

18-634. Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in a permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The Town of Alamo may sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (Ord. #____, Jan. 1987)

18-635. Civil penalties. Any user who is found to have violated an order of the board of aldermen or who failed to comply with any provision of this

chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than fifty dollars (\$50.00) for each offense. Each day of which a violation shall occur or continues shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. (Ord. #____, Jan. 1987)

18-636. Falsifying information. It shall be unlawful to knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter. (Ord. #____, Jan. 1987, modified)

18-637. Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the town's wastewater treatment system, including costs of operation, maintenance, replacement, administration, bond service costs, capital improvements, depreciation and equitable cost recovery of EPA administered federal wastewater grants. (Ord. #____, Jan. 1987)

18-638. Types of charges and fees. The charges and fees as established in the town's schedule of charges and fees, may include, but not be limited to:

- (1) Inspection fee and tapping fee;
- (2) Fees for application for discharge;
- (3) Sewer use charges;
- (4) Surcharge fees;
- (5) Industrial wastewater discharge permit fees;
- (6) Fees for industrial discharge monitoring; and
- (7) Other fees set by separate ordinance which may be found in the recorder's office. (Ord. #____, Jan. 1987 modified)

18-639. Fees for applications for discharge. Fees are set by separate ordinance which may be found in the recorder's office.

18-640. Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the town's sewer department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines

and connections to the public sewers. The inspection fee and tapping fee shall be in accordance with the following table of charges:

Size of Customer's Service Line	Tapping Fee
3 inch	\$ 550.00, plus costs of materials and contract labor.
4 inch	\$ 600.00, plus costs of materials and contract labor.
6 inch	\$1,600.00, plus costs of materials and contract labor.

(Ord. #___, Jan. 1987, as amended by Ord. #2017-6, July 2017, and Ord. #2022-13, Dec. 2022 *Ch1_09-11-23*)

18-641. Sewer user charges. Whenever any requirement for classification of users is added to the Alamo wastewater NPDES permit, or upon the town's own initiative, the following should apply:

(1) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the user's contribution of wastewater loads; each class user being identified as follows:

(a) Class I. Those users whose average biochemical oxygen demand is one hundred forty milligrams per liter (140 mg/l) by weight or less, and whose suspended solids discharge is one hundred milligrams per liter (100 mg/l) by weight or less. This class of users discharge wastewater into the small diameter sewage collection system which has received primary treatment in a septic tank and is therefore deemed compatible with the small diameter collection system.

(b) Class II. Those users whose average biochemical oxygen demand exceeds one hundred forty milligrams per liter (140 mg/l) concentration by weight and/or whose suspended solids exceeds one hundred milligrams per liter (100 mg/l) concentration. Class II users discharge wastewater into the small diameter sewage collection system which has not received adequate primary treatment in a septic tank or by other means and is therefore deemed incompatible with the small diameter collection system. This class of user is discouraged and in most areas cannot be served by the small diameter collection system without significant additional transportation costs to be borne by the user.

(2) Determination of costs. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs.

(a) All users who fall under Class I shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of water

purchased (\$/1,000 gallons) with the unit charge being determined in accordance with the following formula:

$$C_i = \frac{T.S.C.}{V_t}$$

Where:

C_i = The Class I total unit cost in \$/1000 gallons.

T.S.C. = The total operation, and maintenance, administration, and debt service determined by yearly budget provisions.

V_t = The total volume of wastewater contribution from all users per year as determined from projections from one town fiscal year to the next.

(b) All users who fall within the Class II classification shall pay the same base unit charge per one thousand (1,000) gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and/or suspended solids in direct proportion to the actual discharge quantities.

(c) The volume of water purchased which is used in the calculation of sewer use charges may be adjusted by the superintendent if a user purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e., filling swimming pools, industrial heating, and humidifying equipment, etc.). The user shall be responsible for documenting the quantity of waste discharged to the public sewer.

(d) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the treatment works is in excess of those described in § 18-645(1), above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = V_c V_u + B_c B_u + S_u S_c$$

Where:

C_u = Total user charge per unit of time.

V_c = Total cost for transportation and treatment of a unit of wastewater volume.

V_u = Volume contribution per unit of time.

B_c = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

B_u = Total BOD contribution for a user per unit of time.

S_c = Total cost of treatment of a unit of suspended solids.

