

**THE
ALCOA
MUNICIPAL
CODE**

Prepared by the

**MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE**

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

November 1997

Change 16
June 14, 2022

CITY OF ALCOA, TENNESSEE

MAYOR

Otis C. Abbott, Jr.

VICE MAYOR

Jim Buchanan

COMMISSIONERS

Vaughn Belcher
Tracey Cooper
Tanya Martin

RECORDER

Kimberly Wade

CITY ATTORNEY

Stephanie Coleman

PREFACE

The Alcoa Municipal Code contains the codification and revision of the ordinances of the City of Alcoa, 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 section 2-106.

By utilizing the table of contents 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 city's ordinance book or the city recorder for a comprehensive and up to date review of the city's ordinances.

Following this preface is an outline of the ordinance adoption procedures, if any, prescribed by the city'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 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city 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 Sandy Selvage, the MTAS Sr. Word Processing Specialist and Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, and Tracy Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Specialist

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

ARTICLE 4. ORDINANCES.

SECTION 1. All ordinances shall begin: "Be it ordained by the City of Alcoa, as follows:"

SECTION 2. Every proposed ordinance shall be introduced in writing, in the form required for final adoption. Prior to or upon the introduction, a copy shall be distributed to each member of the Board of Commissioners, the City Recorder, the City Manager and the City Attorney. The body of the ordinance may be omitted from the journal, but reference thereto shall be made to the ordinance by title or subject matter. Every ordinance shall be passed on two (2) different days at regular, special or adjourned meetings, excepting only emergency ordinances and not less than one (1) week shall elapse between the first and final passage. An emergency ordinance may be enacted upon the day of its introduction if it contains the statement that an emergency exists and specifies with distinctness the acts and reasons constituting the emergency. The unanimous vote of all members of the board present and not less than three (3) members shall be required to pass an emergency ordinance. No ordinance making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for services by any public utility shall be passed as an emergency ordinance. Except in the ordinance adopting the budget, no material or substantial amendment may be made on final passage unless the amendment be passed in the same manner as an amendment to an existing ordinance. No ordinance of a penal nature shall take effect until ten (10) days after the final passage thereof. Any other ordinance, including an emergency ordinance, may be enacted to take effect forthwith upon its final passage, or may be enacted to take effect at a specified future time in the discretion of the Board of Commissioners. No ordinance shall be amended or repealed except by a new ordinance.

SECTION 3. In all cases under the preceding Section the vote shall be determined by yeas and nays and the names of the members voting for or against an ordinance shall be entered on the journal.

SECTION 4. Every ordinance shall be immediately taken charge of by the Recorder and by him numbered, copied in an ordinance book, filed and preserved in his office.

SECTION 5. All ordinances of a penal nature hereinafter passed shall be published at least once in the official newspaper of the city or county and no such ordinance shall be in force until it is so published.

TABLE OF CONTENTS

PAGE

INTRODUCTION

OFFICIALS OF THE CITY AT TIME OF CODIFICATION	ii
PREFACE	iii
ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER	v

CHARTER

CHARTER TABLE OF CONTENTS	C-2
TEXT OF CHARTER	C-12

CODE OF ORDINANCES

CODE-ADOPTING ORDINANCE	ORD-1
TITLE 1. GENERAL ADMINISTRATION	1-1
CHAPTER	
1. BOARD OF COMMISSIONERS	1-1
2. PURCHASING	1-3
3. [REPEALED]	
TITLE 2. BOARDS AND COMMISSIONS, ETC.	2-1
CHAPTER	
1. CITY TREE BOARD	2-1
2. MUNICIPAL RECREATION SYSTEM	2-3
3. SCHOOL BOARD DISTRICTS	2-6
TITLE 3. MUNICIPAL COURT	3-1
CHAPTER	
1. CITY JUDGE	3-1
2. COURT ADMINISTRATION	3-2
3. WARRANTS, SUMMONSES AND SUBPOENAS ...	3-4

	<u>PAGE</u>
4. BONDS AND APPEALS	3-5
5. SEARCH AND SEIZURE	3-6
6. MUNICIPAL ADMINISTRATIVE HEARING OFFICER	3-11
TITLE 4. MUNICIPAL PERSONNEL	4-1
CHAPTER	
1. SOCIAL SECURITY	4-1
2. VACATIONS	4-3
3. HOLIDAYS	4-6
4. PERSONNEL SYSTEM	4-8
5. MISCELLANEOUS PERSONNEL REGULATIONS	4-10
6. SERVICE REWARDS	4-14
7. EMPLOYEE'S RETIREMENT SYSTEM OF THE CITY OF ALCOA	4-15
8. OCCUPATIONAL SAFETY AND HEALTH PROGRAM	4-16
10. CODE OF ETHICS	4-19
TITLE 5. MUNICIPAL FINANCE AND TAXATION	5-1
CHAPTER	
1. FISCAL PROPERTIES	5-1
2. BUSINESS TAXES	5-3
TITLE 6. LAW ENFORCEMENT	6-1
CHAPTER	
1. POLICE DEPARTMENT	6-1
TITLE 7. FIRE PROTECTION AND FIREWORKS	7-1
CHAPTER	
1. FIRE CODE	7-1
2. FIRE DEPARTMENT	7-4
3. FIRE SERVICE OUTSIDE CITY LIMITS	7-6
4. FIREWORKS	7-8

	<u>PAGE</u>
TITLE 8. ALCOHOLIC BEVERAGES	8-1
CHAPTER	
1. GENERAL	8-1
2. SALES OF BEER AND LIGHT ALCOHOLIC CONTENT BEVERAGES	8-8
3. MANUFACTURERS OF BEER AND HIGH ALCOHOL CONTENT BEER	8-21
4. WINE, HIGH ALCOHOL CONTENT BEER, AND INTOXICATING LIQUOR--SALE FOR CONSUMPTION ON PREMISES	8-25
5. LIQUOR SALES	8-27
6. WINE SALES IN RETAIL FOOD STORES	8-38
TITLE 9. BUSINESS, PEDDLERS, SOLICITORS, ETC.	9-1
CHAPTER	
1. SOLICITORS AND CANVASSERS	9-1
2. TAXICABS.	9-4
3. SHOWS, CARNIVALS, AND TENTED AMUSEMENTS	9-6
4. POOL ROOMS	9-8
5. TRANSITORY VENDORS	9-10
6. SALES OR DISPLAYS DURING SPECIAL EVENTS	9-12
7. SEXUALLY ORIENTED BUSINESSES	9-13
TITLE 10. ANIMAL CONTROL	10-1
CHAPTER	
1. GENERAL PROVISIONS	10-1
2. RABIES CONTROL	10-14
3. VICIOUS DOGS	10-21
4. SERVICE ANIMALS	10-25
TITLE 11. MUNICIPAL OFFENSES	11-1
CHAPTER	
1. ALCOHOL	11-1
2. OFFENSES AGAINST THE PERSON	11-3
3. OFFENSES AGAINST THE PEACE AND QUIET	11-4
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL	11-8

	<u>PAGE</u>
5. FIREARMS, WEAPONS AND MISSILES	11-10
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC	11-12
7. MISCELLANEOUS	11-16
TITLE 12. BUILDING, UTILITY, ETC. CODES	12-1
CHAPTER	
1. BUILDING CODE	12-1
2. RESIDENTIAL CODE	12-7
3. PLUMBING CODE	12-17
4. ELECTRICAL CODE	12-23
5. DELETED	12-27
6. PROPERTY MAINTENANCE CODE	12-28
7. MECHANICAL CODE	12-33
8. ENERGY CONSERVATION CODE	12-37
9. DELETED	
TITLE 13. PROPERTY MAINTENANCE REGULATIONS	13-1
CHAPTER	
1. PUBLIC NUISANCES AND OTHER OFFENSES ..	13-1
2. SLUM CLEARANCE	13-5
TITLE 14. ZONING AND LAND USE CONTROL	14-1
CHAPTER	
1. REGIONAL/MUNICIPAL PLANNING COMMISSION	14-1
2. ZONING ORDINANCE	14-3
3. UNIFORM PROPERTY IDENTIFICATION SYSTEM	14-4
TITLE 15. MOTOR VEHICLES, TRAFFIC AND PARKING	15-1
CHAPTER	
1. DEFINITIONS	15-1
2. ENFORCEMENT OF TITLE AND DRIVERS LICENSES	15-12
3. MISCELLANEOUS	15-19
4. VEHICLE EQUIPMENT	15-37
5. EMERGENCY VEHICLES	15-51
6. TRAFFIC CONTROL SIGNALS AND DEVICES ..	15-53

	<u>PAGE</u>
7. VEHICLE OPERATION - GENERAL RULES OF THE ROAD	15-59
8. VEHICLE OPERATION - YIELDING AND TURNING	15-71
9. PEDESTRIANS	15-77
10. MOTORCYCLES, BICYCLES AND OTHER VEHICLES	15-80
11. RAILROADS AND RAIL CROSSINGS	15-90
12. SPEED LIMITS AND SPEEDING	15-94
13. LIGHTING	15-98
14. STOPPING, PARKING AND TOWING	15-110
15. ACCIDENTS	15-120
16. MOTOR VEHICLE TITLE AND REGISTRATION	15-126
17. PRIVATE VEHICLE SALES	15-134
18. FEDERAL MOTOR CARRIER SAFETY REGULATIONS	15-135

**TITLE 16. STREETS, SIDEWALKS, DRAINAGE AND
EROSION CONTROL 16-1**

CHAPTER

1. MISCELLANEOUS	16-1
2. EXCAVATIONS AND CUTS	16-4
3. SUBDIVISION REGULATIONS	16-7
4. STREETS AND DRAINAGE	16-10
5. STORMWATER MANAGEMENT	16-11

TITLE 17. REFUSE AND TRASH DISPOSAL 17-1

CHAPTER

1. REFUSE	17-1
2. HAZARDOUS WASTES AND SUBSTANCES	17-8

TITLE 18. WATER, SANITARY SEWERS AND STORM SEWERS 18-1

CHAPTER

1. WATER DIVISION	18-1
2. SEWAGE AND HUMAN EXCRETA DISPOSAL ...	18-5
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.	18-49

	<u>PAGE</u>
4. WATER AND SANITARY SEWER SERVICE RULES AND REGULATIONS	18-55
5. WATER SERVICE RULES AND REGULATIONS .	18-57
6. SANITARY SEWER SERVICE RULES AND REGULATIONS	18-67
7. WATER AND WASTEWATER CONSTRUCTION SPECIFICATIONS	18-71
8. RULES, RATES, AND FEES FOR THE STORMWATER UTILITY	18-72
TITLE 19. ELECTRICITY AND GAS	19-1
[RESERVED FOR FUTURE USE]	
TITLE 20. MISCELLANEOUS	20-1
CHAPTER	
1. FISHING AND BOATING REGULATIONS	20-1
2. CEDARLAWN CEMETERY	20-4
3. PUBLIC PARKS	20-6
4. CIVIL EMERGENCY	20-7
5. ALARM SYSTEM REGULATIONS	20-9
6. GARAGE SALE REGULATIONS	20-12
7. ROADSIDE MEMORIALS	20-13
8. SPECIAL EVENTS	20-15
CERTIFICATE OF AUTHENTICITY	CERT-1

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF COMMISSIONERS.
2. PURCHASING.
3. [REPEALED.]

CHAPTER 1

BOARD OF COMMISSIONERS²

SECTION

- 1-101. Time and place of meetings.
- 1-102. Attendance at meetings.
- 1-103. General rules of order.

1-101. Time and place of meetings. The regular meetings of the board of commissioners shall be held at seven (7:00) o'clock, p.m. on the second Tuesday of each month, and in case any such Tuesday shall fall upon a legal holiday, then at seven (7:00) o'clock p.m. on the succeeding day. Any regular meetings at which a quorum is present may be adjourned by a majority vote of

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.
 Utilities: titles 18 and 19.
 Wastewater treatment: title 18.
 Zoning: title 14.

²Charter references

Compensation of mayor and commissioners: art. 3, § 5.
 Election of commissioners - terms: art. 3, § 1.
 Election of mayor: art. 3, § 2.
 Powers of commissioners: art. 3, § 6.
 Quorum: art. 3, § 11.
 Removal of commissioners: art. 3, § 14.
 Restrictions on commissioners: art. 3, § 15.
 Vacancies in office: art. 3, § 9.

the commissioners present, either from day to day or from time to time, but not over the day before that appointed for the next regular meeting and shall continue as a regular meeting throughout such adjournments.

The regular, special, and adjourned meetings of the board of commissioners shall be held at the municipal building unless otherwise ordered by the board. (1971 Code, § 1-201, as amended by Ord. #99-030, Nov. 1999, and Ord. #02-004, Jan. 2002)

1-102. Attendance at meetings. Members of the board of commissioners may be compelled to attend any meeting of the board by subpoena issued by the recorder under the direction of the mayor and one commissioner and served by a policeman. On refusal of such member to answer such summons by his immediate attendance he shall be fined the sum of ten dollars (\$10.00) by the recorder for each offense. (1971 Code, § 1-202)

1-103. General rules of order. The board of commissioners may, by resolution, regulate the conduct of its members during its meetings and prescribe its own rules of procedure, except as provided in the city charter, and in all cases where there is no established rule, Robert's Rules of Order, Newly Revised, shall be the guide. (1971 Code, § 1-203, modified)

CHAPTER 2

PURCHASING

SECTION

1-201. Purchases less than \$2,500.

1-202. Purchases from \$2,500 to \$10,000 general fund/\$25,000 utility operations.

1-203. Purchases greater than \$10,000 general fund/\$25,000 utility operations.

1-204. Sealed bids and public advertisement.

1-201. Purchases less than \$2,500.00. (1) All purchases of any single item or multiple items totaling less than two thousand five hundred dollars (\$2,500.00) are at the discretion of the respective department head and require no public advertisement or competitive bidding. Nonetheless, the department head should obtain at least three (3) quotes from vendors or service providers, unless this requirement is waived by the city manager.

(2) Department heads or others authorized to make purchases on behalf of the city will not divide the quantity of items required into multiple purchases totaling less than two thousand five hundred dollars (\$2,500.00) or otherwise contrive to circumvent the provisions of this section and/or subsequent sections. (as added by Ord. #02-006, March 2002, and replaced by Ord. #14-343, Dec. 2014)

1-202. Purchases from \$2,500 to \$10,000 general fund/\$25,000 utility operations. Purchases greater than two thousand five hundred dollars (\$2,500.00) but less than ten thousand dollars (\$10,000.00) for general fund operations or twenty-five thousand dollars (\$25,000.00) for utility operations will be made only after obtaining at least three (3) documented bids unless there are less than three (3) vendors that can supply the good or service. For purposes of this section, a vendor that fails to respond to an invitation to bid, resulting in a no bid, constitutes a documented bid. Competitive bidding and public advertisement are not required. Bids may be received via fax, telephone, internet, and the like. The bid will be awarded to the lowest and best bidder conforming to the specifications and delivery requirements, provided that the city manager or his/her designee approves the bid and purchase. (as added by Ord. #14-343, Dec. 2014)

1-203. Purchases greater than \$10,000 general fund/\$25,000 utility operations. Unless otherwise provided by statute, competitive bidding and public advertising will be required for all purchases over ten thousand dollars (\$10,000.00) for general fund operations and over twenty-five thousand dollars (\$25,000.00) for utility operations, except for:

(1) Purchases for goods or services that are subject to daily price changes (e.g., gasoline). Such purchases will be made pursuant to the provisions of § 1-202;

(2) Purchases for goods or services that are sold, distributed or manufactured by a single source ("single source purchases"); and

(3) Purchases made during a declared area-wide emergency or for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors or transportation or an unanticipated volume of work ("emergency purchases"). (as added by Ord. #14-343, Dec. 2014)

1-204. Sealed bids and public advertisement. Formal sealed bids will be obtained and public advertisement will be issued for all purchases requiring competitive bidding, as follows:

(1) Formal sealed bids will be received by the purchasing division or user department up to the date and time scheduled for the opening at which time the bids will be opened and read aloud. The purchasing agent or, when authorized, the director of the user department will select a date, time and place where the bids will be publicly opened.

(2) Correct and complete specifications and a formal invitation to bid will be submitted/offered to all vendors on the bidders' list for the particular material, supply or service.

(3) A public notice of the time, date and place set for the public opening of bids will be published in a newspaper of general circulation for a minimum of five (5) days prior to the opening.

(4) Bids will be awarded to the lowest and best bidder(s) conforming to the bid evaluations, specifications, qualities, delivery requirements and other appropriate considerations.

(5) For purposes of this section, approval by the City of Alcoa Board of Commissioners will be required for all budgeted capital expenditures which:

(a) Exceed the amount previously appropriated by the board of commissioners; or

(b) Result in the lowest bid being rejected. (as added by Ord. #14-343, Dec. 2014)

CHAPTER 3

[This chapter was repealed by Ord. #17-412, June 2017]

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER**

1. CITY TREE BOARD.
2. MUNICIPAL RECREATION SYSTEM.
3. SCHOOL BOARD DISTRICTS.

CHAPTER 1**CITY TREE BOARD****SECTION**

- 2-101. Arbor Day recognized.
- 2-102. Board created; composition.
- 2-103. General responsibilities of the board.
- 2-104. Board to designate species and location of trees to be planted on public property.
- 2-105. Board to establish policies concerning care, etc., of trees on public property.

2-101. Arbor Day recognized. The Commission of the City of Alcoa, Tennessee does hereby recognize Arbor Day in the City of Alcoa in order to promote tree planting in the community and express appreciation for the existing trees. (1971 Code, § 1-1601)

2-102. Board created; composition. A City Tree Board is created and established which shall consist of three members: The Mayor of the City of Alcoa or his designee; the City Manager of the City of Alcoa or his designee; and the Superintendent of Public Works of the City of Alcoa or his designee. The appointment of the members of this board shall be perpetual. (1971 Code, § 1-1602)

2-103. General responsibilities of the board. It shall be the responsibility of the board to study, investigate, counsel, develop and administer a plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. The board, when requested by the city commission, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. (1971 Code, § 1-1603)

2-104. Board to designate species and location of trees to be planted on public property. The city tree board shall designate the

appropriate tree species to be planted upon public property. This shall include consideration for spacing, distance from curb or sidewalk, distance from street corners and fire plugs, location of utilities, etc. (1971 Code, § 1-1604)

2-105. Board to establish policies concerning care, etc., of trees on public property. The city tree board shall establish policies concerning the care of trees on public property including, but not limited to, such matters as tree topping, removal of dead or diseased trees and removal of stumps. (1971 Code, § 1-1605)

CHAPTER 2

MUNICIPAL RECREATION SYSTEM

SECTION

2-201. Recreation and parks commission.

2-202. Members of commission.

2-203. Terms of office of members.

2-204. Ex officio members.

2-205. Purpose, powers, and operation of commission.

2-206. Budget and expenditures.

2-207. Contingency provisions.

2-201. Recreation and parks commission. The city is authorized and shall participate in the establishment and operation of a joint recreation and parks commission with the City of Maryville and Blount County. (1971 Code, § 1-301)

2-202. Members of commission. The joint recreation and parks commission shall consist of two members from the City of Maryville, two members from the City of Alcoa, two members from Blount County, and one additional member appointed by the joint recreation and parks commission for a term of four years. (1971 Code, § 1-302)

2-203. Terms of office of members. The two members representing the City of Alcoa on the joint recreation and parks commission shall be appointed by the mayor and shall serve for terms of four years or until their successors are appointed; provided, however, that the two members first appointed to represent the City of Alcoa shall be appointed for such terms that the term of one member shall expire in two years and the other member shall expire in four years. The members of said commission shall serve without pay. Vacancies occurring otherwise than by expiration of term shall be filled only for the unexpired term, and such appointments shall be made by the mayor. At least one member representing the City of Alcoa shall be a member of the board of commissioners. (1971 Code, § 1-303)

2-204. Ex officio members. The city manager of Alcoa, the city manager of Maryville, and the County Judge of Blount County shall serve as ex officio members of the joint recreation and parks commission. (1971 Code, § 1-304)

2-205. Purpose, powers, and operation of commission. (1) The joint recreation and parks commission shall be a policy making board. Except as otherwise provided in this chapter or by law, the joint commission shall have

full power, control, and direction of all matters pertaining to the policies of the recreational programs and parks and shall exercise such powers and perform such duties with respect thereto as may be imposed by law, and shall make, establish, and enforce all necessary and proper rules for election of its own officers for governing the joint commission; and shall elect, set the salary of, determine the contract period for, and dismiss the Director of Recreation and Parks, but only upon conclusive proof of improper conduct, inefficient service or neglect of duty during the contract period, and only after written charges are made and the director has had an opportunity to be heard and defend against the charges. All matters relating to the joint recreation and parks program shall be channeled to and through the Director of Recreation and Parks before being brought to the joint commission. The Director of Recreation and Parks shall employ and remove such employees deemed necessary by the joint commission for the operation of the joint recreation and parks program.

(2) The joint recreation and parks commission is authorized and empowered to provide, establish, maintain, administer, and conduct a supervised recreational and parks system for the City of Alcoa, including playgrounds and recreation centers, and other recreational activities and facilities as may be deemed expedient and proper. Provided, however, that no expenses and obligations shall be incurred by said joint commission in excess of funds appropriated by the three participating units of local government for such purposes. (1971 Code, § 1-305)

2-206. Budget and expenditures. (1) The joint recreation and parks commission shall cause to be prepared and submit a proposed budget to the city manager annually prior to the time fixed by the preparation of the general city budget which item shall be acted upon in the general manner. The third year budget shall include a formula which shall be presented to each governing agency for adoption and this shall be a cost sharing formula based upon a per capita basis. Further that the participating, units of local government shall each receive credit in this cost sharing formula for any capital assets turned over to the program by them.

(2) The funds appropriated for the joint recreation and parks system by the commission of the City of Alcoa may be expended and used by said joint recreation and parks commission in providing for a supervised recreational system jointly with the City of Maryville and Blount County. (1971 Code, § 1-306)

2-207. Contingency provisions. The provisions of this chapter are contingent upon the authorization and cooperation by both the City of Maryville and Blount County in establishing and maintaining the joint recreation and parks commission and program. Further, any governmental body may withdraw from the joint recreation and parks commission by giving the other

participating governmental bodies notice at least six months prior to the termination date. (1971 Code, § 1-307)

CHAPTER 3

SCHOOL BOARD DISTRICTS

SECTION

2-301. Districts established.

2-301. Districts established. The following school board districts are established by the Alcoa City Commission:

(1) District 1 - contains the Springbrook area of Alcoa and is bounded by East Hunt Road on the north, Kettering and Wright Road on the east, Pistol Creek on the south, and Hall Road and Highway 129 on the west. Candidates can run for School Board in District 1 in the June 5th election but must submit their qualifying petition to the Blount County Election Commission by April 21. District 1 voters will continue to cast their ballots at Alcoa High School.

(2) District 2 - contains all areas west of Highway 129 and the 129 Bypass. Included in District 2 are Hamilton St. and North and South Linden Drive, Westgate, Green Meadows, Louisville Road including Golfview, Country Townhouses, and Bel-air Apartments, Meadowview and Parkview Place, Victoria Gardens, W. Hunt Road from Benford Lane to Louisville Road, Armona, Northwood, the south side of W. Hunt Road and a portion of Benford Heights. In Benford Heights, residents included in District 2 are on the west side of Benford Lane, on the north side of Cunningham Street, and on Debra Court. Remaining residences in Benford Heights are in District 4. Also included in District 2 is the Summit Hills area bounded by Louisville Road, Bessemer Street, and the 129 Bypass.

Current School Board member George Williams lives in District Two, has two years remaining on his term of office, and will continue to represent that district until school board elections in 1995. Therefore, no school board member will be elected from District 2 in the 1993 school board election.

(3) District 3 - contains the South Hall neighborhood and a portion of Bassel Addition including Telford Street, East Lincoln Road, and the north side of Glascock Street.

Candidates from District Three can run for School Board in the upcoming June 5th election, but must submit their qualifying petition to the Blount County Election Commission by April 21. Voters in District 3 will continue to cast their ballots at Alcoa Middle School.

(4) District 4 - contains all areas of the city north of East Hunt Road, east of Wright Road, and north of Springbrook and MacArthur Road. Also included in District 4 is the north side of W. Hunt Road from Benford Lane to Highway 129, Link Drive, Curie Street from W. Hunt Road to Cunningham, the east side of Benford Lane from W. Hunt Road to Cunningham, and the south side of Cunningham from Benford Lane to Ambrose Road.

School Board member Mickey McClurg lives in District 4, has two years remaining on his term of office, and will continue to represent District 4 until school board elections in 1995. Therefore, no school board member will be elected from District 4 in the 1993 school board election.

(5) District 5 - contains areas south of MacArthur Road and east of Springbrook Road including the Rock Gardens neighborhood. Additionally, included is Oldfield neighborhood and Hannum, Gill, Sanderson, and Lindsay Streets as well as the south side of Glascock Street.

Candidates from District Five are eligible to run for a four year term on the Alcoa School Board but must submit their qualifying petitions to the Blount County Election Commission by April 21. Voters in District 5 will cast their ballots at the Alcoa Middle School.

More information including a map of each district will be provided to the media in the weeks before the election to insure that all voters understand in which district they reside and for whom they will be voting. Voters will elect school board members only in Districts 1, 3, and 5 this year and Districts 2 and 4 in 1995.

(6) Additional information can be obtained by calling the Blount County Election Commission at 983-0401 or the City of Alcoa at 981-4100.

TITLE 3

MUNICIPAL COURT¹

CHAPTER

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.
5. SEARCH AND SEIZURE.
6. MUNICIPAL ADMINISTRATIVE HEARING OFFICER.

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. The city judge and such other officer as may be designated to handle judicial matters within the municipality shall preside over the city court, and shall be known as the city judge. (1971 Code, § 1-801)

¹Charter reference
Municipal court: art. 8.

CHAPTER 2

COURT ADMINISTRATION¹

SECTION

3-201. Imposition of fines, penalties, and costs.

3-202. Disturbance of proceedings.

3-203. Trial and disposition of cases.

3-204. In session.

3-205. Collection of fines, costs and litigation taxes.

3-201. Imposition of fines, penalties, and costs. All fines, penalties and costs shall be imposed and recorded by the city judge on the city court docket in open court. (1971 Code, § 1-808)

3-202. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1971 Code, § 1-811)

3-203. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1971 Code, § 1-806)

3-204. In session. The municipal court shall be convened at such times as are designated by the city judge so as to guarantee every defendant a fair and speedy trial. (1971 Code, § 1-802)

3-205. Collection of fines, costs and litigation taxes. (1) Manner of collection. Unless discharged by payment or service of imprisonment in default of a fine, costs, penalties and litigation taxes due may be collected in the same manner as a judgment in a civil action, but shall not be deemed part of the penalty, and no person shall be imprisoned for being in default solely of payment of costs and/or litigation taxes.

(2) Methods of collection. The city attorney, may, in such person's discretion, and shall, upon order of the court, institute proceedings to collect the

¹Ordinance #15-348 (which is of record in the recorder's office) sets court costs and litigation taxes.

debt as a civil judgment. In addition to all other remedies for collecting amounts owed to the city, the city recorder is authorized to employ the services of a collection agency to collect amounts owed to the city court. The contract between the municipality and the collection agency must be in writing and can utilize an existing written contract awarded under the city's procurement procedures. The written contract shall include a provision specifying whether the agency may institute an action to collect fines and costs in a judicial proceeding.

(a) If an amount owed to the city is not paid in full within sixty (60) days of the date on which the amount becomes due, the clerk shall send written notice, by regular or certified mail return receipt requested, to the debtor at the debtor's last known address according to the city's records. The notice shall state the amount owed in fines, costs and litigation taxes, if any.

(b) If the amount owed to the city is not paid in full within thirty (30) days of the date of the notice or the date stated in the request for additional time, the city may refer the debt to a collection agency to collect the outstanding amount owed to the city and the collection agency services fee.

(c) The collection agency may be paid an amount not exceeding forty percent (40%) of the sums collected as consideration for collecting the fines and costs, pursuant to Tennessee Code Annotated, § 40-24-105(d)(2). (as added by Ord. #07-148, Nov. 2007)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants and mittimuses.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants and mittimuses.¹ The city judge shall have the power to issue warrants and mittimuses for the arrest of persons charged with violating municipal ordinances. (1971 Code, § 1-803)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons, ordering the alleged offender to personally appear before the city 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 city 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. (1971 Code, § 1-804)

3-303. Issuance of subpoenas. The city 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. (1971 Code, § 1-805)

¹State law reference

For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1971 Code, § 1-807)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) entire days thereafter, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1971 Code, § 1-809)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or 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. (1971 Code, § 1-810)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

CHAPTER 5

SEARCH AND SEIZURE

SECTION

- 3-501. Authority to issue search warrants.
- 3-502. Reasons and procedure for issuing search warrants.
- 3-503. Form of search warrants.
- 3-504. Return day.
- 3-505. Execution of search warrants.
- 3-506. Seizure of property.
- 3-507. Hearings.
- 3-508. Code violation enforcement.

3-501. Authority to issue search warrants. The city judge, the assistant city judge, or the city judge pro tem shall have the same authority to issue search warrants as is provided by the laws of the State of Tennessee for the issuance of search warrants by Magistrates or Judges of Courts of General Sessions in the State of Tennessee. (1971 Code, § 1-701)

3-502. Reasons and procedure for issuing search warrants.

(1) A search warrant may be issued upon any grounds provided by the general laws of the State of Tennessee.

(2) A search warrant may only be issued upon probable cause supported by affidavit naming or describing the property and the place to be searched.

(3) The city judge, before issuing the warrant, shall examine on oath the complainant and any witnesses he may produce and take their affidavits in writing and cause them to be subscribed by the persons making them; the affidavits shall set forth facts tending to establish the grounds of the application or probable cause for believing that they exist.

(4) If the city judge is satisfied of the existence of the grounds for the application or that there is probable grounds to believe their existence, he shall issue a search warrant signed by him directed to any police officer or other lawful officer, commanding him forthwith to search the person or place named for the property specified and to bring it forthwith before the city judge.

(5) The city judge shall prepare an original of said search warrant and two exact copies of the same, one of which is to be kept by him as a part of his official records and one of which shall be left with the person or persons on whom said warrant is served. The original search warrant shall be served and returned as provided by law. The city judge shall endorse the warrants showing the hour, date and the name of the officer to whom the warrants were delivered for execution and the exact copy of such warrant and the endorsement thereof shall be admissible in evidence in the courts.

(6) Failure to comply with subsection (5) of this section shall make any search conducted under said warrant an illegal search or seizure. (1971 Code, § 1-702)

3-503. Form of search warrants. The search warrant may be issued in substantially the same form as that provided by State Courts. (1971 Code, § 1-703)

3-504. Return day. A search warrant issued under this chapter shall be executed and returned to the city judge within five days after its date, after which time unless executed it is void. (1971 Code, § 1-704)

3-505. Execution of search warrants. The search warrant may be executed by any officer of the city or any other person to whom it is directed or by any person in aid of such officers.

In order to execute said warrant, any officer may break open any door or window of a house or any part of a house and anything therein if after notice of his authority and purpose, he is refused admittance. (1971 Code, § 1-705)

3-506. Seizure of property. (1) When any officer takes property under a search warrant, he shall, if required, give a receipt to the person from whom it was taken or in whose possession it was found.

(2) The officer shall make a proper return of the search warrant to the city judge and shall specify with particularity the property taken.

(3) When property is taken under a search warrant and delivered to the city judge, he shall, if it was stolen or embezzled, cause it to be delivered to the owner on satisfactory proof of his title; but if the warrant was issued on the grounds specified in § 3-502(1), (2), (3), (4), or (5), he shall retain the property in his possession subject to the order of the court to which he is required to return the property or of the court in which the offense is triable. (1971 Code, § 1-706)

3-507. Hearings. (1) If the grounds on which the search warrant was issued be controverted, the city judge shall proceed to hear the testimony which must be reduced to writing and authenticated in the manner prescribed in § 3-502(4).

(2) If it shall appear that the property is not the same as described in the warrant or that there is no probable cause for believing the existence of the grounds for which the warrant is issued, the city judge shall direct it to be restored to the person from whom it was taken.

(3) The city judge shall, if the property is not directed to be restored under the provisions of subsection (2) of this section, annex together the search warrant, the return, and the affidavits and return them to the court having

power to inquire into the offense in respect to which the search warrant was issued.

(4) If upon the hearing it appears that there was no probable cause for suing out the warrant, the whole cost may be taxed against the complainant and execution awarded. (1971 Code, § 1-707)

3-508. Code violation enforcement. Administrative inspection warrants; definitions; penalties.

(1) (a) "Issuing officer," as used in this section, means:

(i) Any official authorized by law to issue search warrants;

(ii) Any court of record in the county of residence of the agency making application for an administrative inspection warrant; or

(iii) Any municipal court having jurisdiction over the agency making application for an administrative inspection warrant, provided that the judge of the court is licensed to practice law in the State of Tennessee.

(b) "Building official," as used in this section, means any local government building official certified pursuant to § 68-120-113; provided, that such official is acting in their capacity as an official of a municipality or county, and provided that the official is seeking to enforce the ordinances or codes of such local government; and

(c) "Agency," as used in this section, means any county, city, or town employing a building official certified pursuant to § 68-120-113.

(2) In the event that a building official is denied permission to make an inspection and a warrant is required by the Constitution of the United States or the State of Tennessee to perform such inspection, a building official may obtain an administrative inspection warrant in accordance with the procedures outlined in this section. The provisions of title 40, chapter 6, part 1, shall not apply to warrants issued pursuant to this section.

(3) The issuing officer is authorized to issue administrative inspection warrants authorizing a building official to inspect named premises. In so doing, the issuing officer must determine from the affidavits filed by the building official, acting as an officer of the agency requesting the warrant, that:

(a) The agency has the statutory authority to conduct the inspection;

(b) Probable cause exists to believe that a violation of law has occurred or is occurring. For the purposes of this section, probable cause is not the same standard as used in obtaining criminal search warrants. In addition to a showing of specific evidence of an existing violation, probable cause can be found upon a showing of facts justifying further inquiry, by inspection, to determine whether a violation of any state law

or local building, fire, or life safety code is occurring. This finding can be based upon a showing that:

(i) Previous inspections have shown violations of law and the present inspection is necessary to determine whether those violations have been abated;

(ii) Complaints have been received by the agency and presented to the issuing officer, from persons who by status or position have personal knowledge of violations of law occurring on the named premises;

(iii) The inspection of the premises in question was to be made pursuant to an administrative plan containing neutral criteria supporting the need for the inspection; or

(iv) Any other showing consistent with constitutional standards for probable cause in administrative inspections;

(c) The inspection is reasonable and not intended to arbitrarily harass the persons or business involved;

(d) The areas and items to be inspected are accurately described and are consistent with the statutory inspection authority; and

(e) The purpose of the inspection is not criminal in nature and the agency is not seeking sanctions against the person or business for refusing entry.

(4) The issuing officer shall immediately make a finding as to whether an administrative inspection warrant should be issued and if the issuing officer so determines, issue such warrant. No notice shall be required prior to the issuance of the warrant.

(5) All warrants shall include at least the following:

(a) The name of the agency and building official requesting the warrant;

(b) The statutory or regulatory authority for the inspection;

(c) The names of the building official or officials authorized to conduct the administrative inspection;

(d) A reasonable description of the property and items to be inspected;

(e) A brief description of the purposes of the inspection; and

(f) Any other requirements or particularity required by the Constitutions of the United States and the State of Tennessee regarding administrative inspections.

(6) All warrants shall be executed within ten (10) days of issuance.

(7) Any person who willfully refuses to permit inspection, obstructs inspection or aids in the obstruction of an inspection of property described in an administrative inspection warrant commits a Class C misdemeanor.

(8) Any person aggrieved by an unlawful inspection of premises named in an administrative inspection warrant may in any judicial or administrative

proceeding move to suppress any evidence or information received by the agency pursuant to such inspection.

(9) If the court or the administrative agency finds that the inspection was unlawful, such evidence and information shall be suppressed and not considered in the proceeding. (as added by Ord. #06-105, Dec. 2006)

CHAPTER 6

MUNICIPAL ADMINISTRATIVE HEARING OFFICER

SECTION

3-601. Municipal administrative hearing officer.

3-602. Jurisdiction and procedure before the administrative hearing officer.

3-603. Judicial review of final order.

3-601. Municipal administrative hearing officer. (1) In accordance with Tennessee Code Annotated, title 6, chapter 54, part 10, there is hereby created the office of administrative hearing officer to hear violations of any of the provisions codified in the Municipal Code of the City of Alcoa relating to building and property maintenance, including:

(a) Building codes found at title 12, chapter 1, §§ 12-101 through 12-104;

(b) Residential codes found at title 12, chapter 2, §§ 12-201 through 12-203;

(c) Plumbing codes found at title 12, chapter 3, §§ 12-301 through 12-304;

(d) Electrical codes found at title 12, chapter 4, §§ 12-401 through 12-406;

(e) Gas codes found at title 12, chapter 5, §§ 12-501 through 12-503;

(f) Mechanical codes found at title 12, chapter 7, §§ 12-701 through 12-704;

(g) Energy codes (not adopted);

(h) Property maintenance codes found at title 12, chapter 6, §§ 12-601 through 603; and

(i) All ordinances regulating any subject matter commonly found in the above-described codes.

(2) There is hereby created the position of administrative hearing officer to be appointed pursuant to Tennessee Code Annotated, title 6, chapter 54, section 1006.

(3) The amount of compensation for the administrative hearing officer shall be approved by the board of commissioners.

(4) Clerical and administrative support for the office of administrative hearing officer shall be provided as determined by the city manager.

(5) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided in Tennessee Code Annotated, title 6, chapter 54, sections 1001, et seq. (as added by Ord. #11-273, Oct. 2011)

3-602. Jurisdiction and procedure before the administrative hearing officer. The administrative hearing officer's jurisdiction shall be as

set out in Tennessee Code Annotated, title 6, section 54, section 1002, and all matters before the administrative hearing officer shall be conducted in accordance with the provisions of Tennessee Code Annotated, title 6, section 54, sections 1001, et seq., which provisions are adopted and incorporated herein by reference. (as added by Ord. #11-273, Oct. 2011)

3-603. Judicial review of final order. A person who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to Tennessee Code Annotated, title 6, chapter 54, part 10, which shall be the only available method of judicial review. (as added by Ord. #11-273, Oct. 2011)

TITLE 4**MUNICIPAL PERSONNEL****CHAPTER**

1. SOCIAL SECURITY.
2. VACATIONS.
3. HOLIDAYS.
4. PERSONNEL SYSTEM.
5. MISCELLANEOUS PERSONNEL REGULATIONS.
6. SERVICE REWARDS.
7. EMPLOYEE'S RETIREMENT SYSTEM OF THE CITY OF ALCOA.
8. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
9. CODE OF ETHICS.

CHAPTER 1**SOCIAL SECURITY****SECTION**

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports.
- 4-106. Exclusion of coverage due to lack of authorization.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this municipality to extend, at the earliest date, to the employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734 - 81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations. (1971 Code, § 1-1001)

4-102. Necessary agreements to be executed. The mayor is authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1971 Code, § 1-1002)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1971 Code, § 1-1003)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, which shall be paid over to the state or federal agency designated by said laws or regulations. (1971 Code, § 1-1004)

4-105. Records and reports. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1971 Code, § 1-1005)

4-106. Exclusion of coverage due to lack of authorization. There is excluded from this chapter any authority to make any agreement with respect to any position, or any employee or official, compensation for which is on a fee basis, or any positions, or any employee or official not authorized to be covered by applicable state or federal laws or regulations.