S_u = Total suspended solids contribution from a user per unit of time.
(Ord. #____, Jan. 1987, modified)

18-642. Surcharge fees. If it is determined by the town that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharger of such parameters in proportion to the amount of discharge. (Ord. #____, Jan. 1987)

18-643. Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge permit in accordance with § 18-642 of this chapter. (Ord. #____, Jan. 1987)

18-644. Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the town for the necessary compliance monitoring and other administrative duties of the pretreatment program. (Ord. #____, Jan. 1987)

18-645. Billing. The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the town, subject to net and gross rates. (Ord. #____, Jan. 1987)

18-646. Validity. (1) All chapters or parts of chapters in conflict herewith are hereby repealed.

(2) The validity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

(3) This chapter and its provisions shall be valid for all service areas, regions and sewage works under the jurisdiction of the Town of Alamo, Tennessee. (Ord. #____, Jan. 1987)

CHAPTER 7

FATS, OILS AND GREASE

SECTION

- 18-701. Purpose.
- 18-702. Definitions.
- 18-703. Control plan for (FOG) and food waste.
- 18-704. General criteria.
- 18-705. Design criteria.
- 18-706. Grease trap maintenance.
- 18-707. Additives.
- 18-708. Chemical treatment.
- 18-709. Sand, soil, and oil interceptors.
- 18-710. Laundries.
- 18-711. Control equipment.
- 18-712. Alteration of control methods.
- 18-713. Violations and penalty.

18-701. Purpose. The purpose of this chapter is to control discharges into the public sewerage collection system and wastewater treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant. (Ord. #2017-18, Dec. 2017)

18-702. Definitions. (1) "Food service facilities." Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one (1) or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, or any other sewer users as determined by the town's Wastewater Collection System Superintendent (WCSS) who discharge applicable waste.

(2) "Grease." Material composed primarily of fats, oil, and grease (FOG) from animal or vegetable sources. The terms fats, oil, and grease shall be deemed as grease by definition. Grease does not include petroleum based products.

(3) "Grease trap." A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

(4) "Oil/water separator." An approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the WCSS.

(5) "User." Any person or establishment including those located outside the jurisdictional limits of the town who contributes, causes, or permits the contribution or discharge of wastewater into the town's wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater. (Ord. #2017-18, Dec. 2017)

18-703. Control plan for (FOG) and food waste. (1) Any new construction, renovation, or expansion of food service facilities shall be required to submit to the town a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

(2) Any existing food service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this chapter. There will be no "grandfathering". (Ord. #2017-18, Dec. 2017)

18-704. General criteria. (1) Installation requirements. All existing, proposed, or newly remodeled food service facilities inside the Town of Alamo wastewater service area shall be required to install, at the user's expense, an approved, properly operated and maintained grease trap.

(2) Sanitary sewer flows. Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

(3) Floor drains. Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

(4) Garbage grinders/disposers. It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the

grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

(5) Dishwashers. Commercial dishwashers must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

(6) Location. Grease trap shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without written approval by the WCSS.

(7) Pass through limits. No user shall allow wastewater discharge concentration from grease trap to exceed one hundred (100) mg/l as identified by EPA method 413. (Ord. #2017-18, Dec. 2017)

18-705. Design criteria. (1) Construction. Grease traps shall be constructed in accordance with the Town of Alamo's standards and shall have a minimum of two (2) compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of the WCSS. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

(2) Access. Access to grease traps shall be available at all times, to allow for their maintenance and inspection. Access to trap shall be provided by two (2) manholes (one (1) on each compartment) terminating at finished grade with cast iron frame and cover.

(3) Load-bearing capacity. In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity. (Example: vehicular traffic in driving or parking areas).

(4) Inlet and outlet piping. Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one (1) inlet and one (1) outlet pipe.

(5) Grease trap sizing. The required size of the grease trap shall be calculated using EPA-2 model. All grease traps shall have a capacity of not less than one thousand (1,000) gallons, nor exceed a capacity of three thousand (3,000) gallons. If the calculated capacity exceeds three thousand (3,000) gallons, multiple units plumbed in series shall be installed. (Ord. #2017-18, Dec. 2017)

18-706. Grease trap maintenance. (1) Cleaning/pumping. The user at the user's expense shall maintain all grease traps to assure proper operation and efficiency and maintain compliance with the town's pass through limits. Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or

discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. This service shall also include a thorough inspection of the trap and its components. Any needed repairs shall be noted. Repairs shall be made at user's expense.