There is hereby excluded from this chapter any authority to make any agreement with respect to employees rendering services:

- (1) of an emergency nature;
- (2) in part-time positions; and
- (3) elective officials in "legislative," "executive" and "judicial" positions,

as a classification of employees and officials, to conform with provisions of the Agreement of July 1, 1951. The Mayor is hereby directed to amend the social security agreement with the State to extend the benefits of the Federal System of Old Age, Survivors, Disability and Health Insurance to include the services of employees in part-time positions and extend coverage to "ineligibles," as a part of or as an addition to the absolute coverage group, in positions under the Tennessee Consolidated Retirement System or any other retirement system or plan, but the employee is ineligible for membership therein, to be effective January 1, 1983. It is agreed and understood that coverage of "ineligibles" will continue in the event an "ineligible" later becomes eligible for membership in the Retirement System or plan. (1971 Code, § 1-1006)

CHAPTER 2

VACATIONS

SECTION

- 4-201. Scope.
- 4-202. Computation of vacation leave.
- 4-203. Vacation buy back.
- 4-204. [Repealed.]
- 4-205. [Repealed.]
- 4-206. Effect of military leave.
- 4-207. Effect of termination of employment.
- 4-208. Effect of sick leave.
- 4-209. Time of vacation leave.
- 4-210. Accumulation of vacation leave.
- 4-211. Leave records.

4-201. Scope. This chapter shall apply to all full-time municipal officers and employees except employees of the department of education who are employed on a ten-month basis in each year. (1971 Code, § 1-1301)

4-202. Computation of vacation leave. Vacation leave shall be accrued monthly as determined by the following schedules:

<u>Employees hired before April 12, 1994</u>	<u>Maximum Accumulation</u>
1 year through 5 years	6.666hrs per month, 80hrs per year
6 years but less than 16 years	13.333hrs per month, 160hrs per year
16 years and over	16.666hrs per month, 200hrs per year

<u>Employees hired after April 12, 1994</u>	<u>Maximum Accumulation</u>
1 year through 5 years	6.666 years per month, 80hrs per year
6 years but less than 16 years	10hrs per month, 120hrs per year
16 years and over	13.333hrs per month, 160hrs per year

Fire Department Employees - 24/48

<u>Employees hired before April 12, 1994</u>	<u>Maximum Accumulation</u>
1 year through 5 years	8.833hrs per month, 106hrs per year
6 years but less than 16 years	17.666hrs per month, 212hrs per year
16 years and over	22.08hrs per month, 265hrs per year

<u>Employees hired before April 12, 1994</u>	<u>Maximum Accumulation</u>
1 year through 5 years	8.833hrs per month, 106hrs per year
6 years but less than 16 years	13.25hrs per month, 159hrs per year

16 years and over 17.666hrs per month, 212hrs per year
(1971 Code, § 1-1302, as replaced by Ord. #02-030, Dec. 2002)

4-203. Vacation buy back. Employees with more than five years of consecutive service shall be given the opportunity to sell back accumulated vacation leave as follows:

<u>Weeks of Vacation</u>	<u>Buy Back weeks</u>
3	1 week
4	2 weeks
5	2 weeks

(Ord. #939, April 1994, as replaced by Ord. #02-030, Dec. 2002)

4-204. [Repealed.] (Ord. #939, April 1994, as repealed by Ord. #02-030, Dec. 2002)

4-205. [Repealed.] (1971 Code, § 1-1305, as repealed by Ord. #02-030, Dec. 2002)

4-206. Effect of military leave. Each eligible employee who is reinstated as an employee after his release from active service in the armed forces of the United States within the period established for reemployment after his discharge shall have credit for such service for vacation leave benefits as if such service had been an employee of the city.

The annual active duty, required for any employee who is a member of the reserves of the armed forces of the United States, shall not affect the amount of his vacation leave. (1971 Code, § 1-1306)

4-207. Effect of termination of employment. An employee will be paid for any allowed accrued leave on balance at the time of such employee's termination. (1971 Code, § 1-1307, as replaced by Ord. #02-030, Dec. 2002, as replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-208. Effect of sick leave. Absence from duty due to illness for which an employee continues to receive pay will not affect the employee's eligibility for vacation leave nor the amount of his vacation leave. (1971 Code, § 1-1308, as amended by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-209. Time of vacation leave. Vacation leave shall be taken at a time approved by the city manager or such other officer as he may designate. (1971 Code, § 1-1309)

4-210. Accumulation of vacation leave. Employees will be allowed to carry over one week of vacation leave in addition to the amount they can accrue annually. (1971 Code, § 1-1310, as replaced by Ord. #02-030, Dec. 2002)

4-211. Leave records. The city manager shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leaves taken under this chapter. (1971 Code, § 1-1312, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

CHAPTER 3

HOLIDAYS

SECTION

- 4-301. Definition.
- 4-302. Municipal holidays.
- 4-303. Offices closed.
- 4-304. Compensation on holidays.
- 4-305. Exceptions.

4-301. Definition. The term "employee" as used in this chapter shall mean any person employed by the city on a regular and not part-time basis, whether on salary or wages. (1971 Code, § 1-1401)

4-302. Municipal holidays. The following days of the year are hereby designated municipal holidays: New Year's Day, Martin Luther King, Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday after Thanksgiving Day, Christmas Day, and one floating holiday each year to be scheduled by the city manager. (Ord. #941, April 1994, as replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-303. Offices closed. All municipal offices may be closed and municipal business of every character, at the option of the parties in interest, may be suspended on these days except as provided in § 4-305. Provided, however, that the heads of departments may, if an emergency exists, require the presence and work upon any holiday of employees under their supervision.

Whenever any municipal holiday designated in § 4-302 occurs upon a Saturday, the preceding Friday may be observed as a holiday. Whenever a municipal holiday occurs upon a Sunday, the following Monday may be observed as a holiday. (1971 Code, § 1-1403)

4-304. Compensation on holidays. Each employee of the city shall be paid full salary or wages for municipal holidays whether he works or not. An employee will receive extra compensation for services performed on municipal holidays when required to work, or will be entitled to equivalent time off from regular working hours with pay at the discretion of the department head. (1971 Code, § 1-1404, modified, as amended by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-305. Exceptions. This chapter shall not apply to employees of the police and fire departments, or salaried employees of other departments, who, due to the nature of their duties, are required to work on holidays. In lieu of each holiday to which such employee would otherwise be entitled, he may

receive extra compensation or he may receive equivalent time off with pay at the discretion of the department head. (1971 Code, § 1-1405)

CHAPTER 4

PERSONNEL SYSTEM

SECTION

4-401. General provisions.

4-402. Employment divisions.

4-403. Human resources director.

4-404. Rules, job classification plan, and compensation plan.

4-401. General provisions. (1) It is the declared personnel policy of the city that:

(a) Employment in the city government shall be based on merit and fitness, free of personal and political considerations.

(b) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of city government.

(c) Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.

(d) Appointment, promotion and other actions requiring the application of the merit principle shall be based on systematic tests and evaluations.

(e) High morale shall be maintained by fair administration of this chapter and by every consideration of the rights and interests of employees consistent with the best interests of the public and the city.

(f) Tenure of employees covered by this chapter shall be subject to good behavior, the satisfactory performance of work, necessity in the performance of work, and the availability of funds.

(2) Section 4-403 shall apply to the classified service unless otherwise specifically provided. (1971 Code, § 1-901)

4-402. Employment divisions. All offices and positions of the city are divided into the classified service and the exempt service.

(1) The exempt service shall include the following:

(a) Board of commissioners.

(b) Members of boards and volunteers who are not regular city employees.

(c) The city manager.

(d) Organization and their employees and other persons engaged by the city on a contractual basis.

(e) Positions involving temporary, probationary, seasonal or part-time employment or which consists of unskilled work not considered a regular or normal city function.

(f) Department heads.

(2) The classified service shall include all other positions in the city service that are not specifically placed in the exempt service by this chapter.

(3) All persons employed by the city shall serve a probationary period of twelve (12) months beginning on the first date of employment. (1971 Code, § 1-902, modified, as amended by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-403. Human resources director. The personnel program established by this chapter shall be administered by the human resources director, who shall be appointed by the city manager. The city manager shall serve as human resources director until other provisions are provided. The human resources director shall:

(1) Administer all the provisions of this chapter and of the personnel rules.

(2) Prepare and recommend revisions and amendments to the personnel rules. (1971 Code, § 1-903, as amended by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-404. Rules, job classification plan, and compensation plan. The human resources director shall draft such rules and job classification plans as may be necessary to carry out the provisions of this chapter. The human resources director shall, in consultation with the director of finance, prepare a pay plan and rules for its administration. The compensation for each job classification plan shall be such as to reflect fairly the difference in duties and responsibilities and shall be related to compensation for comparable positions in other places of public and private employment. (1971 Code, § 1-906, as amended by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

CHAPTER 5

MISCELLANEOUS PERSONNEL REGULATIONS

SECTION

- 4-501. Business dealings.
- 4-502. Outside employment.
- 4-503. Political activity.
- 4-504. Use of municipal time, facilities, etc.
- 4-505. Use of position.
- 4-506. Strikes and unions.
- 4-507. Official travel.
- 4-508. Sick leave.
- 4-509. Pre-employment physical.
- 4-510. Overtime pay.
- 4-511. Standby pay.
- 4-512. Call out pay.
- 4-513. Workers' compensation leave.
- 4-514. Leaves of absence without pay.
- 4-515. Longevity benefits.

4-501. 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 municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1971 Code, § 1-1501)

4-502. Outside employment. No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the city manager. The city manager 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. (1971 Code, § 1-1503, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-503. Political activity. Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work not performed for the city. Provided, however, municipal employees shall not be qualified to run for elected office in the city council. This restriction shall not apply to elective officials. (1971 Code, § 1-1504, modified, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-504. Use of municipal time, facilities, etc. No municipal 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 city manager has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1971 Code, § 1-1505, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-505. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1971 Code, § 1-1506, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-506. Strikes and unions. No municipal officer or employee shall participate in any strike against the municipality, 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. (1971 Code, § 1-1507, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-507. Official travel. The city will reimburse authorized travel expenses on official business.

(1) Public transportation reimbursed in full as authorized by the city manager.

(2) Private transportation mileage allowance as set by the city manager within Internal Revenue Service guidelines.

(3) Food and lodging as prescribed by the city manager. (1971 Code, § 1-1508, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-508. Sick leave. The use of sick leave shall be administered by the city manager who shall implement this ordinance by rules and regulations not inconsistent therewith.

Each permanent active full-time employee shall be credited with sick leave in accordance with regulations promulgated by the city manager in accordance with the following schedule: full-time employees shall accumulate sick leave at the rate of eight (8) hours per month. Fire employees on a twenty-four forty-eight (24-48) hour shift shall accumulate sick leave at the rate of eleven and two-tenths (11.2) hours per month. Employees must be in a paid status for at least fifty percent (50%) of a given calendar month in order to accumulate sick leave under this policy during that particular month.

Employees who retire or die while on active duty shall receive pay equal to their accumulated sick leave as of the date of the retirement or death not to

exceed a maximum of eighty (80) work days. The payment for employees who die shall be made to the employees' designated beneficiary on his or her life insurance policy with the City of Alcoa. (1971 Code, § 1-1509, as renumbered and amended by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-509. Pre-employment physical. The city manager shall initiate and maintain a pre-employment physical program. (1971 Code, § 1-1510, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-510. Overtime pay. The city shall pay overtime in accordance with the Fair Labor Standards Act of 1938, as codified at 29 U.S.C. § 201 et seq. (1971 Code, § 1-1511, as renumbered and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-511. Standby pay. Compensation for standby shall be defined and administered by the city manager. (1971 Code, § 1-1512, modified, as renumbered and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-512. Call out pay. An employee call out as defined and administered by the city manager shall be guaranteed at least two (2) hours of work. (1971 Code, § 1-1513, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-513. Workers' compensation leave. Workers' compensation leave is defined as absence from work as a result of an accident or injury arising out of and in the course of employment with the City of Alcoa which is compensable under the workers' compensation laws of the State of Tennessee. Workers' compensation leave shall be established and administered by the city manager independent of all other leaves.

During the first ninety (90) days of workers' compensation leave, the city will pay one hundred percent (100%) of the employee's regular compensation in lieu of the workers' compensation rate. During this ninety (90) day period, the total disability benefits received from the workers' compensation insurance carrier will be endorsed by the employee and receipted back into his/her payroll code. If an employee is absent more than ninety (90) days, that employee will receive the workers' compensation rate until the employee is released to return to work or receives long-term disability benefits. After six (6) months of disability, the employee shall be eligible to apply for long-term disability benefits under the city's long-term disability policy. (1971 Code, § 1-1514, modified, as renumbered and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-514. Leaves of absence without pay. Leaves of absence without pay may be granted by the city manager up to one (1) year for educational and sickness or injury after all other compensable leaves have expired. A leave of

absence shall constitute a break in service. (1971 Code, § 1-1515, as renumbered by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-515. Longevity benefits. Employees will receive longevity benefits in accordance with current personnel policies as established by the city manager and provided further that funding for longevity benefits is included in the current budget. (Ord. #917, Sept. 1992, as renumbered and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

CHAPTER 6

SERVICE REWARDS

SECTION

4-601. Term of service and schedule of rewards.

4-602. Budget appropriation for rewards.

4-601. Term of service and schedule of rewards. Any official or employee of the City of Alcoa who has served the city for a period of twenty-five (25) years shall be paid a reward at the end of said service in the amount of one thousand five hundred dollars (\$1,500.00).

Said officials and employees at the end of said service shall also be entitled to one additional week's vacation but only during the year in which his or her twenty-fifth (25) anniversary falls. (1971 Code, § 1-1201, as amended by Ord. #02-005, Feb. 2002, Ord. #07-123, April 2007, and Ord. #18-458 *Ch15_12-10-19*)

4-602. Budget appropriation for rewards. There shall be included in the annual budget for the city an appropriation sufficient to pay such rewards to those persons entitled thereto during the year for which the budget is made. (1971 Code, § 1-1203)

CHAPTER 7

EMPLOYEE'S RETIREMENT SYSTEM OF THE CITY OF ALCOA¹

¹Ordinance #02-016, adopted on June 26, 2002, provides as follows:

1. The Employees' Retirement System of the City of Alcoa was established by Ordinance #382 adopted on November 22, 1955.

2. The System has previously been amended from time to time by ordinances duly ordained.

3. The Board of Trustees of the Employees' Retirement System of the City of Alcoa has recommended by resolution adopted on July 5, 2002, that certain changes to the System be approved.

Therefore, the document entitled "Employee's Retirement System of the City of Alcoa, Amended and Restated July 1, 2001" is hereby adopted by reference and shall be codified as Title 4, Chapter 7, of the Code of the City of Alcoa, effective July 1, 2001.

Ord. #02-016 was replaced by Ord. #08-184 and is of record in the office of the recorder.

CHAPTER 8

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-801. Title.
- 4-802. Purpose.
- 4-803. Coverage.
- 4-804. Standards authorized.
- 4-805. Variances from standards authorized.
- 4-806. Administration.
- 4-807. Funding the program.

4-801. Title. This chapter shall be known as the "Occupational Safety and Health Program Plan" for the employees of the City of Alcoa. (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 *Ch16_06-14-22*)

4-802. Purpose. The City of Alcoa 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 worksite 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 worksite 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.

(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. (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 ***Ch16_06-14-22***)

4-803. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Alcoa shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 ***Ch16_06-14-22***)

4-804. Standards authorized. The occupational safety and health standards adopted by the City of Alcoa 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 1972¹ (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 ***Ch16_06-14-22***)

4-805. 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. (as added by Ord. #03-038, Aug. 2003, and

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 *Ch16_06-14-22*)

4-806. Administration. For the purposes of this chapter, the health and safety manager as appointed by the city manager, is designated as 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. (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 *Ch16_06-14-22*)

4-807. Funding the program. Sufficient funds for administering and staffing the program plan pursuant to this ordinance shall be made available as authorized by the City of Alcoa. (as added by Ord. #03-038, Aug. 2003, and replaced by Ord. #13-306, April 2013, and Ord. #20-504, Oct. 2020 *Ch16_06-14-22*)

CHAPTER 9

CODE OF ETHICS

SECTION

- 4-901. Applicability.
- 4-902. Definitions.
- 4-903. Disclosure of personal interest by official with vote.
- 4-904. Disclosure of personal interest in nonvoting matters.
- 4-905. Acceptance of gratuities, etc.
- 4-906. Use of information.
- 4-907. Use of municipal time, facilities, etc.
- 4-908. Use of position or authority.
- 4-909. Outside employment.
- 4-910. Ethics complaints.
- 4-911. Violations.

4-901. Applicability. This chapter is the code of ethics for personnel of the city. 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 (except school board), commission, committee, authority, corporation, or other instrumentality appointed or created by the city. The words "municipal" and "city" include these separate entities. (as added by Ord. #07-131, June 2007, and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-902. Definitions. (1) For purposes of §§ 4-903 and 4-904, "personal interest" means:

(a) Any financial, ownership, or employment interest in the particular entity or person that is the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in the entity or person to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(2) The words "employment interest" include a situation in which an official, an employee or a designated family member is negotiating possible employment with a person or entity that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #07-131, June 2007, and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-903. Disclosure of personal interest 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 or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure. (as added by Ord. #07-131, June 2007, and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-904. Disclosure of personal interest 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 particular person or entity being regulated or supervised that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose the interest on a form provided by and filed with the recorder before the exercise of the discretion when possible. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #07-131, June 2007, and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-905. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his discretion, or reward him for past exercise of discretion, in executing municipal business. (as added by Ord. #07-131, June 2007, and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-906. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #07-131, June 2007, and replaced by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-907. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the city. (as added by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-908. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (as added by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-909. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the city's charter or any ordinance or policy. (as added by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-910. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city 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 for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the city's governing body, the governing body 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 governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

4-911. Violations. 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 city's charter or other applicable law and, in addition, is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #18-458, Nov. 2018 *Ch15_12-10-19*)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. FISCAL PROPERTIES.
2. BUSINESS TAXES.

CHAPTER 1

FISCAL PROPERTIES

SECTION

- 5-101. Fiscal year.
- 5-102. Depositories.

5-101. Fiscal year. The fiscal year of the municipality shall begin on July 1 of each year and shall end on June 30 of the following year. (1971 Code, § 6-101)

5-102. Depositories. (1) The American Fidelity Bank located in the City of Maryville and the City of Alcoa, First Tennessee Bank located in the City of Maryville and the City of Alcoa, First American Bank located in the City of Maryville and the City of Alcoa, Union Planters Bank located in the City of Maryville and the City of Alcoa, Home Federal Bank of Knoxville located in the City of Maryville, BankFirst of the City of Maryville and the City of Alcoa, Sun Trust Bank E.T., N.A., located in the City of Alcoa, and First Central Bank located in the City of Alcoa, are hereby designated as the official depositories for the funds of the City of Alcoa and the city manager and the city treasurer are

¹Charter references

Delinquency penalties - discount: art. 11, § 7.

Due date of taxes: art. 11, § 4.

License taxes: art. 12.

Lien of taxes: art. 11, § 5.

Reversion of appropriations: art. 15, § 3.

Sinking fund: art. 14.

Taxes and assessments: art. 11, § 1.

Tax books: art. 11, § 2.

Tax levy: art. 11, § 3.

Ordinance #15-348 (which is of record in the recorder's office) sets court costs and litigation taxes.

hereby authorized to determine which fund or funds of the City of Alcoa shall be deposited in the respective depositories.

(2) The Bankers Trust Company of the City and State of New York is hereby designated as depository for sinking funds for the city, but this designation is not exclusive.

(3) Before any funds are deposited in the depositories by the treasurer, he shall require the depositories to furnish adequate security to protect the interests of the city, either by collateral in the form of bonds, notes and other obligations of the city or of bonds, notes or other obligations in which sinking funds of the city may be invested under the provisions of art. 14, § 1 of the Charter of the City of Alcoa in an amount ten (10) per cent in excess of the deposits or by a bond in the sum of ten (10) per cent in excess of the deposits with some surety company, satisfactory to the city and authorized to do business in the State of Tennessee, as surety.

Provided that if collateral security is furnished by such depositories in accordance with this section, the same may be evidenced by certificates of Safe Keeping issued to the treasurer of the city by some bank or trust company which is a member of the Federal Reserve System other than the depositories in this section designated.

(4) The treasurer is authorized and directed to increase or decrease the amount of collateral pledged, or the amount of bond given, as deposits may increase or decrease. (1971 Code, § 6-102, as amended by Ord. #994, Nov. 1995; as replaced by Ord. #98-001, Jan. 1998; and Ord. #99-001, Jan. 1999)

CHAPTER 2

BUSINESS TAXES

SECTION

- 5-201. Tax levied.
- 5-202. License and bond required.
- 5-203. Duty of taxpayer and penalty.
- 5-204. Enforcement.