(2) Cleaning/pumping frequency. The grease trap must be pumped out completely a minimum of once every four (4) months, or more frequently, as determined by the WCSS, as needed to prevent carry over of grease into the sanitary sewer system.

(3) Disposal. All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the town's sanitary sewer collection system. All pumpage from grease traps must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain and retain a copy of the original manifest from the hauler.

(4) Maintenance log. A grease trap cleaning/maintenance log indicating each pumping for the previous twenty-four (24) months shall be maintained by each food service facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the WCSS or his representative upon request.

(5) Submittal of records. Each user shall submit all cleaning and maintenance records to the WCSS. The maintenance records shall include the following information:

- (a) Facility name, address, contact person, and phone number;
- (b) Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap;
- (c) Types of maintenance performed;
- (d) Dates maintenance was performed;
- (e) Date of next scheduled maintenance;
- (f) Copies of manifests;

The user shall be required to submit maintenance records to the WCSS on a biannual basis (twice per year). Records shall be submitted by March 1st and September 1st of each year. The records shall be submitted to:

Attn. Wastewater Collection System Superintendent 97 South Johnson St. Alamo, Tennessee 38001.

The WCSS will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the WCSS, the user shall be required to perform the maintenance and records of said maintenance within fourteen (14) calendar days. Upon inspection by the WCSS the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of

undesirable materials into the wastewater collection system. (Ord. #2017-18, Dec. 2017)

18-707. Additives. Any biological additive(s) placed into the grease trap or building discharge line including but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease shall require written approval by the WCSS prior to use. The use of such additives shall in no way be considered as a substitution to the maintenance procedures required herein. (Ord. #2017-18, Dec. 2017)

18-708. Chemical treatment. Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap. (Ord. #2017-18, Dec. 2017)

18-709. Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the WCSS) that have sources of sand, soil, and oil shall install effective sand, soil and oil traps, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems. Users whose systems are deemed to be ineffective by the WCSS shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent the inflow of detergents and rainwater into the wastewater collection system. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the WCSS. (Ord. #2017-18, Dec. 2017)

18-710. Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage (into the wastewater collection system) of solids one-half inch (1/2") or larger in size such as rags, strings, buttons, or other solids detrimental to the system. (Ord. #2017-18, Dec. 2017)

18-711. Control equipment. The equipment or facilities installed to control FOG, food waste, sand, soil, oil, and lint must be designed in accordance with the current adopted plumbing code, the Tennessee Department of Environment and Conservation guidelines, most current engineering standards, or other applicable guidelines approved by the WCSS. Underground equipment shall be tightly sealed to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection. Control equipment shall

be maintained by the owner and/or operator of the facility as to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, and lint in the collection lines, pump stations, and wastewater treatment plant. If the Town of Alamo is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained control equipment (or lack thereof) the owner or operator shall be required to refund the labor, equipment, materials, and any overhead costs to the town including any fines incurred due to any sanitary sewer overflow due directly to the stoppage. The town retains the right to inspect and approve any and all installations of control equipment. (Ord. #2017-18, Dec. 2017)

18-712. Alteration of control methods. The Town of Alamo, through the WCSS, reserves the right to request additional control measures if existing control equipment is shown to be insufficient to protect the wastewater collection system and wastewater treatment plant from interference due to the discharge of FOG, sand, soil, lint, or any other undesirable materials. (Ord. #2017-18, Dec. 2017)

18-713. Violations and penalty. Any person who violates this chapter, in part or whole, shall be guilty of a civil violation punishable under and according to the general penalty provision of the Town of Alamo's Municipal Code of Ordinances. Each day's violation of this chapter shall be considered a separate offense. (Ord. #2017-18, Dec. 2017)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

CHAPTER

1. FAIR HOUSING ORDINANCE.
2. OPEN RECORDS POLICY.
3. CITY PARK.
4. SALE OF BURIAL LOTS IN MUNICIPAL CEMETERY.
5. CEMETERY MAINTENANCE.