5-201. Tax levied. The taxes provided for in Tennessee Code Annotated, § 67-4-701, et seq. known as the "Business Tax Act" are hereby enacted, ordained and levied on the businesses, business activities, vocations or occupations carried on in the City of Alcoa, Tennessee, at the rates and in the manner prescribed by said Act which Act is incorporated herein by reference. The minimum payment of tax for exterminators and contractors other than public road contractors will be \$15.00 per annum. The proceeds of the privilege taxes herein levied shall accrue to the general fund. (1971 Code, § 6-201)

5-202. License and bond required. No vocation, occupation or business shall be exercised within the corporate limits of the City of Alcoa until the owner or representative thereof shall have first procured a license and execute a bond where such bond is required by the laws of the State of Tennessee, and any person, firm or corporation guilty of exercising any such vocation, occupation or business declared to be a privilege without having procured such license shall be deemed guilty of a misdemeanor. (1971 Code, § 6-202)

5-203. Duty of taxpayer and penalty. It shall be the duty of each taxpayer to promptly pay the privilege tax levied, when the same becomes due, and in case any such tax is not promptly paid within the time required by law for similar county and state taxes, there shall be imposed and collected by the treasurer of the city the same penalty and/or interest which is provided for and imposed in connection with the collection of such taxes by the County Court Clerks in reference to taxes imposed for county and state purposes. (1971 Code, § 6-203)

5-204. Enforcement. The treasurer of the city shall enforce the collection of all such privilege taxes and for the purpose of enforcing the same, he shall have and be authorized to exercise all of the powers by law vested in and shall follow all of the procedures or methods prescribed for County Court Clerks in enforcing said collections and shall be entitled to assess and receive the same fee as is or shall hereafter be provided for County Court Clerks. (1971 Code, § 6-204)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE DEPARTMENT.

CHAPTER 1

POLICE DEPARTMENT¹

SECTION

6-101. Administration.

6-102. Special officers.

6-103. Bonds.

6-104. Uniforms and equipment.

6-105. General duties of policemen.

6-106. Arrests.

6-107. Disposition of persons arrested.

6-108. Records.

6-101. Administration. (1) The police force shall be composed of a chief of police and such officers, detectives, patrolmen, and other employees as the city manager shall determine.

(2) The chief of police shall have control of the officers, detectives, patrolmen, and other employees constituting the police force under such rules and regulations as the city manager shall prescribe or approve.

(3) The chief of police shall have the right to suspend any of the officers, detectives, patrolmen, and other employees under his management and control. If any such person be suspended, the chief shall certify the fact, together with the cause for the suspension to the city manager, who shall hold a hearing as provided in this section. (1971 Code, § 1-501, as amended by Ord. #975, April 1995)

6-102. Special officers. No person shall act as a special policeman, special detective, or other special police officer for any purpose whatsoever, except by authority from the Director of Public Safety. Such authority shall be

¹Charter reference

Police force: art. 17.

Municipal code reference

Miscellaneous police and fire department provisions: §§ 15-301--15-304.

exercised only under the direction and control of the chief of police and for a specified time. (1971 Code, § 1-502)

6-103. Bonds. The chief of police, each policeman, and special policemen, shall be bonded in such sum as shall be determined by the city manager. (1971 Code, § 1-503)

6-104. Uniforms and equipment. All policemen shall wear such uniform and badge as the city manager shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief of police for a special assignment. (1971 Code, § 1-504)

6-105. General duties of policemen. Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1971 Code, § 1-505)

6-106. Arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it.

It shall be unlawful for any male person to willfully refuse to aid a policeman in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary to make the arrest. (1971 Code, § 1-506)

6-107. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested for any offense other than one involving drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1971 Code, § 1-507)

¹Charter references

Municipal court: art. 8.

Police force: art. 17.

Municipal code references

Arrests and other police powers: title 3 and title 20, chapter 4.

6-108. 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 policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1971 Code, § 1-508)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE CODE.
2. FIRE DEPARTMENT.
3. FIRE SERVICE OUTSIDE CITY LIMITS.
4. FIREWORKS.

CHAPTER 1²

FIRE CODE³

SECTION

- 7-101. International Fire Code adopted.
- 7-102. NFPA Fire Code adopted.
- 7-103. Enforcement.
- 7-104. Available in recorder's office.
- 7-205. Definition of "municipality."
- 7-106. Variances.
- 7-107. Appeals.
- 7-108. New materials, processes, and occupancies requiring permits.
- 7-109. Violations.

7-101. International Fire Code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-502, and for the purpose of regulating governing conditions hazardous to life and property from fire or explosions, the International Fire Code, 2018 edition, including Appendices A, B, C, D, F, and I, is hereby adopted by reference and included as a part of this code. With regard to the codes and standards identified in section 102.7 and chapter 80 of the International Fire Code, the fire marshal will reference the latest published edition of said codes and standards. Said International Fire Codes are adopted and incorporated as referenced; with the exclusion of the

¹Municipal code reference

Building, utility and housing codes: title 12.

²"Fire District" formerly § 7-101, was deleted in its entirety by Ord. #12-282, May 2012.

³Municipal code reference

Building, utility, and residential codes: title 12.

residential one- and two-family dwellings. The International Fire Code shall be subject to the following local modification:

(1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the City of Alcoa by inserting "City of Alcoa" as the name of the jurisdiction. (Ord. #1037, Oct. 1996, as replaced by Ord. #01-025, Nov. 2001, and Ord. #07-133, July 2007, amended by Ord. #07-142, Aug. 2007, replaced by Ord. #09-196, June 2009, renumbered by Ord. #12-282, May 2012, and replaced by #Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 ***Ch15_12-10-19***)

7-102. NFPA Fire Code adopted. The NFPA Life Safety Code 101, 2018 edition, chapters 15, 17 and their references, is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of this code, has been filed with the city clerk and is available for public use and inspection. (as added by Ord. #18-464, Nov. 2018 ***Ch15_12-10-19***)

7-103. Enforcement. The fire codes herein adopted by reference shall be enforced by the Bureau of Fire Prevention in the fire department of the city which is hereby established and which shall be operated under the supervision of the chief of the fire department. (1971 Code, § 7-202, as amended by Ord. #01-025, Nov. 2001, renumbered by Ord. #12-282, May 2012, and replaced by #Ord. #14-326, Jan. 2014, as amended and renumbered by Ord. #18-464, Nov. 2018 ***Ch15_12-10-19***)

7-104. Available in recorder's office. The Commission of the City of Alcoa hereby declares that one (1) copy of the aforesaid codes and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days to the passage of the ordinance comprising this section and all public hearing and notice requirements in Tennessee Code Annotated, § 6-54-502, et seq., have been or will be met by the time of the final passage of the ordinance comprising this section. (as added by #Ord. #14-326, Jan. 2014 as amended and renumbered by Ord. #18-464, Nov. 2018 ***Ch15_12-10-19***)

7-105. Definition of "municipality." Whenever the word "municipality" is used in the fire codes herein adopted, it shall be held to mean the City of Alcoa, Tennessee. (1971 Code, § 7-203, as amended by Ord. #01-025, Nov. 2001, and renumbered by Ord. #12-282, May 2012, and Ord. #14-326, Jan. 2014 as amended and renumbered by Ord. #18-464, Nov. 2018 ***Ch15_12-10-19***)

7-106. Variances. The chief of the bureau of fire prevention shall have power to modify any of the provisions of the fire codes upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes,

provided that the spirit of the codes shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the bureau of fire prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (1971 Code, § 7-204, as amended by Ord. #01-025, Nov. 2001, renumbered by Ord. #12-282, May 2012, and Ord. #14-326, Jan. 2014, and amended and renumbered by Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

7-107. Appeals. Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the codes do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the Board of Building Code Appeals of the City of Alcoa within thirty (30) days from the date of the decision appealed. (1971 Code, § 7-205, as renumbered by Ord. #12-282, May 2012, and Ord. #14-326, Jan. 2014, as amended and renumbered by Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

7-108. New materials, processes, and occupancies requiring permits. The city manager, the chief of the fire department and the fire code inspector shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said codes. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (1971 Code, § 7-206, as renumbered by Ord. #12-282, May 2012, Ord. #14-326, Jan. 2014, and amended and renumbered by Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

7-109. Violations. It shall be unlawful for any person to violate any provisions of this chapter or the fire codes hereby 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 chief of the bureau of fire prevention of the municipality 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. (1971 Code, § 7-207, as amended by Ord. #01-025, Nov. 2001, and renumbered by Ord. #12-282, May 2012, Ord. #14-326, Jan. 2014, and amended and renumbered by Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

CHAPTER 2

FIRE DEPARTMENT¹

SECTION

7-201. Administration.

7-202. Records.

7-201. Administration. (1) The fire department shall be composed of a fire chief and such officers, firemen, and other employees as the city manager shall determine.

(2) The fire chief shall have control of the officers, firemen, and other employees constituting the fire department under such rules and regulations as the city manager shall prescribe or approve.

(3) The fire chief shall have the right to suspend any of the officers, firemen, and other employees under his management and control. If any such person be suspended, the fire chief shall certify the fact, together with the cause for the suspension, to the city manager, who shall hold a hearing as provided in this section.

(4) Charges against any member of the fire department, other than those made by the city manager, must be made to the city manager, verified by the oath of the complainant, except that charges made by any member of the board of commissioners or the fire chief or recorder need not be in writing nor verified. When charges are made, as above provided, it shall be the duty of the city manager to file said charges with the recorder, who shall summon said person, setting forth in the summons the nature of the charges made, to appear before the city manager and make defense thereto. Three days shall be allowed the accused to prepare his defense. The said charges shall be tried and determined by the city manager. If the city manager shall find him guilty he shall discharge or discipline said person. The recorder shall issue subpoenas for, and the chief of police, or some member of the force, shall summon such witnesses as may be asked for by either party, and the accused may be represented by counsel.

(5) Any member of the fire department may be suspended or discharged against whom any of the following charges shall be substantiated, to-wit:

¹Charter reference

Fire department: art. 18.

Municipal code reference

Police powers of the fire department: §§ 15-303 and 15-304.

Special privileges with respect to traffic: title 15, chapter 4.

- (a) Any act of insubordination or disrespect toward a superior officer;
- (b) Acts of oppression and tyranny over those under their control;
- (c) Neglect of duty;
- (d) Violation of the rules governing the fire department;
- (e) Absence without leave;
- (f) Immoral conduct, drinking on duty, drunkenness, gambling, or conduct unbecoming a public employee.
- (g) Any legal offense;
- (h) Any conduct injurious to the peace and welfare of the public;
- (i) Incapacity, mental or physical. (1971 Code, § 7-301, as renumbered by Ord. #12-282, May 2012)

7-202. Records. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. (1971 Code, § 7-302, as renumbered by Ord. #12-282, May 2012)

CHAPTER 3

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-301. Restrictions on fire service outside city limits.

7-301. Restrictions on fire service outside city limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the city limits unless the fire is on city property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the city as to endanger the city property, or unless the board of mayor and aldermen has developed policies for providing emergency services outside of the city limits or entered into a contract or mutual aid agreement pursuant to the authority of:

(1) The Local Government Emergency Assistance Act of 1987, as amended, codified in Tennessee Code Annotated, § 58-2-601, et seq.¹

¹State law references

Tennessee Code Annotated, § 58-2-601, et seq., as amended by Public Acts 1988, Ch. 499, authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

This statute, as amended, does not require written agreements between the local governments, but authorizes them to develop policies and procedures for requesting and responding to requests for emergency assistance, including provisions for compensation for service rendered.

The statute specifies which municipal officers may request and respond to requests for emergency assistance and provides for the appointment by municipal governing bodies of additional municipal officers with the same authority.

The statute provides that the senior officer of the requesting party will be in command at the scene of the emergency.

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its employees shall be liable for any property damage or bodily injury at

(continued...)

- (2) Tennessee Code Annotated, § 12-9-101, et seq.¹
(3) Tennessee Code Annotated, § 6-54-601.² (as renumbered by Ord. #12-282, May 2012)

(...continued)

the actual scene of any emergency due to actions performed in responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

¹State law reference

Tennessee Code Annotated, § 12-9-101, et seq., is the Interlocal Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.

²State law reference

Tennessee Code Annotated, § 6-54-601 authorizes municipalities (1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide for firefighting service, and with industrial fire departments, to furnish one another with fire fighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide such communities with firefighting assistance. (3) Provide fire protection outside their city limits to either citizens on an individual contractual basis, or to citizens in an area without individual contracts, whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided. (Counties may compensate municipalities for the extension of fire services.)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Definition.
- 7-402. Manufacture prohibited.
- 7-403. Sales restricted.
- 7-404. Permit from state fire marshal required.
- 7-405. City fireworks permit required; permit application; permit required for each location; permit fee; permit not transferable; expiration of permit.
- 7-406. Permit revocation.
- 7-407. Business license required for each site; zoning compliance required.
- 7-408. Separate sales tax number required.
- 7-409. Certificate of insurance required.
- 7-410. Standards for sale and storage of fireworks.
- 7-411. Parking for retail fireworks sales sites.
- 7-412. Use restricted.
- 7-413. Public display; permit required.
- 7-414. Exceptions.
- 7-415. Penalty for violation.
- 7-416. Transitory vendor requirements.

7-401. Definition. Fireworks means and shall include D.O.T. Class C common fireworks as defined by Tennessee Code Annotated, title 68, chapter 104. (as deleted by Ord. #01-025, Nov. 2001, renumbered by Ord. #12-282, May 2012, and replaced by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-402. Manufacture prohibited. No person or entity shall manufacture any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including fireworks, within the corporate limits of the City of Alcoa. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-403. Sales restricted. It shall be unlawful to sell, or offer for sale, fireworks, within the corporate limits of the City of Alcoa except in compliance with the provisions of this Municipal Code and the provisions of Tennessee Code Annotated, Title 68, Chapter 104, Sections 101 through 116. Only seasonal sales of fireworks shall be permitted within the corporate limits of the City of Alcoa. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-404. Permit from state fire marshal required. It shall be unlawful to sell, offer for sale, ship, or cause to be shipped into the City of Alcoa any item of fireworks, without a permit from the State Fire Marshal, in compliance with Tennessee Code Annotated, Title 68, Chapter 104, Sections 101 through 116, inclusive. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-405. City fireworks permit required; permit application; permit required for each location; permit fee; permit not transferable; expiration of permit. (1) It shall be unlawful to sell, offer for sale, ship, or cause to be shipped into the City of Alcoa any item of fireworks without a city fireworks permit issued by the City of Alcoa Planning and Codes Department.

(2) An application for a city fireworks permit shall be completed and submitted to the planning and codes department no later than seven (7) working days prior to the date the applicant desires to begin making sales. The application shall contain and include the following information:

(a) Name, address and telephone number of applicant. The applicant's name shall also be the same as the name on the state fire marshal permit.

(b) Location where the sale of fireworks is proposed.

(c) Site plan, which shall include the dimensions of the structure used for the sale of fireworks and customer parking.

(d) A copy of the state fire marshal permit as required under § 7-404 of this chapter.

(e) Confirmation of business license for site and zoning code compliance as required under § 7-407 of this chapter.

(f) Documentation of separate sales tax number as required by § 7-408 of this chapter.

(g) Documentation of certificate of insurance as required under § 7-409 of this chapter.

(3) A separate city fireworks permit is required for each location at which fireworks will be sold.

(4) The fee for the city fireworks permit shall be one thousand dollars (\$1,000.00) unless the applicant obtains a license for the operation of a business within the city limits of Alcoa pursuant to the City of Alcoa Municipal Code § 5-202, in which case the fee for a city fireworks permit shall be one hundred fifty dollars (\$150.00).

(5) City fireworks permits shall not be transferable. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*, and amended by Ord. #19-491, Dec. 2019 *Ch15_12-10-19*)

7-406. Permit revocation. The Alcoa Planning and Codes Department shall be authorized to revoke any city fireworks permit upon failure to correct any of the following conditions within twenty-four (24) hours after written notice given by the planning and codes department:

- (1) The permittee or the permittee's operator violates any lawful rule, regulation, or order of the Alcoa Planning and Codes Department.
- (2) The permittee's application contains any false or untrue statements.
- (3) The permittee fails to timely file and/or pay any report, tax, fee, fine or charge.
- (4) The permittee or the permittee's operator violates any provisions of this chapter or of Tennessee Code Annotated, title 68, chapter 104, sections 101 through 116. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-407. Business license required for each site; zoning compliance required. The Alcoa Planning and Codes Department shall issue no permit for the sale of fireworks unless the applicant has first obtained a Tennessee Business License from the Alcoa City Recorder for each site at which fireworks will be sold and is in compliance with all applicable zoning requirements. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*, and amended by Ord. #19-491, Dec. 2019 *Ch15_12-10-19*)

7-408. Separate sales tax number required. A separate sales tax number shall be required for each site at which fireworks will be sold. The Alcoa Planning and Codes Department shall issue no permit for the sale of fireworks unless the applicant has first provided documentation that a separate sales tax number has been obtained for the site of the proposed sale of fireworks. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-409. Certificate of insurance required. The Alcoa Planning and Codes Department shall not issue a permit for the sale of fireworks unless the applicant has first provided a current certificate of insurance with a minimum of two million dollars (\$2,000,000) in product liability and one million dollars (\$1,000,000) in general liability with the City of Alcoa being named as an additional insured on the general liability insurance policy. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-410. Standards sale and storage of fireworks. The following standards shall apply to the sale of fireworks within the corporate limits of the City of Alcoa:

- (1) Sales of fireworks shall only be permitted from June 20th until July 5th and from December 10th until January 2nd of any given year.
- (2) Sales of fireworks shall be conducted in compliance with the provisions of the City of Alcoa Municipal Zoning Code.
- (3) Fireworks may not be stored, sold, or offered for sale in or from a permanent building. All tents or similar temporary structures used for the storage or sale of fireworks shall be composed entirely with fire retardant materials, meet the current adopted International Building Code, International

Fire Code, and the Life Safety Code (NFPA 101), and shall be located on a paved surface and in no event may be erected or placed on a grass or gravel area.

(4) All tents or similar temporary structures used for the storage or sale of fireworks shall provide an emergency exit remote from the point of entrance. Tents shall be enclosed on no more than two (2) sides during times that customers are present.

(5) The site utilized for the sale of fireworks shall be a minimum of two hundred feet (200') from any fuel source and no farther than five hundred feet (500') from an operable fire hydrant.

(6) The sale of fireworks shall be restricted to D.O.T. Class C common fireworks as defined by Tennessee Code Annotated, title 68, chapter 104.

(7) No person shall smoke within a structure where fireworks are stored or sold or within fifty feet (50') of an area where fireworks are sold. No person selling fireworks shall permit the presence of lighted cigars, cigarettes, or pipes within a structure where fireworks are sold or within fifty feet (50') of where fireworks are offered for sale. At all places where fireworks are stored or sold, there shall be posted at each entrance signs with the words "Fireworks - No Smoking" in letters not less than four inches (4") high.

(8) A minimum of two (2) ten pound (10 lb.) ABC fire extinguishers, inspected at tagged, shall be present at each site where fireworks are stored or sold.

(9) It shall be unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age or to any intoxicated person.

(10) Fireworks are not permitted to be stored in residential districts, except for personal use.

(11) All unsold product must be removed within five (5) days of the sales period set forth in this chapter.

(12) Ground fault interrupter protection must be used for power cords that supply power to tents and other outdoor structures. Electrical wiring inside tents and other outdoor locations shall be securely installed, without splices, and lamps shall be protected from accidental breakage by suitable fixture or guard. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-411. Parking for retail fireworks sales site. The site for a fireworks retailer shall provide at least ten (10) paved parking places for off-street customer parking. In addition, the retail fireworks site must provide for an on-site turn-around area so that backing of vehicles onto the street will not be necessary. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-412. Use restricted. The following restrictions shall apply for the use of fireworks within the corporate limits of the City of Alcoa:

(1) The use of fireworks shall be restricted to D. O. T. Class C common fireworks as defined by Tennessee Code Annotated, title 68, chapter 104.