CHAPTER 1

FAIR HOUSING ORDINANCE

SECTION

- 20-101. Policy.
- 20-102. Definitions.
- 20-103. Unlawful practice.
- 20-104. Discrimination in the sale or rental of housing.
- 20-105. Discrimination in the financing of housing.
- 20-106. Discrimination in the provision of brokerage services.
- 20-107. Exemption.
- 20-108. Administration.
- 20-109. Education and conciliation.
- 20-110. Enforcement.
- 20-111. Investigations; subpoenas; giving of evidence.
- 20-112. Enforcement by private persons.

20-101. Policy. It is the policy of the Town of Alamo to provide, within constitutional limitations, for fair housing throughout the community. (Ord. #____, March 1995)

20-102. Definitions. (1) "Discriminatory housing practice" means an act that is unlawful under §§ 20-104, 20-105, or 20-106.

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

(3) "Family" includes a single individual.

(4) "Person" includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual

companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(5) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (Ord. #____, March 1995)

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

- (1) All dwellings except as exempted by subsection (2);
- (2) Nothing in § 20-104 shall apply to:

- (a) Any single-family house sold or rented by an owner; provided that such private individual owner does not own more than three (3) such single-family houses at any one (1) time; provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one (1) such sale within any twenty-four (24) month period; provided further that such bonafide private individual owner does not own any interest in, nor is owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one time; provided further that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented: without the use in any manner of the sale or rental facilities or the sale or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-104(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

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

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

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

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

(c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (Ord. #_____, March 1995)

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

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

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

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

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

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

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

(7) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. (Ord. #_____, March 1995)

20-105. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in

whole or in part in the making or commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status or handicap of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 20-103(2). (Ord. #___, March 1995)

20-106. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or handicap. (Ord. #___, March 1995)

20-107. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status or handicap; nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. #___, March 1995)

20-108. Administration. (1) The authority and responsibility for administrating this Act shall be in the Mayor of the Town of Alamo.

(2) The mayor may delegate any of these functions, duties, and powers to employees of the community, or the boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The mayor shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing

examiners or to other officers in the community, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purpose of this chapter and shall cooperate with the mayor to further such purposes. (Ord. #____, March 1995)

20-109. Education and conciliation. Immediately after the enactment of this chapter, the mayor shall commence such educational and conciliatory activities as will further the purpose of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. #____, March 1995)

20-110. Enforcement. (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the mayor. Complaints shall be in writing and shall contain such information and be in such form as the mayor requires. Upon receipt of such a complaint, the mayor shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (3), the mayor shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the mayor decides to resolve the complaint, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the mayor who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one (1) year.

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

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

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

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

(6) Whenever an action filed by an individual shall come to trial, the mayor shall immediately terminate all efforts to obtain voluntary compliance. (Ord. #____, March 1995)

20-111. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the mayor shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonable necessary for the furtherance of the investigation; provided, however, that the mayor first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The mayor may administer oaths.

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

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

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

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

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the mayor shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the mayor, shall make or cause to be made any false entry or statement or fact in any report, account, record, or other document submitted to the mayor pursuant to his subpoena or such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

(7) The town attorney shall conduct all litigation in which the mayor participates as a party or as amicus pursuant to this chapter. (Ord. #____, March 1995)

20-112. Enforcement by private persons. (1) The rights granted by §§ 20-103, 20-104, 20-105, and 20-106 may be enforced by civil action in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred eighty (180) days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or § 20-110(4) from time to time before bringing it to trial or renting dwellings; or

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

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

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

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities, or

participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both; and if bodily injury results shall be fined not more than ten thousand dollars (\$10,000.00), or imprisoned not more than ten (10) years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. #____, March 1995)

CHAPTER 2

OPEN RECORDS POLICY

SECTION

20-201. Definitions.

20-202. Requesting access to public records.

20-203. Responding to public records requests.

20-204. Inspection of records.

20-205. Copies of records.

20-206. Fees and charges and procedures for billing and payment.

20-201. Definitions. (1) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record. See *Tennessee Code Annotated*, § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.

(2) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See *Tennessee Code Annotated*, § 10-7-503(a)(1)(A).

(3) "Public records request coordinator." The individual, or individuals, designated in §20-203(1)(c) of this policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See *Tennessee Code Annotated*, § 10-7-503(a)(1)(B). The public records request coordinator may also be a records custodian.