(2) It shall be unlawful to use or explode any fireworks within the corporate limits of the City of Alcoa except on July 3rd and July 4th and on December 31st and January 1 of any given year.

(3) It shall be unlawful to use or explode fireworks within the corporate limits of the City of Alcoa earlier than 11:00 A.M. or later than 11:00 P.M., with the exception of New Year's Day on which the time shall be no later than 1:00 A.M.

(4) It shall be unlawful to explode or ignite fireworks on or onto another person's property unless permission is obtained from the owner or occupant of said property.

(5) It shall be unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, funeral home, public or private school, or within two-hundred feet (200') of where fireworks are stored, sold, or offered for sale.

(6) It shall be unlawful to ignite or discharge fireworks from or within a motor vehicle. It shall be unlawful for any person to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*, and amended by Ord. #19-491, Dec. 2019 *Ch15_12-10-19*)

7-413. Public display; permit required. Nothing in this chapter shall be construed as applying to the shipping, sale, possession, and use of fireworks for public display by holders of a permit for public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-414. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, the sale or use of blank cartridges for a show or theater, the use of fireworks for military operations, or for public displays of fireworks meeting the requirements of the fire prevention code. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-415. Penalty for violation. The violation of any part of this chapter is hereby declared to be a misdemeanor and upon conviction of any person for such violation, that person is to be fined according to general penalty provision of this municipal code. Each subsequent day that any violation continues unabated shall constitute a separate offense. In addition, the planning and codes department may refuse to issue another city fireworks permit to the holder of a permit so convicted for a period not to exceed two (2) years. At the expense of the owner, the building official or his/her designee shall seize, take, remove or cause to be removed all stocks or fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

7-416. Transitory vendor requirements. To the extent that it does not directly conflict with this chapter, all fireworks vendors must also comply with the transitory vendor requirements in chapter 5 of title 9 of this municipal code. (as added by Ord. #18-465, Dec. 2018 *Ch15_12-10-19*)

TITLE 8**ALCOHOLIC BEVERAGES¹****CHAPTER**

1. GENERAL.
2. SALES OF BEER AND LIGHT ALCOHOLIC CONTENT BEVERAGES.
3. MANUFACTURERS OF BEER AND HIGH ALCOHOL CONTENT BEER.
4. WINE, HIGH ALCOHOL CONTENT BEER, AND INTOXICATING LIQUOR--SALE FOR CONSUMPTION ON-PREMISES.
5. LIQUOR SALES.
6. WINE SALES IN RETAIL FOOD STORES.

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

- 8-101. Definitions.
- 8-102. Sale or furnish to minors and/or underaged persons prohibited.
- 8-103. Identification required prior to the sale of alcoholic beverages.
- 8-104. Sale to intoxicated persons prohibited.
- 8-105. Duties and prohibited activities of permittee and licensees.
- 8-106. Employment of minors prohibited.
- 8-107. Loitering of minors or underaged persons prohibited.
- 8-108. Signs required.
- 8-109. Manufacturing, selling and distributing generally.
- 8-110. Exceptions.

- 8-101. Definitions.** (1) "Alcoholic beverage." (a) Means and includes:
- (i) Any and all intoxicating liquor, beer, light alcoholic content beverage, wine, and high alcoholic content beer, as hereinafter defined and, to the extent not included within such definitions;
 - (ii) Any alcohol, spirits, liquor, wine, beer, ale, malt beverages, high alcohol content beer, and every liquid containing alcohol, spirits, liquor, wine, beer, ale, malt beverages, high alcohol content beer capable of being consumed by a human being; and

¹State law reference

Tennessee Code Annotated, title 57.

(iii) Any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol, regardless of alcohol content.

(b) But does not mean and include:

(i) Products or beverages containing less than one-half of one percent (.5%) alcohol by volume, other than wine as defined in this § 8-101; and

(ii) Patent medicine as defined in Tennessee Code Annotated, § 57-5-101(b).

(2) "Beer" means an alcoholic beverage having an alcoholic content of not more than eight percent (8%) by weight and made by the alcoholic fermentation of an infusion or decoction or combination of both in potable brewing water of malted grains with hops or their parts or their products; provided, however, that not more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol but not including wine as defined below.

(3) "Beer permit" means the tangible approval of the beer board allowing a business to sell and/or serve beer.

(4) "Certificate of compliance" means the certificate required by Tennessee Code Annotated, § 57-3-208, as the same may be amended, supplemented or replaced, and subject to the provisions set forth in this chapter for issuance of such a certificate.

(5) (a) "Church" means a building or property where a congregation meets for religious worship services.

(b) "Church property" shall be defined as any real property parcel whereupon the primary worship building or structure has been erected to conduct regularly scheduled religious worship services.

(6) "City" means the City of Alcoa, Tennessee.

(7) "Event stadium" means a controlled spectator facility designed primarily for sporting, recreational, and/or entertainment use, whether indoor, open air, or amphitheater in design, and may contain space and facilities for exhibitions, retail sales, retail food dispensing, and restaurants.

(8) "Federal statutes" means the statutes of the United States now in effect or as they may hereafter be changed.

(9) "High alcohol content beer," herein after referred to as "HACB," means beer having an alcoholic content of more than eight percent (8%) by weight and not more than twenty percent (20%) by weight and is brewed, regulated, distributed or sold pursuant to chapter 3 of this title; provided, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

(10) "Inspection fee" means the monthly fee a licensee is required by this title to pay, the amount of which is determined by a percentage of the gross sales of a licensee at a liquor store.

(11) "Intoxicating liquor" or "intoxicating drinks," as defined in this chapter, means and includes alcohol, spirits, liquors, wines and every liquid or solid, patented or not, containing alcohol, spirits, liquor or wine, and capable of being consumed by human beings; but nothing in this chapter shall be construed or defined as including or relating to the manufacture of beer as defined in § 57-5-101(b). (See Tennessee Code Annotated, § 57-2-101.)

(12) "Light alcoholic content beverage," herein after referred to as "LACB," means any alcoholic beverage, not including beer and wine, whose alcohol content is not more than eight percent (8%) by weight.

(13) "License fee" means the annual fee a licensee is required by this chapter to pay prior to the time of the issuance or renewal of a local liquor store privilege license.

(14) "Licensee" means the holder or holders of a local liquor store privilege license. In the event of co-licensees, each person who receives a certificate of compliance and local liquor store privilege license shall be a licensee subject to the rules and regulations herein.

(15) "Liquor store" means the building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor retailer's license held by such licensee.

(16) "Local liquor store privilege license" means a license issued under the provisions of chapter 5 of this title for the purpose of authorizing the holder or holders thereof to engage in the business of selling intoxicating liquors, HACB and wine at retail in the city at a liquor store. Such local liquor store privilege license will only be granted to a person or persons who has or have a valid state liquor retailer's license.

(17) "Manufacturer" means anyone who manufactures any alcoholic beverage and, without limiting the foregoing, includes a brewer, brewer of high alcohol content beer, distiller, vintner and rectifier.

(18) "Minor" means anyone under the age of eighteen (18) years; provided, however, this provision shall not be construed as prohibiting any person eighteen (18) years of age or older from selling, transporting, possessing, or dispensing alcoholic beverages, wine, HACB, or beer, in the course of his employment, as authorized by Tennessee Code Annotated, § 57-4-203(b)(3).

(19) "Permittee" means the holder of a beer permit.

(20) "Person" means any natural person as well as any corporation, limited liability company, partnership, joint stock company, syndicate, firm or association or any other legal entity recognized by the laws of the State of Tennessee.

(21) "Retail sale" or "sale at retail" means the sale to a consumer or to any person for any purpose other than for resale.

(22) "Retailer" means any person who sells at retail any alcoholic beverage for the sale of which a license or permit is required under the provisions of this chapter.

(23) (a) "School" means an institution where regular classes and specialized classes are conducted under the supervision of a teacher or instructor and taught to persons enrolled in grades pre-kindergarten through the 12th grade.

(b) "School property" means any parcel or parcels of real property, whether contiguous or not, where regularly scheduled educational activities including athletic events are conducted for students enrolled in grades pre-kindergarten through the 12th grade.

(24) "State liquor retailer's license" means a license issued by the ABC pursuant to Tennessee Code Annotated, § 57-3-201, et seq., permitting its holder to sell alcoholic beverages at retail in Tennessee.

(25) "Tavern" means a business establishment whose primary business is or is to be the sale of beer or high alcoholic content beer to be consumed on the premises.

(26) "Vehicle" means a machine that has the means of transporting or carrying an object across a distance including, but not limited to, automobiles, trucks, motorcycles, and four wheelers.

(27) "Wholesaler" means any person who sells at wholesale any alcoholic beverage for the sale of which a license or permit is required under the provision of this chapter.

(28) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, and includes champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced or an artificial or imitation wine. For the purposes of chapter 6 of title 8 only, the alcoholic content of "wine" shall not exceed eighteen percent (18%) by volume, and "wine" shall not include alcohol derived from wine that has had substantial changes to the wine due to the addition of flavorings and additives.

(29) The following terms shall have the same definition as stated in Tennessee Code Annotated, § 57-4-102:

- (a) Club;
- (b) Convention center;
- (c) Hotel; and
- (d) Restaurant.

(30) "Retail food store" means an establishment that is open to the public that derives at least twenty percent (20%) of its sales taxable sales from the retail sale of food and food ingredients for human consumption taxed at the

rate provided in § 67-6-288(a) and has retail floor space of at least one thousand two hundred square feet (1,200 sq. ft.).

(31) "Underaged" means anyone over the age of eighteen (18) but under the age of twenty-one (21) years; provided, however, this provision shall not be construed as prohibiting any person eighteen (18) years of age or older from selling, transporting, possessing, or dispensing alcoholic beverages, wine, HACB, or beer, in the course of his employment, as authorized by Tennessee Code Annotated, § 57-4-203(b)(3).

(32) "TABC" means the Tennessee Alcoholic Beverage Commission. (1971 Code, § 2-101, as replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013, and amended by Ord. #16-380, April 2016, and Ord. #17-427, Nov. 2017)

8-102. Sale or furnish to minors and/or underaged persons prohibited. It shall be unlawful for any person to knowingly sell, furnish, give, or allow to be sold any alcoholic beverages to a minor and/or an underaged person at any time or to allow such persons to drink alcoholic beverage in the building or on the premises where such alcoholic beverages are being sold. (1971 Code, § 2-102, as replaced by Ord. #05-048, Jan. 2005, Ord. #13-320, Oct. 2013, and Ord. #17-427, Nov. 2017)

8-103. Identification required prior to the sale of alcoholic beverages. Any person selling alcoholic beverages within the corporate limits of the City of Alcoa shall be required to have produced to him or her a valid government issued photo identification showing that the age of the prospective purchaser of the alcoholic beverage is twenty-one (21) years of age or older. Persons fifty (50) years of age or greater shall not be required to show a photo identification but instead shall be allowed to purchase alcoholic beverages based on an otherwise facially valid government issued identification. In either case, the identification provided shall be a document issued by a state or federal governmental agency. If the identification required herein is not produced by the prospective purchaser, the alcoholic beverages shall not be sold. Notwithstanding the above, any permittee or licensee allowing on premises consumption of alcoholic beverages in the city shall be permitted to serve alcoholic beverages to a person for on premises consumption without seeing such identification if, in the discretion of a manager on the premises, a person wishing to purchase such beverages is, beyond a reasonable doubt, twenty-one (21) years of age or older. (1971 Code, § 2-103, as replaced by Ord. #05-048, Jan. 2005, Ord. #13-320, Oct. 2013, and Ord. #17-427, Nov. 2017)

8-104. Sale to intoxicated persons prohibited. It shall be unlawful to sell alcoholic beverages or permit the same to be sold to any person in an intoxicated condition. (1971 Code, § 2-104, as replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-105. Duties and prohibited activities of permittee and licensees.

It shall be unlawful for any person operating a place of business regulated by this title to allow any persons under the influence of intoxicants, including alcoholic beverages, upon the premises, and it shall be the affirmative duty of any such operator to notify the police department of any person upon the premises in an intoxicated condition. (1971 Code, § 2-105, as replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-106. Employment of minors prohibited.

It shall be unlawful for the operator to use minors in the sale, transport, possession or dispensing of alcoholic beverages, wine or beer, except as provided in § 8-101 herein. (1971 Code, § 2-106, as replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-107. Loitering of minors or underaged persons prohibited.

It shall be unlawful for any permit or license holder, business operator, or their employees and agents, to allow or permit any minor and/or underaged person to loaf or loiter in any place where alcoholic beverages are sold or offered for sale for consumption on the premises. Violation of this section is punishable in the City of Alcoa Municipal Court and may subject a permit holder to beer board penalties. (1971 Code, § 2-107, as deleted by Ord. #05-048, Jan. 2005, and replaced by Ord. #13-320, Oct. 2013, and Ord. #17-427, Nov. 2017)

8-108. Signs required. (1) Any establishment within the corporate limits of the city which sells or gives away alcoholic beverages shall prominently display on the premises a sign:

(a) Not less than six inches (6") high and ten inches (10") wide reading: "A Minor or Underaged Person attempting to purchase Alcoholic Beverages will be prosecuted to the fullest extent of the law," and

(b) Such establishment shall further prominently display a sign not less than six inches (6") high and ten inches (10") wide reading: "State law, and Alcoa Municipal Code § 8-103, requires the production of a valid governmental issued photo ID prior to the purchase of Alcoholic Beverages."

(2) Signs required under this part shall be the responsibility of each permittee or licensee. Signs must be posted within ninety (90) days of the final passage of this section. It will be a violation of this section to fail to post such signs.

(3) Any sign in place pursuant to section (1)(a) of this section prior to November 1, 2017, does not need to be replaced unless or until the sign falls into disrepair or is further or otherwise required to be replaced. Notwithstanding the foregoing signage, the prohibited sale to a minor or underaged person shall apply. All signs newly placed or replaced after November 1, 2017 shall contain the wording set forth in section (1).

(4) A violation of this section is punishable in the City of Alcoa Municipal Court and may subject a permit holder to beer board penalties. (as added by Ord. #13-320, Oct. 2013, and replaced by Ord. #17-427, Nov. 2017)

8-109. Manufacturing, selling and distributing generally. It shall be unlawful for any person to engage in the business of manufacturing, selling, or distributing any alcoholic beverage within the corporate limits of the city except as provided by all applicable laws, rules and regulations of the State of Tennessee applicable to alcoholic beverages as now in effect or as they may hereinafter be changed including, without limitation, the local option liquor rules and regulations of the Tennessee Alcoholic Beverage Commission (hereinafter "ABC"). (as added by Ord. #13-320, Oct. 2013)

8-110. Exceptions. To the extent that buying or selling of beer, intoxicating liquors, HACB, LACB, or wine is prohibited, except as authorized pursuant to Tennessee Code Annotated as set forth in § 8-109 herein, said prohibitions shall not make it unlawful:

(1) To buy, sell, possess, transport or manufacture beer or HACB as permitted in Tennessee Code Annotated, §§ 57-5-101, et seq., or any other provisions and this chapter relating to such beverages are fully and strictly complied with.

(2) To possess or manufacture beer or wine as permitted in Tennessee Code Annotated, § 39-17-708, for personal consumption by members and guests of a household, provided all provisions and conditions of said sections relating to such beverages are fully and strictly complied with.

(3) For any priest or minister of any religious denomination or sect to receive and possess wines for sacramental purposes.

(4) For druggists to receive and possess alcohol and other intoxicating liquors and such preparation as may be sold by druggists for the special purposes and in the manner as now or hereafter provided by law.

(5) For the manufacturers of the following to receive and possess alcohol and other intoxicating liquor for use in the manufacturing process:

(a) Such medicines that conform to the provisions of the Pure Food and Drugs Act of the State of Tennessee;

(b) Flavoring extracts;

(c) Perfumery and toilet articles;

(d) Thermostatic devices or temperature regulators.

(6) For bona fide hospitals to receive and possess alcohol and other intoxicating liquor for the use of bona fide patients of such hospitals.

(7) For bona fide educational institutions to receive and possess alcohol and other intoxicating liquor for scientific and therapeutic purposes.

(8) For any common or other carrier to ship or transport alcohol and other intoxicating liquor for any of the purposes listed in subsections (2) through (6) above. (as added by Ord. #13-320, Oct. 2013)

CHAPTER 2

SALES OF BEER AND LIGHT ALCOHOLIC CONTENT BEVERAGES¹

SECTION

- 8-201. Beer.
- 8-202. Beer lawful.
- 8-203. Beer board; monitoring and enforcement.
- 8-204. Beer permits.
- 8-205. Permit fees and privilege tax.
- 8-206. Permits and licenses must be displayed and are not transferable.
- 8-207. Permits shall be restrictive.
- 8-208. Violation of ordinance; permit suspension or revocation; civil penalties.
- 8-209. Special event permits.
- 8-210. Hours of sale regulated.
- 8-211. Inspection of beer business.
- 8-212. Prima facie evidence of possession for sale.
- 8-213. Taverns.
- 8-214. Restaurants and clubs.
- 8-215. Hotels/motels.
- 8-216. Event stadiums.
- 8-217. Beer board procedures and hearings.
- 8-218. Court action following beer board orders.
- 8-219. Deleted.
- 8-220. Deleted.
- 8-221. Deleted.

8-201. Beer. For the purposes of this chapter, the term "beer" shall include LACB. The retail sale of beer and LACB shall be regulated by this chapter. (1971 Code, § 2-201, as replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-202. Beer lawful. In conformity with Tennessee Code Annotated, § 57-5-101, et seq., it shall be lawful to transport, store, sell, distribute, possess, receive, and/or manufacture beer, subject to the privilege taxes and regulations hereinafter set out. No manufacturer or wholesaler of beer or their agent or agents shall be permitted to make any loan or furnish any fixtures of any kind

¹State law reference

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

or have any interest, direct or indirect, in the business of any retailer of such beverage, or in the premises occupied by such retailer; provided, however, such manufacturer or wholesaler may operate as a retailer at the manufacturer's location or a site contiguous thereto for sales of not more than twenty-five thousand (25,000) barrels of beer annually for consumption on or off the premises under the provisions of this chapter as long as the requirements of this chapter concerning the licensing of such retail establishments are met; or a manufacturer may qualify for and hold a license under the provisions of this chapter as a "restaurant." Such a manufacturer, however, operating as a retailer pursuant to this chapter, may not sell its beer directly to retailers that are located in a county other than the county in which the manufacturer is located. (1971 Code, § 2-202, as replaced by Ord. #05-048, Jan. 2005, Ord. #13-320, Oct. 2013, and Ord. #17-427, Nov. 2017)

8-203. Beer board; monitoring and enforcement. (1) There is hereby created a beer board which shall be composed of the city manager, city recorder and one (1) member appointed by the mayor who shall serve for a three (3) year term, whose duty it shall be to regulate and supervise the issuance of permits to manufacture, distribute, and/or sell beverages regulated by this chapter to the persons and in the manner hereinafter provided. The board shall provide such other duties and have such other powers and authority as herein provided in this chapter.

(2) If the beer board determines that a sale to a minor or underage person occurred by an off-premises beer permit holder then the beer board shall report the clerk's name to the TABC as required by state law. In such case, the certification of the clerk making the sale shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (Adopted from Tennessee Code Annotated, § 57-5-607.) (1971 Code, § 2-203, as amended by Ord. #935, Dec. 1993, and Ord. #99-029, Sept. 1999, and replaced by Ord. #05-048, Jan. 2005, Ord. #13-320, Oct. 2013, and Ord. #17-427, Nov. 2017)

8-204. Beer permits. Before any person shall be authorized to sell, distribute, manufacture or store beverages regulated by this chapter, the person shall make application to the beer board upon a form prescribed by it for a permit and shall pay to the municipality such fees for licenses as are provided in § 8-205. In the case of a wholesaler, as defined in Tennessee Code Annotated, § 57-6-102, a permit shall not be required unless the wholesaler operates a warehouse in the City of Alcoa. No permit shall be approved by the beer board and no license shall be issued by the recorder, except upon the following terms and conditions, and only to such persons as possess the qualifications hereinafter provided:

(1) No applicant shall be issued a permit unless the applicant has been a citizen or lawful resident of the United States for not less than one (1) year

immediately preceding the date upon which the application is made to the beer board.

(2) No beer shall be sold except at places where such sale will not cause congestion of traffic or interference with schools, churches or other places of public gathering, or otherwise interfere with public health, safety and morals.

(3) No beer shall be sold for consumption on premises within one hundred fifty feet (150') of any church or school as measured along a straight line from the nearest property line of any such church property or school property to the front door of the establishment selling beer.

(4) No sale shall be made to minors or underaged persons.

(5) No person having at least a five percent (5%) ownership interest in the applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.

(6) No person employed by the applicant and involved with such distribution or sales has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.

(7) No sale shall be made for on-premises consumption unless the application so states.

(8) No permit shall be issued unless the application shall contain the following information and agreements, to-wit:

(a) Name of the applicant.

(b) Name of applicant's business(es).

(c) Location of business by street address or other geographical description to permit an accurate determination of conformity with the requirements of this section.

(d) If beer will be sold at two (2) or more restaurants or other businesses pursuant to the same permit as provided by Tennessee Code Annotated, § 57-5103(a)(4), a description of all such businesses.

(e) Persons having at least five percent (5%) ownership interest in the applicant.

(f) Identity and address of a representative to receive annual tax notices and any other communication from the municipality.

(g) That no person having at least a five percent (5%) ownership interest in the applicant or any person to be employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of any alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.

(h) Whether or not the applicant is seeking a permit which would allow the sale of beer either for on-premises consumption or for off-premises consumption, or both of the foregoing. If a permittee for either off-premises consumption or on-premises consumption desires to

change the method of sale, the permittee shall apply to the municipality for a new permit.

(i) A statement that if any false statement is made in any part of said application, the permit and/or license granted or issued to the applicant may be revoked by the board.

(j) Said application may contain any other information required and deemed by the beer board to be pertinent to the issuance of a permit and the enforcement of this chapter.

(9) All persons must comply with the fee provisions provided in § 8-205. (1971 Code, § 2-204, as replaced by Ord. #99-029, Sept. 1999, Ord. #05-048, Jan. 2005, Ord. #13-320, Oct. 2013, and Ord. #17-427, Nov. 2017)

8-205. Permit fees and privilege tax. (1) It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beverages regulated by this chapter without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), and shall be accompanied by a non-refundable application fee of two hundred fifty and no/100ths dollars (\$250.00). Said fee shall be payable to the City of Alcoa. Each applicant must be a person of good moral character and certify that he has read and is familiar with the applications of this chapter.

(2) There is hereby imposed on the business of selling, distributing, storing, giving away, or manufacturing beverages regulated by this chapter an annual privilege tax of one hundred and no/100ths dollars (\$100.00). Any person engaged in the sale, distribution, storage, gifting, or manufacture of beverage regulated by this chapter shall remit the tax on January 1 of each year to the city. If the permittee does not pay the tax by January 31, then the city shall send notice of the delinquency by certified mail. Once the notice is received, the permittee has ten (10) days to remit the tax. If it is not remitted within that period, the permit automatically becomes void. At the time a new permit is issued to any business subject to this tax, the permittee shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (1971 Code, § 2-205, as replaced by Ord. #05-048, Jan. 2005, Ord. #07-115, Feb. 2007, and Ord. #13-320, Oct. 2013)

8-206. Permits and licenses must be displayed and are not transferable. Each permittee or licensee shall display and keep displayed such permit and license in conspicuous places on the premises where he is licensed to conduct such business. Permits and licenses shall not be transferable. A separate permit and license shall be obtained for each location where any applicant is to manufacture, distribute or sell said legalized beverages. When a permittee shall discontinue business or ceases to be associated on a day-to-day basis with the business, then the permit terminates, and no refund of any

licenses or fees of any nature will be made. Sales of alcoholic beverages shall immediately cease unless or until someone else is issued a permit. (1971 Code, § 2-206, as replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-207. Permits shall be restrictive. (1) It shall be unlawful for any person, and no permit shall be issued, to sell or distribute beverages regulated by this chapter except in premises which are located within areas in which commercial activity is permitted.

(2) It shall be unlawful for any person, and no permit shall be issued, to sell or distribute beverages regulated by this chapter for consumption upon the premises at the following places or on the following conditions; provided, however, that the following prohibitions shall not apply to any person who has obtained a license for the sale of alcoholic beverages for consumption on the premises pursuant to Tennessee Code Annotated, §§ 57-4-101, et seq.:

(a) To any person occupying any vehicle; except, however, when sold in package form.

(b) At any place except the places where meals or lunches are regularly served and regularly licensed therefore and then only to persons seated at tables or bars, except for taverns which are governed by § 8-213 herein.

(c) Except in premises which are located within areas in which commercial activity is permitted, and no permit will be issued therefor except for premises located therein. (1971 Code, § 2-207, as amended by Ord. #99-029, Sept. 1999, and replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-208. Violations of ordinance; permit suspension or revocation; civil penalties. (1) In the event of the failure or refusal of any person holding a permit issued hereunder to comply with the requirements of this chapter, or in the event of his/her violation of any of the provisions of this chapter, it shall be the duty of the beer board to give said permittee at least twenty-four (24) hours' notice of a hearing before the board.

(2) The beer board has the authority to impose sanctions for violation of this title, including civil penalties, and including suspension or revocation, as further set forth herein.

(3) After a finding by the beer board for violation of the ordinance the beer board may impose a penalty, as follows:

(a) Assess the permit holder with a per-offense civil penalty a maximum of:

(i) One thousand five hundred dollars (\$1,500.00) for making or permitting to be made any sales to minors or underaged persons, or one thousand dollars (\$1,000.00) for any other offense.

(ii) Any civil penalty so assessed shall be paid within seven (7) calendar days at the city recorder's office. Any failure by

the permit holder to promptly pay any civil penalty so assessed shall constitute a separate offense for which the permit holder may be subject to additional action by the beer board to include suspension or revocation of any existing permit as well as the assessment of additional civil penalties as provided in this part. Each day of late payment shall constitute a separate offense.

(iii) Any civil penalty imposed under this (a) is in addition to any permit suspension or revocation.

(b) May suspend the permit holder's permit for the following periods:

(i) For a first or second violation of the ordinance within one (1) year, the beer board may suspend a permit, depending on the circumstances, including consideration of any aggravating factors.

(ii) For the following minimum periods, unless state or federal law requires a different suspension or revocation period:

(A) For a third violation of the ordinance within one (1) year of the first violation, a ten (10) day suspension;

(B) For a fourth violation of the ordinance within two (2) years of the first violation, a three (3) month suspension;

(C) For a fifth violation of the ordinance within two (2) years of the first violation, a six (6) month suspension.

(c) In lieu of a beer permit suspension, offer a permit holder the alternative of paying a per-offense civil penalty of a maximum of:

(i) Two thousand five hundred dollars (\$2,500.00) for making or permitting to be made any sales to minors or underaged persons, or

(ii) One thousand dollars (\$1,000.00) for any other offense.

(iii) The procedure for imposition of a civil penalty in lieu of a suspension of the permit shall be as follows:

(A) The beer board shall make a ruling and set a penalty of suspension.

(B) The board may then offer the alternative of allowing the permit holder the opportunity to pay a per-offense civil penalty as defined above.

(C) The permit holder will then have seven (7) days to pay a per-offense penalty as defined above. If the civil penalty is paid within that time, the suspension shall be deemed withdrawn.

(D) Payment of the civil penalty constitutes admission of the violation.

(E) If the civil penalty is not paid by the end of the regular business day on the seventh day, then the original recommended suspension shall be imposed and become effective on the eighth day.

(d) Revoke the beer permit, only when a permit holder has more than two (2) violations of this ordinance within a twelve (12) month period.

It is a defense to the revocation of a permit, for sale of beer to a minor or underaged person, if the minor or underaged person purchasing the beer exhibited identification indicating the person's age to be twenty-one (21) or over, if the minor or underaged person reasonably appeared to presumably be of such age, and the minor or underaged person was unknown to the clerk making the sale. In such case, the permit may be suspended for a period not to exceed ten (10) days, or a civil penalty up to one thousand five hundred (\$1,500) dollars may be imposed. (See Tennessee Code Annotated, § 57-5-108(b).)

(e) Consider the following aggravating factors warranting the imposition of a more serious penalty:

- (i) Sales to minors;
- (ii) Sales by different agents or employees of the permit holder;
- (iii) Sales on different dates by agents or employees of the permit holder;
- (iv) Sales by minors employed by the business;
- (v) Additional sales made after the ordinance violation citation but prior to a court disposition or beer board hearing;
- (vi) Failure to take appropriate disciplinary action against the employee or employees who made the sales;
- (vii) Repeated violations of other city ordinances against the peace or persons, laws related to nuisance, or state or federal laws.

(f) Responsible vendors. (i) A permit held by a responsible vendor, as that certification is determined by the TABC, may not be suspended or revoked by the beer board based on a clerk's illegal sale of beer to a minor or underaged person, for off-premises consumption, if:

(A) The clerk is properly certified and has attended annual meetings since the original certification; or

(B) Is within sixty-one (61) days of the date of hire at the time of the violation. In such case, however, the beer board may impose a civil penalty not to exceed one thousand (\$1,000.00) dollars for each offense of making or permitting to be made any sales to minors or underaged

person or for any other offense. (See Tennessee Code Annotated, § 7-5-608(a).)

(ii) If the TABC revokes a responsible vendor's certification for the illegal sale to a minor or underaged person, the vendor shall be penalized for the violation by the board as if the vendor had not been certified. (See Tennessee Code Annotated, § 57-5-608(b).)

(g) Revocation, suspension or imposition of civil penalty may also be made whenever it shall satisfactorily appear that the premises of any person, firm or corporation holding a permit is being maintained and operated in such manner as to be detrimental to public health, safety or morals. In considering the suspension or revocation of such permit, the beer board shall consider repeated violations of any local ordinance or state law involving prohibited sexual contact on the premises of an adult oriented establishment.

(4) Violations of this title 8 which result in municipal or state court judgments, or which are reported to the city by the TABC, without a finding by the beer board, will nonetheless be considered as prior violations for determining the applicability of suspension or revocation of a beer permit, or other appropriate penalty. (1971 Code, § 2-208, as replaced by Ord. #05-048, Jan. 2005, Ord. #13-320, Oct. 2013, and Ord. #17-427, Nov. 2017)

8-209. Special event permits. (1) The beer board is hereby authorized and empowered to permit the retail sale or free distribution of beer for on-premises consumption of beer at any public or private property within the city pursuant to a special event permit at such times and as part of such events and under such terms and conditions, rules and regulations as the Alcoa Beer Board may establish which are not inconsistent with state laws regulating the sale of beer.

(2) Any person conducting a special event in the city in which beer is contemplated to be sold or given away other than within the premises of a permittee's establishment shall apply for a special event permit, at least forty-five (45) days in advance, in writing to the chairman of the beer board with a copy to the city recorder. The application required by this part shall include but not be limited to the following:

- (a) The applicant's name;
- (b) The date and time of event;
- (c) The address, and phone number of individual applicants, or the name, address, and phone number of a contact person for corporate applicants;
- (d) The specific location where beer is to be sold outside the premises of an establishment for which a beer permit previously has been issued;
- (e) The specific parameters of the event area;

(f) The identity of any persons, establishments, or entities which are contemplated to participate in dispensing beer at locations other than their usual premises and the number of the current beer permit(s) for each applicant;

(g) Any plans for proposed temporary closure of public rights-of-way;

(h) Plans for security and policing the event;

(i) The anticipated number of persons attending such event;

(j) A certificate of insurance;

(k) A signed statement allowing the beer board to run a background check on the police records of each individual applicant, if such applicants are not already in possession of a beer permit; and

(l) Any other requirements deemed necessary by city staff.

(3) Upon receipt, the proposed application for a special event permit shall be placed on the beer board's agenda at its next regularly scheduled meeting following receipt of the notice. Applicants shall send a representative or representatives to such beer board meeting to address any questions or issues arising out of the proposed special event.

(4) If such application for a special event permit is granted, the applicant shall pay a special event permit fee of two hundred fifty dollars (\$250.00).

(5) The special event permit shall state on its face the name of the proposed vendor(s) of beer, the respective permit number(s), and the specific location(s) and date(s) where such vendor(s) is permitted to sell beer under the special event permit. A copy of the special event permit and a copy of the vendor's regular beer permit (if applicable) must be displayed at each location where beer is sold by such vendor. (1971 Code, § 2-209, as replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-210. Hours of sale regulated. It shall be unlawful for any person to sell the beverages regulated by this chapter, nor shall it allow the same to be sold by agents, servants or employees, between the hours of 3:00 A.M. and 6:00 A.M. on weekdays, or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday. (Ord. #935, Dec. 1993, as replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-211. Inspection of beer business. The police officers of the City of Alcoa shall have the right to inspect at any and all times the entire premises and property where or upon or in which the beverages regulated by this chapter are sold, stored, transported, or otherwise dispensed or distributed or handled, whether at retail or wholesale, in the city for any law violations. (1971 Code, § 2-211, as replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-212. Prima facie evidence of possession for sale. It shall be unlawful for any person to sell, offer to sell, or distribute any beverages regulated by this chapter without having obtained the permit and license provided for by this chapter, and possession of five (5) gallons or more of such beverages shall be prima facie evidence that such beverage was being stored or possessed for sale. (1971 Code, § 2-212, as amended by Ord. #1043, Dec. 1996, and replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-213. Taverns. It shall be lawful for beverages regulated by this chapter to be sold for consumption on-premises at a tavern where meals or lunches are not regularly served. There shall be a limit of one (1) tavern permit allowed for every one thousand (1,000) population or fraction thereof, according to the latest official census of the City of Alcoa. (Ord. #932, July 1993, as replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-214. Restaurants and clubs. It shall be lawful to sell, store, possess, and/or distribute beverages regulated by this chapter for consumption on-premises at a restaurant or club, provided that, the establishment obtains an appropriate permit and complies with the regulations set out in this chapter and in state law. In accordance with Tennessee Code Annotated, § 57-5-103(3)(B), a permit will allow restaurants and clubs to distribute beer in an outdoor serving area including, but not limited to, any deck, patio, courtyard, or exterior area provided that said area:

- (1) Must be contiguous to the building;
- (2) Must be owned and operated by the business; and
- (3) Must be fenced in by a barrier of at least forty inches (40") high.

The barrier need not be permanent, but must be constructed of a sturdy material and may only allow for gaps at designated entrances and exits. The boundaries of this outdoor serving area must remain ten feet (10') back from the property line, except that establishments within the "mixed-use district E-3" area may have outdoor serving areas up to the property line. Neither the outdoor serving area, nor the constructed barrier shall restrict or obstruct the visibility of traffic traveling on any adjacent roadway. If the outdoor serving area utilizes any part of a public space, such as a parking lot, the area designated for serving beer will no longer act in its capacity as a public space. No vehicles will be allowed in the portion of the parking lot where beer is being served as long as it is designated as a serving area, except for display or exhibit vehicles. (1971 Code, § 2-214, as replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-215. Hotels/motels. It shall be lawful to sell, store, possess, and/or distribute any beverages regulated by this chapter for consumption on premises at a hotel/motel, provided that the establishment obtains a beer permit and acts in accordance with all of the regulations laid out herein and in state law. Said

beverages may be distributed in multiple areas within the hotel/motel including, but not limited to, guests' rooms, suites and banquet rooms. Such hotel/motel shall in all respects comply with the applicable provisions of Tennessee Code Annotated, § 57-5-107. (1971 Code, § 2-215, as replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-216. Event stadiums. It shall be lawful to sell, store, possess, and/or distribute any beverages regulated by this chapter for consumption on-premises at an event stadium or convention center, provided that a beer permit is obtained and the organization acts in accordance with all of the regulations laid out herein and in state law. In the case of a reoccurring event, such as a sporting event, the organization may obtain an on-premises license. In the case of an infrequent event, such as a concert, the organization may obtain a special event permit. Pursuant to Tennessee Code Annotated, § 57-4-203(i)(2), a bona fide convention group may distribute beer or other alcoholic beverages at no cost to the group's delegates without a permit. No convention center or event stadium shall sell or distribute beer without a beer permit or a special event permit. (1971 Code, § 2-216, as replaced by Ord. #05-048, Jan. 2005, and Ord. #13-320, Oct. 2013)

8-217. Beer board procedures and hearings. (1) Proceedings by the beer board may be initiated in the following manner:

(a) Complaint from law enforcement, the TABC, court system, or alcohol related community outreach program(s), of non-compliance by a permit holder, or employee or agent of such, which constitutes a violation of title 8 of this code, based on either:

(i) A reasonable belief that a noncompliance offense has occurred and a reasonable belief that the named defendant is the permit holder; or

(ii) The conviction in any municipal, state or federal court of a beer or alcoholic beverage offense occurring on the premises where a city permit has been issued or upon the conviction in any court for a beer or alcoholic beverage or a felony by any person who holds a city beer permit.

(b) Complaints hereunder shall be filed with the city recorder who shall serve as the clerk of the beer board. The city recorder shall then notify the offending permit holder by sending a copy of the complaint or notification and scheduling a hearing before the beer board no less than thirty (30) days nor more than sixty (60) days from receipt of the complaint or notification.

(c) Copies of the complaints or notification of noncompliance along with the notice of hearing containing the date, time and place for hearing and the alleged offending permit holder's right to counsel, shall be served on the alleged offending permit holder either by hand delivery

by a city police officer to the manager on duty at the business address on the permit, or by service via certified mail, return receipt requested, to the permit holder at the address set forth in said permit holder's most recent application for a beer permit.

(2) A permit holder's failure to appear at the beer board hearing shall be deemed a default authorizing the beer board to make a finding of noncompliance and issuing such orders and imposing such sanctions as are appropriate for the alleged offense. However, at the time a default is entered, the beer board shall make a finding of fact pertaining to the offense, thereby constituting the record of the proceeding.

(3) Hearings of the beer board shall be conducted by the city manager or his designee. Nonetheless, the city manager shall remain as a member of the beer board at all times regardless of the decision to designate a person to conduct the hearings.

(4) The standard of proof for the beer board to make a finding of a violation is by a preponderance of the evidence, or that all the evidence examined leads to the conclusion that it is more likely than not that the permit holder is guilty of noncompliance.

(5) The decision of the beer board will be made at the conclusion of the hearing or within forty-eight (48) hours of the hearing. A written report setting forth the facts relied upon in reaching the decision, the findings and the orders of the beer board shall be issued within fifteen (15) days of the hearing date. The report shall be maintained by the city recorder and a copy thereof sent to the permit holder and counsel therefore. The date of filing of the report with the city recorder shall constitute the final action of the beer board.

(6) In the event the beer board and permit holder reach an agreement as to the finding and outcome of the alleged noncompliance, a consent order may be issued and signed by the city manager and permit holder, or counsel therefore, in lieu of a report by the beer board.

(7) The city recorder has the authority to issue subpoenas for witness testimony. Subpoenas must be timely requested and may not serve as a reason for continuance of a hearing. Subpoenas may be served by a city police officer or other person authorized under state law to serve subpoenas.

(8) All tape recordings and evidence used at a beer board hearing shall be maintained by the city recorder until all appeal periods have passed and a final decision rendered. (1971 Code, § 2-217, as replaced by Ord. #05-048, Jan. 2005, deleted by Ord. #13-320, Oct. 2013, and replaced by Ord. #17-427, Nov. 2017)

8-218. Court action following beer board orders. (1) The exclusive method of review of the beer board orders are to the Blount County Circuit or Chancery Courts for review by statutory writ of certiorari, with a trial de novo as a substitute for appeal. Upon a grant of certiorari, the beer board shall be

responsible for making, certifying and forwarding to the court a complete transcript of the proceeding in the cause.