(4) "Requester." A person seeking access to a public record, whether it is for inspection or duplication. (Ord. #2017-20, Nov. 2017, as replaced by Ord. #2022-5, July 2022 *Ch1_09-11-23*)

20-202. Requesting access to public records. (1) Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing address from the requester for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing using the Form R1 available at 97 SOUTH JOHNSON ST ALAMO, TN 38001 or by phone at 731-696-4515. or via email at amandaharris.38001@gmail.com.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form R1 available at 97 SOUTH JOHNSON

ST ALAMO, TN 38001. If a form is required for copies ensure it is attached to the policy.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is not required as a condition to inspect or receive copies of public records. (Ord. #2017-20, Nov. 2017, modified, as replaced by Ord. #2022-5, July 2022 ***Ch1_09-11-23***)

20-203. Responding to public records requests. (1) Public record request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

(b) (i) If the requester provided evidence of Tennessee citizenship (if required);

(ii) If the records requested are described with sufficient specificity to identify them; and

(iii) If the governmental entity is the custodian of the records.

(c) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requester of this policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

(C) Fees (and labor threshold and waivers, if applicable); and

(D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:

(A) The requester is not, or has not presented evidence of being, a Tennessee citizen (if proof of citizenship is required).

(B) The request lacks specificity. (Offer to assist in clarification.)

(C) An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial.)

(D) The governmental entity is not the custodian of the requested records.

(E) The records do not exist.

(iii) If appropriate, contact the requester to see if the request can be narrowed.

(iv) Forward the records request to the appropriate records custodian in Town of Alamo.

(v) If requested records are in the custody of a different governmental entity, and the PRRC knows the correct

governmental entity, advise the requester of the correct governmental entity and PRRC for that entity if known.

(c) The designated PRRC(s) is (are):

(i) Name or title: Amanda Harris, Town Recorder.

(ii) Contact information:

97 South Johnson St., Alamo, TN 38001 731-696-4515 or fax 731-696-4045

(d) The PRRC(s) shall report to the governing authority on an annual basis about the governmental entity's compliance with the TPRA pursuant to this policy and shall make recommendations, if any, for improvement or changes to this policy.

(2) Records custodian. (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with *Tennessee Code Annotated*, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

(b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requester a completed public records request response form which is attached as Form R1, based on the form developed by the OORC.

(c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in § 20-203(1)(a)(ii)(B) using the public records request response form R1.

(d) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the public records request response form to notify the requester that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requester to see if the request can be narrowed.

(e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requester concerning the omission and produce the records as quickly as practicable.

(3) Redaction. (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of

records. The records custodian and the PRRC may also consult with the OORC.

(b) Whenever a redacted record is provided, a records custodian should provide the requester with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information. (Ord. #2017-20, Nov. 2017, modified, as replaced by Ord. #2022-5, July 2022 *Ch1_09-11-23*)

20-204. Inspection of records. (1) There shall be no charge for inspection of open public records.

(2) The location for inspection of records within the offices of Town of Alamo should be determined by either the PRRC or the records custodian.

(3) Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location. (Ord. #2017-20, Nov. 2017, as replaced by Ord. #2022-5, July 2022 *Ch1_09-11-23*)

20-205. Copies of records. (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at a location specified by the records custodian.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requester will not be allowed to make copies of records with personal equipment. (Ord. #2017-20, Nov. 2017, as replaced by Ord. #2022-5, July 2022 *Ch1_09-11-23*)

20-206. Fees and charges and procedures for billing and payment.

(1) Fees and charges for copies of public records should not be used to hinder access to public records. No charges will be assessed for copies and duplicates unless over twenty (20) pages.

(2) Records custodian shall provide requester with an itemized estimate of the charges using Form R1 prior to producing copies of records and may require prepayment of such charges before producing requested records.

(3) When fees for copies and labor do not exceed two dollars (\$2.00), the fees may be waived. Requests for waivers for fees above two dollars (\$2.00) must be presented to Amanda Harris or a city clerk, who is authorized to determine if such waiver is in the best interest of TOWN OF ALAMO and for the public good. Fees associated with aggregated records requests will not be waived.

(4) Fees and charges for copies are as follows (if higher than the amounts authorized by the OORC schedule of reasonable charges, documentation should be attached):

(a) Fifteen cents (\$0.15) per page for letter- and legal-size black and white copies. Extraordinary request which requires five hundred (500) pages or more will be charged a two cents (\$0.02) per page surcharge for all pages over five hundred (500).

(b) Labor when time exceeds one (1) hour. Rates for specific are as follows:

(i) Clerk twenty-three dollars (\$23.00)

(ii) Supervisor positions twenty-seven dollars (\$27.00)

(iii) City recorder/CMFO thirty-one dollars (\$31.00)

(c) If an outside vendor is used, the actual costs charged to the Town of Alamo by the vendor (IT, auditor, blueprinting and/or any other organization) required to complete a request for records, will be charged to the requester in full.

(d) Payment in advance will be required when costs are estimated to exceed twenty-five dollars (\$25.00).

(e) Payment is to be made in cash or by personal check payable to Town of Alamo presented to the clerk or recorder.

(5) Aggregation of frequent and/or multiple requests. Town of Alamo will not aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert). (Ord. #2017-20, Nov. 2017, modified, as replaced by Ord. #2022-5, July 2022 **Ch1_09-11-23**)

CHAPTER 3

CITY PARK

SECTION

20-301. Operating hours.

20-302. Disturbance of peace.

20-303. Trash and litter.

20-304. Prohibited activities.

20-301. Operating hours. (1) Operating hours are from 6:00 A.M. to 10:00 P.M.

(2) Vehicles parked in the parking area when the park is closed or when the owner is not in the park will be towed at the owner's expense; except during official league ball games when the park will close the later of 10:00 P.M. or fifteen (15) minutes after play is over in the final ball game.

(3) City parks are for local recreational purposes only. Recreation is defined as walking or jogging; playing on playground equipment provided; playing basketball on basketball courts provided; little league baseball or softball practice or play on ball fields; family, church, or recognized fraternal organization recreational gatherings; picnics, birthday parties, and Easter egg hunts; local high school or family reunions; 4-H Club events; local charitable and/or civic club events and meetings; Alamo City School activities and use; Boy Scouts and Girl Scouts activities; "sign up" activities and meetings for sports teams; any other activity or event officially sanctioned or sponsored by the Town of Alamo; individual and small group uses such as playing catch, frisbee tossing, touch football and the like; or similar outdoor activities.

(4) It shall be unlawful for any person, group, organization, partnership, or corporation to violate the rules established under this chapter. Violators are subject to citation to municipal court and/or removal from park premises by the Alamo Police Department. (Ord. #__, Aug. 2011, modified, as amended by Ord. #2022-12, Nov. 2022 *Ch1_09-11-23*)

20-302. Disturbance of peace. Loud music in the park is prohibited or any disturbance of the peace. Music that can be heard fifty feet (50') from the source is loud. (Ord. #__, Aug. 2011)

20-303. Trash and litter. Trash and litter should be placed in the proper receptacles. (Ord. #__, Aug. 2011)

20-304. Prohibited activities. The following items and activities are prohibited in the park: alcoholic beverages; drugs; glass containers; dogs not on a leash; profanity; deliberately defacing, damaging, or tampering with park equipment; overnight camping whether or not in tents, shacks or any other

temporary shelter or on the ground, in camping trailers or recreational vehicles placed on the premises. Overnight "pup tent" camping by organized groups sponsored by recognized youth development agencies is permitted with advance approval of the Alamo Police Department. (Ord. #___, Aug. 2011, as replaced by Ord. #2022-12, Nov. 2022 ***Ch1_09-11-23***)

CHAPTER 4

SALE OF BURIAL LOTS IN MUNICIPAL CEMETERY

SECTION

20-401. Sale of cemetery lots.

20-402. Handling of funds.

20-401. Sale of cemetery lots. The price of each cemetery lot in Alamo Cemetery shall be three hundred dollars (\$300.00) and may be set hereafter by an ordinance of the board of mayor and aldermen. Any person purchasing a lot is entitled to a license agreement conveying the lot. A license agreement conveying the lot gives the purchaser only the right of burial therein and shall be considered as a license that restricts the use to burial purposes. (Ord. #5-4-2015C, May 2015)

20-402. Handling of funds. (1) All money received from the sale of cemetery lots and other services shall be paid to the Alamo Town Recorder.

(2) No lot agreement to any cemetery lot shall be issued, nor any cemetery service performed until a receipt showing payment to the town of the cost thereof is exhibited to the person who issues the agreement or performs the services.