(2) Appeals of court decrees pursuant to (1), after posting of a bond as required in other cases, shall be heard on transcript of the record. (Ord. #935, Dec. 1993, as replaced by Ord. #05-048, Jan. 2005, deleted by Ord. #13-320, Oct. 2013, and replaced by Ord. #17-427, Nov. 2017)

8-219. [Deleted]. (as added by Ord. #02-029, Dec. 2002, replaced by Ord. #05-048, Jan. 2005, and deleted by Ord. #13-320, Oct. 2013)

8-220. [Deleted]. (as added by Ord. #02-029, Dec. 2002, and deleted by Ord. #05-048, Jan. 2005)

8-221. [Deleted]. (as added by Ord. #07-124, May 2007, and deleted by Ord. #13-320, Oct. 2013)

CHAPTER 3

MANUFACTURERS OF BEER AND HIGH ALCOHOL CONTENT BEER

SECTION

- 8-301. Manufacture of HACB.
- 8-302. Manufacturers of HACB may also brew beer.
- 8-303. Manufacturers of HACB may hold restaurant or limited service restaurant license.
- 8-304. Manufacturer of HACB may sell HACB and beer at retail.
- 8-305. Deleted.
- 8-306. Deleted.
- 8-307. Deleted.
- 8-308. Deleted.
- 8-309. Deleted.
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- 8-317. Deleted.
- 8-318. Deleted.
- 8-319. Deleted.

8-301. Manufacture of HACB. It shall be unlawful for any person to manufacture HACB within the municipality except as authorized by the provisions of Tennessee Code Annotated, § 57-2-103(f), and until such licenses have been obtained and privilege taxes paid as set out in Tennessee Code Annotated, § 57-2-102. (as added by Ord. #06-106, Dec. 2006, and replaced by Ord. #13-320, Oct. 2013)

8-302. Manufacturers of HACB may also brew beer. Notwithstanding any other provision of this code to the contrary, it shall be lawful for a manufacturer of HACB authorized to manufacture such beverages within the municipality pursuant to § 8-301, above, to also brew beer, as this term is defined in § 8-101 herein, on the same premises of the manufacturer of HACB, upon such manufacturer's meeting necessary federal, state and local license requirements. (as added by Ord. #06-106, Dec. 2006, and replaced by Ord. #13-320, Oct. 2013)

8-303. Manufacturers of HACB may hold restaurant or limited service restaurant license. (1) Notwithstanding any provision of this code to the contrary, a manufacturer of HACB is authorized to also obtain a license as a restaurant or a limited service restaurant located on the premises of the manufacturer, as provided in Tennessee Code Annotated, § 57-4-201. The premises of any restaurant or limited service restaurant licensed under Tennessee Code Annotated, § 7-4-201 shall mean any or all of the property on which the restaurant is located, including exterior areas. A licensee shall designate the premises to be licensed by the alcoholic beverage commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing.

(2) Notwithstanding any provision of this code to the contrary, any manufacturer to whom a restaurant or limited service restaurant license is issued pursuant to subsection (1) above, shall also be authorized to sell beer as this term is defined in § 8-101 at such restaurant or limited service restaurant upon meeting necessary federal, state and local license requirements. (as added by Ord. #06-106, Dec. 2006, and replaced by Ord. #13-320, Oct. 2013)

8-304. Manufacturer of HACB may sell HACB and beer at retail. If a manufacturer of HACB also holds a retail license as authorized by Tennessee Code Annotated, § 57-3-204(f), then:

(1) Notwithstanding any other provision of law or this code, the manufacturer of HACB may sell its products, for consumption on or off-premises, which are manufactured on the manufacturer's premises within the municipality in accordance with subsections (2) and (3) in sizes and containers that are made available through the general wholesale/retail distribution system; provided that, the provisions of Tennessee Code Annotated, § 57-3-204(g) related to the delivery of alcoholic beverages by wholesalers shall be applicable, and that the manufacturer complies with all other applicable Tennessee statutes.

(2) (a) Such manufacturer of HACB may also offer and sell beer, as beer is defined in § 8-101, for consumption on or off-premises, at the same physical location within the municipality at which it offers samples of and sells its HACB; provided such beer and HACB are brewed on the manufacturer's premises located at the retail location, and further provided that such manufacture may distribute such beer as defined in § 57-5-101(b) only to wholesalers licensed pursuant to Tennessee Code Annotated, title 57, chapter 5, inclusive. A wholesaler of such products may permit a manufacturer to deliver its products to the retail premises operated by such manufacturer directly; provided, that the wholesaler permitting such direct shipment must include the amounts delivered in its inventory and depletions for purposes of tax collections.

(b) Notwithstanding any other provision of this code to the contrary, the hours and days on which such beer or HACB may be sold at

retail by a manufacturer authorized to manufacture such beverages pursuant to Tennessee Code Annotated, § 57-2-103(f) and title 8, chapter 4 of this code shall be commensurate with the hours for the sale of beer as set out in § 8-210 of this code.

(3) Such manufacturer of HACB may sell no more than those quantities as set out in Tennessee Code Annotated, § 57-3-204(f)(7)(C).

(4) There is hereby levied on any manufacturer of HACB obtaining a retail license to sell its products which are manufactured on the manufacturer's premises an inspection fee of fifteen percent (15%) to inspect the retail store in which such products are sold by the manufacturer. Such inspection fee is imposed on the wholesale price of the HACB supplied pursuant to Tennessee Code Annotated, § 57-3-204(f)(7)(B) by a wholesaler for those products manufactured and sold by the manufacturer at its retail store as authorized pursuant to Tennessee Code Annotated, § 57-3-204(f)(7). The manner and method of collection, reporting, enforcement and use of the inspection fee imposed by this section shall be as that provided for retail liquor stores as set forth in chapter 5 of this title 8.

(5) The retail license issued to a manufacturer of HACB, as authorized by Tennessee Code Annotated, § 57-3-204(f) shall not be considered as coming within the provisions of chapter 5 of this title 8 with regard to the limit on the number of liquor stores in the municipality or local liquor store licenses issued in the municipality.

(6) Such manufacturer of HACB shall in all respects comply with the applicable provision of title 8 of this code. (as added by Ord. #06-106, Dec. 2006, and replaced by Ord. #13-320, Oct. 2013)

8-305. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

8-306. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

8-307. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and amended by Ord. #07-137, July 2007, Ord. #07-151, Dec. 2007, and Ord. #11-262, July 2011, and deleted by Ord. #13-320, Oct. 2013)

8-308. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

8-309. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

8-310. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

8-311. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

8-312. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

8-313. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

8-314. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

8-315. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

8-316. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

8-317 [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

8-318. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

8-319. [Deleted]. (as added by Ord. #06-106, Dec. 2006, and deleted by Ord. #13-320, Oct. 2013)

CHAPTER 4

**WINE, HIGH ALCOHOL CONTENT BEER, AND
INTOXICATING LIQUOR--SALE FOR
CONSUMPTION ON-PREMISES**

SECTION

- 8-401. Sales of wine, HACB, or intoxicating liquor for consumption on-premises.
8-402. Hotels/motels.
8-403. Privilege tax on retail sale of intoxicating liquors, HACB, or wine for consumption on-premises.
8-404. Annual privilege tax to be paid to the city recorder.

8-401. Sales of wine, HACB, or intoxicating liquor for consumption on-premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of intoxicating liquors, HACB, or wine for on-premises consumption which are regulated by the said code when such sales are conducted within the city. It is the intent of the board of commissioners that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in the city, the same as if said code sections were copied herein verbatim. (as added by Ord. #13-320, Oct. 2013)

8-402. Hotels/motels. Notwithstanding any other provision in this title, it shall be lawful to sell, store, possess, and/or distribute any beverages regulated by this chapter for consumption on-premises at a hotel/motel, provided that the establishment acts in accordance with state law.

Said beverages may be distributed in multiple areas within the hotel/motel including, but not limited to, guests' rooms, suites and banquet rooms. (as added by Ord. #13-320, Oct. 2013)

8-403. Privilege tax on retail sale of intoxicating liquors, HACB, or wine for consumption on-premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, § 57-4-301, for the City of Alcoa General Fund to be paid annually as provided in this chapter) upon any person engaging in the business of selling at retail in the city intoxicating liquors, HACB, or wine for consumption on the premises where sold. In the event, however, that pursuant to state law it is not permissible at the time this chapter is enacted to levy and collect the privilege tax because the county has already levied such a tax, then and in such event the authority is granted for the city to levy and collect such privilege tax when it becomes legally permissible for the city to do so, with collection of that tax to commence at the time that it becomes legally permissible for the city to collect said tax. (as added by Ord. #13-320, Oct. 2013)

8-404. Annual privilege tax to be paid to the city recorder. Any person exercising the privilege of selling intoxicating liquor, HACB, or wine for consumption on the premises in the city shall remit annually to the city recorder the appropriate tax described in § 8-403 herein. Such payments shall be remitted on or before January 1 of each year. Any person failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #13-320, Oct. 2013)

CHAPTER 5

LIQUOR STORES

SECTION

- 8-501. Liquor stores.
- 8-502. Licenses required for sale of intoxicating liquors at retail.
- 8-503. Licensee responsible for officers and agents.
- 8-504. Location of liquor store.
- 8-505. Limitations on building containing liquor store.
- 8-506. Restrictions generally.
- 8-507. Fees.
- 8-508. Records kept by licensee.
- 8-509. Inspections generally.
- 8-510. Enforcement.
- 8-511. Certificate of compliance.
- 8-512. Application.
- 8-513. Consideration.
- 8-514. Restrictions upon issuance.
- 8-515. License from city to operate liquor store.
- 8-516. Restrictions on local liquor retailer's licenses.
- 8-517. Restrictions upon licensees and employees.
- 8-518. Nature of license-suspension or revocation.

8-501. Liquor stores. "Liquor store" means and includes a business that sells intoxicating liquors, wine, beer, and/or high alcohol content beer, at retail sale. No liquor store shall sell, offer for sale, or distribute any other alcoholic beverage than those listed in this section. (Adopted from Tennessee Code Annotated, § 57-3-404(e)(2).) (as added by Ord. #13-320, Oct. 2013, and replaced by Ord. #17-427, Nov. 2017)

8-502. Licenses required for sale of intoxicating liquors at retail. It shall be lawful for a licensee to sell alcoholic beverages at retail in a liquor store provided that such sales are made in strict compliance with all federal statutes, all state laws, rules and regulations, and all provisions of this chapter, and chapter 2 when applicable, and provided that such licensee has a valid and duly issued state liquor retailer's license and a valid and duly issued liquor store privilege license and beer permit from the city permitting him or her to sell at retail. One (1) local liquor store privilege license is necessary for each liquor store to be operated in the city. Except to the extent permitted by state law, transfer of ownership or possession of any intoxicating liquor by a Licensee in any manner other than by retail sale is prohibited. (as added by Ord. #13-320, Oct. 2013, and replaced by Ord. #17-427, Nov. 2017)

8-503. Licensee responsible for officers and agents. Each licensee shall be responsible for all acts of such licensee s well as the acts of a co-licensee, and acts of the licensee's officers, employees, agents and representatives so that any violation of this chapter by any co-licensee, officer, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee. (as added by Ord. #13-320, Oct. 2013)

8-504. Location of liquor store. It shall be unlawful for any licensee to operate or maintain a liquor store in the city unless the liquor store is located within a zone in which the permitted activities include retails sales. Such liquor store shall not be located within one hundred fifty feet (150') of any church or school as measured along a straight line from the nearest property line of any such church property or school property to the front door of the liquor store. No liquor store shall be located where the operation of a liquor store at the premises contemplated by an application would unreasonably interfere with public health, safety or morals. (as added by Ord. #13-320, Oct. 2013, and replaced by Ord. #17-427, Nov. 2017)

8-505. Limitations on building containing liquor store. All liquor stores shall be a permanent type of construction in a material and design approved by board of commissioners. No liquor stores shall be located in a manufactured structure built on a chassis and designed to be used as a dwelling with or without permanent foundation or in any other moveable or prefabricated type of building. All liquor stores shall have night lighting surrounding the outside of the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises. The minimum square footage of the liquor store display area shall be one thousand eight hundred (1,800) square feet. Full, free and unobstructed vision shall be afforded to and from the street and public highway to the interior of the liquor store by way of large windows in the front and to the extent practical to the sides of the building containing the liquor store. All liquor stores shall be subject to applicable zoning, land use, building and life safety regulations, as adopted within the Alcoa Municipal Code, unless specifically stated otherwise herein. (as added by Ord. #13-320, Oct. 2013)

8-506. Restrictions generally. (1) Entertainment devices and seating forbidden. No form of entertainment, including pinball machines, music machines or similar devices shall be permitted in any liquor store. No seating facilities, other than for employees of the liquor store, shall be permitted in any liquor store.

(2) Time and days of operation. No liquor store shall be open and no licensee shall sell or distribute any alcoholic beverage before 10:00 A.M. or after 11:00 P.M. on any Sunday. On other days, no liquor store shall be open and no licensee shall sell or distribute any alcoholic beverage before 8:00 A.M. or after

11:00 P.M. No liquor store shall be open for business on Christmas, Thanksgiving, or Easter.

(3) Selling or furnishing to minors, etc. It shall be unlawful for any licensee to sell, furnish or give away any alcoholic beverage to a minor below the age of twenty-one (21) years or to a person visibly intoxicated. It shall be unlawful for such person to enter or remain in a liquor store (except that employees with appropriate employee permits issued pursuant to state law who are age eighteen (18) years and older are permitted in a liquor store for the purpose of engaging in paid employment only) or to loiter in the immediate vicinity of a liquor store. It shall be unlawful for a minor below the age of twenty-one (21) years to misrepresent his or her age in an attempt to gain admission to a liquor store or in an attempt to buy any alcoholic beverage from a licensee.

(4) Consumption on-premises of liquor store. It shall be unlawful for any licensee to sell any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It shall be unlawful for any person to consume any alcoholic beverage in a liquor store or in the immediate vicinity of a liquor store, except for complimentary tasting samples of those products available for sale for sales, education and promotional purposes pursuant to Tennessee statute.

(5) Advertising. (a) Advertising signage must be in conformance with all applicable requirements of state law and the administrative regulations of the Tennessee Alcoholic Beverage Commission. The size, height and placement of signs for liquor stores shall be governed by the sign regulations set forth in title 14 of the Alcoa Municipal Code (Zoning and Land Use Control), chapter 4, Sign Ordinance.

(b) Interior signs. No banner or temporary or permanent signage shall be placed inside a liquor store so that it obstructs free and clear vision of the interior of the liquor store from outside of the liquor store.

(6) Off-premises business. All retail sales of alcoholic beverages shall be confined to the premises of the liquor store. No curb service is permitted, nor shall there be permitted drive-in windows. No licensee shall employ any canvasser, agent, solicitor, or other representative for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or place of business of such consumer nor shall any licensee receive or accept any such order which shall have been solicited and received at the residence or place of business of such consumer. This subsection shall not be construed as to prohibit the solicitation by a state licensed wholesaler of any order from any licensed retailer at the licensed premises. (as added by Ord. #13-320, Oct. 2013, and amended by Ord. #18-456, Oct. 2018 *Ch15_12-10-19*)

8-507. Fees. (1) Amounts generally. There is hereby levied on each licensee an inspection fee of up to eight percent (8%), with the exact amount of

such percentage to be determined from time to time by board of commissioners, on the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source. In the event co-licensees holding a liquor store privilege license for a single liquor store, such inspection fee shall be the same as if the local liquor store privilege license were held by a single licensee.

(2) Collection. Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sales is made to the licensee. Payment of the inspection fee by the collecting wholesaler or other source shall be made to the city recorder on or before the twentieth (20th) day of each calendar month for all collections in the preceding calendar month. Nothing herein shall relieve the licensee of the obligation of payment of the inspection fee, and it shall be the licensee's duty to see that the payment of the inspection fee for his or her liquor store is made to the city recorder on or before the twentieth (20th) day of each calendar month for the preceding month. Wholesalers collecting and remitting the inspection fee to the city shall be entitled to reimbursement for this collection service in a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the city.

(3) Reports. The city recorder shall prepare and make available to each wholesaler and other source vending alcoholic beverages to licensees sufficient forms for the monthly report of inspection fees payable by such licensee making purchases from such wholesaler or other source. Such wholesaler shall timely complete and return the forms and the required information and inspection fees within the time specified above.

(4) Failure to pay fees. The failure to pay the inspection fees and to make the required reports accurately and within the time required by this chapter shall, at the sole direction of the city manager, be cause for suspension of the offending licensee's local liquor store privilege license for as much as thirty (30) days and, at the sole discretion of the board of commissioners, be cause for revocation of such local liquor store privilege license. Each such action may be taken by giving written notice thereof to the licensee, no hearing with respect to such an offense being required. If a licensee has his or her license revoked, suspended or otherwise removed and owes the city inspection fees at the time of such suspension, revocation, or removal the city attorney may timely file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees. Further, each licensee who fails to pay or have paid on his or her behalf the inspection fees imposed hereunder shall be liable to the city for a penalty on the delinquent amount due in an amount of ten percent (10%) of the inspection fee.

(5) Use of fees. All funds derived from inspection fees imposed herein shall be used to defray expenses in connection with the enforcement of this title including particularly the payment and compensation of officers, employees, and other representatives of the city in investigating and inspecting licensees and

applicants and in seeing that all provisions of this title are observed. The board of commissioners finds and declares that the amount of these inspection fees is reasonable, and that the funds expected to be derived from these inspection fees will be reasonably required for such purposes. (as added by Ord. #13-320, Oct. 2013)

8-508. Records kept by licensee. In addition to any records specified in the state rules and regulations, each licensee shall keep on file, at such licensee's liquor store, the following records:

- (1) The original invoices of all alcoholic beverages bought by the licensee;
- (2) The original receipts for any alcoholic beverages returned by such licensee to any wholesaler;
- (3) A current daily record of the gross sales by such licensee with evidence of cash register receipts for each day's sales; and
- (4) An accurate record of all alcoholic beverages lost, damaged, or disposed of other than by sale and showing for each such transaction the date thereof, the quantity and brands of alcoholic beverages involved and the name of the person or persons receiving the same.

All such records shall be preserved for a period of at least fifteen (15) months unless the city recorder gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding a single license, one (1) set of records per liquor store satisfies the requirements of this part. (as added by Ord. #13-320, Oct. 2013)

8-509. Inspections generally. The city manager, the city recorder, the city finance director, the chief of police or the authorized representatives or agents of any of them are authorized to examine the premises, books, papers and records of any liquor store at any time the liquor store is open for business for the purpose of determining whether the provisions of this chapter are being observed. Refusal to permit such revocation shall be a violation of this chapter and shall constitute sufficient reason for revocation of the liquor store privilege license of the offending licensee or for the refusal to renew the local liquor store privilege license of the offending licensee. (as added by Ord. #13-320, Oct. 2013)

8-510. Enforcement. Any violation of the terms of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500.00) per violation, temporary suspension, permanent revocation of the local liquor store privilege license, or any combination thereof at the discretion of the board of commissioners. Enforcement provisions are also applicable as found under state law. (as added by Ord. #13-320, Oct. 2013)

8-511. Certificate of compliance. As a condition precedent to the issuance of a state liquor retailer's license by the state alcoholic beverage

commission, board of commissioners may authorize the issuance of certificates of compliance by the city according to the terms contained herein. (as added by Ord. #13-320, Oct. 2013)

8-512. Application. (1) Filing--content. An applicant or applicant group for a liquor store shall file with the city recorder a completed written application on a form to be provided by the city recorder which shall contain all of the following information and whatever additional information the board of commissioners or city manager may require:

(a) The name and street address of each person to have an interest, direct or indirect, in the liquor store as an owner, partner, stockholder, or otherwise. In the event that a corporation, partnership, limited liability company, or other legally recognized entity is an applicant or member of an applicant group, each person with an interest therein must be disclosed and must provide the information on the application provided by the city;

(b) The name of the liquor store proposed;

(c) The address of the liquor store proposed and its zoning designation;

(d) A statement that the persons receiving the requested license to the best of their knowledge if awarded the certificate of compliance could comply with all the requirements for obtaining the required licenses under state law and the provisions of this chapter for the operation of a liquor store in the city;

(e) The agreement of each applicant or each member of an applicant group, as appropriate, to comply with all applicable laws and ordinances and with the rules and regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages and the agreement of each applicant or each member of an applicant group as to the validity and the reasonableness of these regulations, inspection fees, and taxes provided in this title with reference to the sale of alcoholic beverages.