(3) All money received from the sale of lots and performance of services shall be placed in the town's general fund. (Ord. #5-4-2015C, May 2015, modified)

CHAPTER 5**CEMETERY MAINTENANCE****SECTION**

20-501. Burial fees.

20-502. Practices that funeral homes shall observe.

20-503. Violations and penalty.

20-501. Burial fees. Each funeral home in charge of any burial in the Alamo Cemetery shall pay a one hundred dollar (\$100.00) fee to the Town of Alamo each time a burial takes place. The fee shall be paid to the town within ten (10) days of the date of the burial. It shall be unlawful for any funeral home to fail to pay the fee. (Ord. #2018-11, Oct. 2018)

20-502. Practices that funeral homes shall observe. Any funeral home in charge of a burial shall leave a customary mound of soil on the grave to provide for settlement. Any surplus soil that remains from a burial shall be moved the same day of the burial by the funeral home in charge, to a location on the cemetery premises approved by Town of Alamo authorities. If the funeral home fails to abide by this section, the Town of Alamo may move the soil, or cause the soil to be moved by a contractor, and charge the funeral home a reasonable fee. (Ord. #2018-11, Oct. 2018)

20-503. Violations and penalty. Violations of any section of this chapter shall subject the offender to a penalty of fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense. The court is authorized to prohibit a funeral home from conducting burials in the Alamo Cemetery until past fees and fines have been paid in full. (Ord. #2018-11, Oct. 2018)

ORDINANCE NO. 2020-5

AN ORDINANCE ADOPTING AND ENACTING SUPPLEMENTAL AND REPLACEMENT PAGES FOR THE MUNICIPAL CODE OF THE TOWN OF ALAMO, TENNESSEE.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ALAMO, TENNESSEE, THAT:

Section 1. Ordinances codified. The supplemental and replacement pages contained in §§ 4-306, 5-524 and 18-322 to the Town of Alamo Municipal Code, hereinafter referred to as the "supplement," are incorporated by reference as if fully set out herein and are ordained and adopted as part of the Town of Alamo Municipal Code. This supplement includes revisions required to the municipal code when considering modifications made by the Town of Alamo. Code sections affected by these modifications contain citations, when required, at the end of the code section.

Section 2. Continuation of existing provisions. Insofar as the provisions of the supplement are the same as those of ordinances existing and in force on its effective date, the provisions shall be considered to be continuations thereof and not as new enactments.

Section 3. Penalty clause. Unless otherwise specified, wherever in the supplement, including any codes and ordinances adopted by reference, any act is prohibited or is made or declared to be a civil offense, or wherever the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the supplement or the municipal code or other applicable law. In any place in the supplement the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this supplement, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this supplement, it shall mean "a civil penalty."¹

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

When a civil penalty is imposed on any person for violating any provision of the supplement and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

Section 4. Severability clause. Each section, subsection, paragraph, sentence, and clause of the supplement, including any codes and ordinances adopted by reference, are hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the supplement shall not affect the validity of any other portion, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.


Section 5. Construction of conflicting provisions. Where any provision of the supplement is in conflict with any other provision of the supplement or municipal code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 6. Code available for public use. One copy of the supplement shall be kept available in the recorder's office for public use and inspection at all reasonable times.


Section 7. Date of effect. This supplement, including all the codes and ordinances therein adopted by reference, shall take effect from and after final passage, the public welfare requiring it, and shall be effective on and after that date.

Passed 1st reading Aug 3, 20 20

Passed 2nd reading Sept 14, 20 20



Mayor



Recorder

ORDINANCE NO. 3

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF ALAMO, TENNESSEE.

WHEREAS some of the ordinances of the Town of Alamo are obsolete, and

WHEREAS some of the other ordinances of the town are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the Town of Alamo, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Alamo Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ALAMO, TENNESSEE,* THAT:

Section 1. Ordinances codified. The ordinances of the Town of Alamo of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Alamo Municipal Code," hereinafter referred to as the "Municipal Code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing or authorizing the establishment

*The charter may provide for a different ordination clause; use whatever the charter prescribes.

of a social security system or providing or changing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

Each day any violation of the municipal code continues shall constitute a separate civil offense.¹

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading 5-4-2020, 2020.

Passed 2nd reading 6-1, 2020.

John Avery Emerson
Mayor

Rita Pearson
Recorder