(2) Further documentation. The application form shall be accompanied by a copy of each questionnaire form and other material to be filled out by the applicant or each member of the applicant group with the Tennessee Alcoholic Beverage Commission in connection with the same application and shall be accompanied by five (5) copies of a scale plan drawn to a scale of not less than one inch (1") equals twenty feet (20') giving the following information:

(a) The shape, size and location of the lot which the liquor store is to be operated under the license;

(b) The shape, size, height and location of all buildings that are to be erected, altered, moved or existing upon the lot;

(c) The off-street parking space and off-street loading and unloading space to be provided including the vehicular access to be provided from these areas to a public street; and

(d) The identification of every parcel of land within one hundred fifty feet (150') of the lot upon which the liquor store is to be operated indicating ownership thereof and the location of any structures thereon and the use being made of every such parcel.

(3) Signature. The application form shall be signed and verified by each person to have any interest in the liquor store either as an owner, partner, stockholder or otherwise.

(4) Misrepresentation, concealment of fact, duty to amend. If an applicant, member of an applicant group, or licensee misrepresents or conceals any material fact in any application form or as to any other information required to be disclosed by this chapter, such applicant, member of an applicant group, or licensee shall be deemed to have violated the provisions of this chapter and his or her application may be disregarded or his or her license restricted or revoked as deemed appropriate by board of commissioners. Further, no sale, transfer or gift of any interest of any nature, either financial or otherwise, in a liquor store shall be made without first obtaining a replacement license from the city upon the approval of the board of commissioners.

(5) Fees. Each application shall be accompanied by a non-refundable three hundred dollar (\$300.00) investigation fee. One (1) application fee per applicant group is sufficient.

(6) Purchase of an existing store. Any person desiring to purchase an existing liquor store within the boundaries of the City of Alcoa must apply for a new license pursuant to this section. Such application shall comply with every requirement of this § 8-512, except that such applicant shall not be required to provide the documentation required under § 8-512(2) concerning the building where the store is located, specifically, the scale plan. (as added by Ord. #13-320, Oct. 2013, and amended by Ord. #16-377, Jan. 2016, and Ord. #18-456, Oct. 2018 *Ch15_12-10-19*)

8-513. Consideration. In issuing the initial certificate of compliance sufficient for the licensing of up to four (4) liquor stores in the city permitted by this chapter, the board of commissioners will consider all applications filed before a closing date to be fixed by it and select from such applications the persons deemed by it in its sole discretion to have qualifications required by law and the most suitable circumstances for the lawful operation of a liquor store without regard to the order of time in which the applications are filed. Such persons and only such persons shall receive the initial certificates of compliance issued by the city. If thereafter, an additional license becomes available due to the cancellation, revocation or otherwise of a previously issued license, board of commissioners will select from all pending applications the applicant or applicant group deemed by it to have the qualifications required by law and the

most suitable circumstances for the lawful operation of a liquor store after a closing date to be fixed by it upon public notice of the availability of such license. Such person or persons and only such person or persons will receive certificates of compliance issued by the city sufficient to allow the operation of the liquor store contemplated by the chosen application. Applications shall be retained by the city until such time as all liquor stores for which certificates of compliance have been issued by the city are opened for business. At that time, all pending applications which did not result in the granting of certificates of compliance after consideration by board of commissioners will expire and be disposed of by the city. Applications can only be submitted to the city during the time frame the board of commissioners has set forth for receipt of such applications. Applications and all matters submitted with or as a part of such applications become at the time they are submitted the sole and exclusive property of the city and constitute public records open to public inspection. (as added by Ord. #13-320, Oct. 2013, and amended by Ord. #21-531, Aug. 2021 *Ch16_06-14-22*)

8-514. Restrictions upon issuance. (1) Additional certificates of compliance. The board of commissioners shall refuse to issue a certificate of compliance whenever the number of previously issued and outstanding certificates of compliance when added to the number of outstanding licenses equals the number of licenses authorized by this chapter.

(2) No violation of chapter. No certificate of compliance shall be issued unless a license issued on the basis thereof can be exercised without violating any provisions of this chapter.

(3) Prerequisites of issuance. The city manager upon approval of board of commissioners shall not sign any certificate of compliance for any applicant or applicant group until:

(a) Such application has been filed with the city recorder;

(b) The location stated in the certificate has been approved by the board of commissioners as a suitable location for the operation of a liquor store; and

(c) The application has been considered at a public meeting of the board of commissioners and approved by a vote of at least three (3) members thereof.

(4) Time period for action. Any applicant or applicant group who has obtained a certificate of compliance as provided herein must, unless an extension is granted by board of commissioners, within six (6) months open a liquor store in the city or said certificate will be revoked by the passage of this amount of time and a certification thereof will be sent to the alcoholic beverage commission of the State of Tennessee and the local liquor license issued pursuant to such application shall be considered canceled and revoked. (as added by Ord. #13-320, Oct. 2013)

8-515. License from city to operate liquor store. After an applicant or applicant group receives a license from the State of Tennessee to operate a retail liquor store pursuant to Tennessee Code Annotated, §§ 57-3-101, et seq., he or she shall apply to the city recorder for a local liquor retailer's license to operate a retail liquor store pursuant to the following terms, conditions and restrictions. (as added by Ord. #13-320, Oct. 2013)

8-516. Restrictions on local liquor retailer's licenses. (1) Maximum number of licenses. No more than four (4) local liquor retailer's licenses for the sale of alcoholic beverages at liquor stores shall be issued under this chapter representing no more than four (4) liquor stores in the city.

(2) Term renewal. Each license shall expire on December 31st of each year. A license shall be subject to renewal each year by compliance with all applicable federal statutes, state statutes, state rules and regulations and the provisions of this chapter.

(3) Display. A licensee shall display and post and keep displayed and posted his or her license in a conspicuous place in the licensee's liquor store at all times when any activity or business authorized thereunder is being done by the licensee.

(4) Transfer. A licensee or co-licensee shall not sell, assign or transfer his or her license or any interest therein to any other person. No license shall be transferred from one (1) location to another location without the express permission of board of commissioners.

(5) Fees. A license fee of five hundred dollars (\$500.00) is due at the time of application for a license and annually prior to January 1 each year thereafter. The initial license shall remain in effect for the remainder of the calendar year when it is first issued so that the first year may not be a full year period. The license fee shall be paid to the city recorder before any license shall issue. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, only one (1) license fee is required. (as added by Ord. #13-320, Oct. 2013, and amended by Ord. #21-531, Aug. 2021 *Ch16_06-14-22*)

8-517. Restrictions upon licensees and employees. (1) Initial qualifications. To be eligible to apply for or to receive a local liquor store privilege license, an applicant or in the case of an applicant group, each member of the applicant group, must satisfy all of the requirements of the state statutes and of the state rules and regulations for the holder of a state liquor retailer's license.

(2) Public officers and employees. No license shall be issued a person who is a holder of a public office either appointed or elected or who is a public employee either national, state, city or county. It shall be unlawful for any such person to have any interest in such liquor store either directly or indirectly, either proprietary or by means of a loan or participation in the profits of any such business. This prohibition shall not apply however to uncompensated,

appointed members of boards or commissions who have no duties covering the regulation of alcoholic beverages or beer.

(3) Felons. No licensee shall be a person who has been convicted of a felony within ten (10) years prior to the time he or she or the legal entity which he or she is connected shall receive a license; provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction. In case of such conviction occurring after a license has been issued and received, the license shall immediately be revoked if such convicted felon is an individual licensee and, if not, the partnership, corporation, limited liability company or association with which he or she is connected shall immediately discharge him or her and he or she shall have no further interest therein or else such license shall be immediately revoked.

(4) Employee felons. No licensee shall employ in the storage, sale, or distribution of alcoholic beverages any person who within ten (10) years prior to the date of his or her employment shall have been convicted of a felony. In the case that an employee is convicted of a felony while he is employed by a licensee at a liquor store, he or she shall be immediately discharged after his or her conviction provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction.

(5) Liquor offenses. No license shall be issued to any person who within ten (10) years preceding application for such license or permit shall have been convicted of any offense under the laws of this state or any state or of the United States regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling of alcoholic beverages who has during such period been engaged in business, alone or with others, in violation of any such laws or rules and regulations.

(6) Disclosure of interest. It shall be unlawful for any person to have ownership in or participate in, either directly or indirectly, the profits of any liquor store unless his or her interest in such business and the nature, extent and character thereof shall appear on the application or if the interest is acquired after the issuance of a license unless it be fully disclosed to the city manager and approved by him or her in a timely manner.

(7) Age. No licensee shall be a person under the age of twenty-one (21) years and it shall be unlawful for any licensee to employ any person under the age of eighteen (18) years for the physical storage, sale or distribution of alcoholic beverages or to permit any such person under such age in his or her place of business to engage in the storage, sale or distribution of alcoholic beverages.

(8) Interest in only one liquor store. A person shall have an interest, either direct or indirect, in no more than one (1) liquor store licensed under this title in the City of Alcoa. (as added by Ord. #13-320, Oct. 2013)

8-518. Nature of license-suspension or revocation. The issuance of a license does not vest a property right in the licensee but is a privilege subject to revocation or suspension. Any license shall be subject to suspension or revocation by board of commissioners for any violation of this title by the licensee or by any person for whose acts the licensee is responsible. The licensee shall be given reasonable notice and an opportunity to be heard before the board of commissioners suspends or revokes a license for any violation unless provided otherwise specifically herein. If the licensee is convicted of a violation of this title by a final judgment in any court and the operation of the judgment is not suspended by an appeal, upon written notice to the licensee, the city manager may immediately suspend the license for a period not to exceed sixty (60) days, and the board of commissioners may revoke the license on the basis of such conviction thereafter. A license shall be subject to revocation or suspension without a hearing whenever such action is expressly authorized by other provisions of this chapter stating the effect of specific violations. (as added by Ord. #13-320, Oct. 2013)

CHAPTER 6

WINE SALES IN RETAIL FOOD STORES

SECTION

- 8-601. Certificate of compliance.
- 8-602. Certificate of compliance fee.
- 8-603. Issuance of certificate of compliance; appeal.
- 8-604. Regulation of sales.

8-601. Certificate of compliance. As a condition precedent to the issuance of a state retail food store wine license by the state alcoholic beverage commission, the mayor or a majority of the city commission may authorize the issuance of certificates of compliance by the city according to the terms contained herein. Any person or entity applying for a retail food store wine license shall file with the city recorder a completed written application on a form to be provided by the city recorder which shall contain all of the following information and whatever additional information the city council or city administrator may require:

(1) The name and address of the retail food store for which the retail food store wine license is being obtained, and a statement that the location of the retail food store complies with all zoning laws of the city and location requirements of the applicable statutes for selling wine in retail food stores; and

(2) A statement that the applicant or applicants have complied and will comply with this chapter and the applicable state laws and regulations on retail food store wine sales; and

(3) The following information concerning applicant background:

(a) If the applicant is an individual or partnership, the name and street address of each individual person who will be in charge of or in control of the business and a signed statement from each such person that he or she has not been convicted of a felony within a ten (10) year period immediately preceding the date of the application with the state alcoholic beverage commission; or

(b) If the applicant is a corporation, the corporation may provide either:

(i) The name and street address of the executive officers of the corporation and a signed statement from each such officer that he or she has not been convicted of a felony within a ten (10) year period immediately preceding the date of the application, or

(ii) The name and street address of each individual person who will be in charge of or in control of the business and a signed statement from each such person that he or she has not been convicted of a felony within a ten (10) year period

immediately preceding the date of the application. (as added by Ord. #16-380, April, 2016)

8-602. Certificate of compliance fee. The costs incurred by the city in connection with the process of issuing a certificate of compliance shall be charged directly to the applicant. (as added by Ord. #16-380, April, 2016)

8-603. Issuance of certificate of compliance; appeal. A failure on the part of the issuing authority to grant or deny the applicant's request for the certificate of compliance within sixty (60) days of the written application shall be deemed a granting of the certificate. (as added by Ord. #16-380, April, 2016)

8-604. Regulation of sales. (1) Hours of sales on weekdays and Saturdays. Retail food store wine licensees shall not sell, give away, or otherwise dispense wine, except between the hours of 8:00 A.M. and 11:00 P.M. on weekdays and Saturdays.

(2) Sales on Sundays and holidays. No retail food store wine licensee shall sell or give away any wine before 10:00 A.M. or after 11:00 P.M. on Sunday. No retail food store wine licensee shall sell or give away wine on the following holidays: Christmas, Thanksgiving, and Easter.

(3) Sales to minors. No retail food store wine licensee shall sell or give away wine to a person under twenty-one (21) years of age, and it shall be unlawful for any such minor to purchase wine. Also, it shall be unlawful for any person to present false evidence that he has attained the age of twenty-one (21) years.

(4) Keeping an unsealed bottle or container. No retail food store wine licensee shall keep, or permit to be kept upon his premises, wine in any unsealed containers or bottles.

(5) Sales to persons intoxicated. No retail food store wine licensee shall sell or give away wine to any person who is intoxicated, nor shall any retail food store wine licensee sell or give away wine to any person accompanied by a person who is intoxicated.

(6) Wine tastings. No retail food store wine licensee shall conduct tastings of wine on the premises of the retail food store.

(7) Consumption on premises. No wine shall be sold for consumption, or consumed, on the premises of the retail food store. (as added by Ord. #16-380, April, 2016, and amended by Ord. #19-469, May 2019 *Ch15_12-10-19*)

TITLE 9**BUSINESS, PEDDLERS, SOLICITORS, ETC.¹****CHAPTER**

1. SOLICITORS AND CANVASSERS.
2. TAXICABS.
3. SHOWS, CARNIVALS, AND TENTED AMUSEMENTS.
4. POOL ROOMS.
5. TRANSITORY VENDORS.
6. SALES OR DISPLAYS DURING SPECIAL EVENTS.
7. SEXUALLY ORIENTED BUSINESSES.

CHAPTER 1**SOLICITORS AND CANVASSERS****SECTION**

- 9-101. Solicitors' and canvassers' permit.
- 9-102. Application for permit.
- 9-103. Exhibition of permit.
- 9-104. Revocation of permit.
- 9-105. Requested by residents to enter upon private property.
- 9-106. Solicitation within public rights-of-way.

9-101. Solicitors' and canvassers' permit. It shall be unlawful for any person, firm or corporation, whether a resident of the municipality or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares, or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for services to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders, without having first applied for and received from the city recorder a solicitor's permit so to do. This chapter shall also include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, hotel room,

¹Municipal code references

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

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

lodging house, apartment, shop or other place within the municipality for the primary purpose of exhibiting samples and taking orders for future delivery. (1971 Code, § 5-101)

9-102. Application for permit. Any person desiring to secure a solicitor's permit shall apply therefor in writing over his or her signature to the city recorder on forms provided by the municipality and such application shall state:

- (1) Name of applicant;
- (2) Complete permanent home and local address of the applicant;
- (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) The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- (7) The last cities or villages, not to exceed three, where the applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities;
- (8) The personal description and complete identification of the applicant.

Such application shall be accompanied by such credentials and other evidence of the good moral character and identity of the applicant as may be reasonably required by the city recorder. In addition thereto such application shall be accompanied by a surety bond, or a personal bond executed by two good and sufficient sureties who are bona fide residents of Blount County, Tennessee, running to the City of Alcoa, in the amount of \$500 00, conditioned that the said applicant shall comply fully with all the provisions of this chapter and the statutes of the State of Tennessee regulating solicitors and canvassers, and guaranteeing to any citizen of this municipality that all money paid as a down payment will be accounted for and applied according to the representations made, and that the property purchased will be delivered according to the representations, and will be as represented by him, and that he will refund the purchase price of any goods sold by him which are not as represented. Action on such bond may be brought by the person or persons 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 court in which suit is commenced, be relieved without costs of all further liability. (1971 Code, § 5-102)

9-103. Exhibition of permit. Such permit shall be carried at all times by the applicant to whom issued when soliciting or canvassing in the city, and

shall be exhibited by any such applicant whenever he or she shall be requested so do by any police officer or any person solicited. No permit shall be used at any time by any person other than the one to whom it is issued. (1971 Code, § 5-103)

9-104. Revocation of permit. Any such permit may be revoked by the city recorder for violations by the holder thereof of any of the laws of the city or of any state or federal law, or whenever the holder of such permit shall cease to possess the character and qualifications required by this chapter for the issuance of such permit. (1971 Code, § 5-104)

9-105. Requested by residents to enter upon private property.¹ The practice of going in and upon private residences in the City of Alcoa by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or disposing of and/or peddling or hawking the same is declared to be a nuisance and punishable as such nuisance as a misdemeanor. (1971 Code, § 5-105)

9-106. Solicitation within public rights-of-way. For purposes of ensuring the public health, safety and welfare of those using the public rights-of-way of Alcoa City streets, it shall be unlawful for any person, organization, or other entity to solicit, take or attempt to take monetary contributions at intersections or any other location within said public rights-of-way. (as added by Ord. #02-009, May 2002)

¹State law reference

Breard v. City of Alexandria, 95 L. Ed. 838 (6/4/51) U.S. Supreme Court decision

CHAPTER 2

TAXICABS

SECTION

9-201. Definitions.

9-202. Taxicab permit and business license required.

9-203. Procedure for applications for and issuance of permits.

9-204. Insurance or bond required.

9-205. Violations.

9-201. Definitions. The term "taxicab" when used in this chapter shall mean every motor vehicle designed and/or constructed to accommodate and transport passengers not more than five in number, exclusive of the driver, and fitted with taxi meters and/or using or having some other device, method or system to indicate and determine the passenger fare charged for distance traveled. (1971 Code, § 5-201)

9-202. Taxicab permit and business license required. It shall be unlawful for any person to engage in the taxicab business or to operate a taxicab upon the streets for the City of Alcoa unless the owner has first obtained a permit for each vehicle to be operated upon the streets of the City of Alcoa and has a currently effective business license. (1971 Code, § 5-202)

9-203. Procedure for applications for and issuance of permits. Application for taxicab permits shall be made under oath and in writing to the city recorder. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of taxicabs the applicant desires to operate on the streets of the City of Alcoa, the makes and models of said taxicabs and such other pertinent information as the city recorder may require. Upon compliance of the applicant with the other provisions of this chapter, the city recorder shall issue duplicate permits for each taxicab listed on the application, which permits shall be at all times in the possession of the operator of such taxicabs and shall be exhibited upon request of the law enforcement officers of the city. (1971 Code, § 5-203)

9-204. Insurance or bond required. No permits shall be issued or continued in operation unless and until the owner or owners of a taxicab or taxicabs have filed with the city recorder for each and every such taxicab a surety bond issued by some insurance or surety company authorized to do business in the State of Tennessee in the sum of \$100,000.00 agreeing to pay any final judgment rendered against the owner or operator of such taxicab on account of injury or death to any person or persons or damage to property.

The owner or owners of a taxicab or taxicabs may in lieu of such bond file with the city recorder a policy or policies of liability insurance issued by a public liability insurance or surety company authorized to do business in Tennessee covering each and every taxicab for which a permit is requested with limits of not less than \$50,000.00 because of bodily injury or death of one person and \$100,000.00 because of bodily injury or death to two or more persons in any one accident and \$25,000.00 because of injury or of destruction of property or other in any one accident. Said insurance policy shall also provide for the payment of medical expenses for persons injured by accident while occupying said taxicab or taxicabs or entering or alighting from the same or being struck by such taxicabs in the amount of at least \$1,000.00 for each person and \$3,000.00 for two or more persons incurring such medical expenses in one accident.

The insurance policy required by this section shall contain a provision that it shall not be cancelled except at least 20 days after written notice has been given by the insuror to both the insured and the city recorder for the City of Alcoa. (1971 Code, § 5-204)

9-205. Violations. Any owner who allows his taxicabs to be operated upon the streets of the City of Alcoa without having first complied with this chapter and any taxicab operator who operates a taxicab upon the streets of the City of Alcoa without having in his possession the permit required herein, shall be guilty of a misdemeanor. (1971 Code, § 5-205)

CHAPTER 3

SHOWS, CARNIVALS, AND TENTED AMUSEMENTS

SECTION

9-301. Permits.

9-302. Permit issuance.

9-303. Insurance.

9-304. Appeals.

9-305. Penalty.

9-301. Permits. It shall be unlawful for any person, firm, or corporation to erect or cause to be erected, any temporary structure composed wholly or partly of canvas or similar material to be used as a place of amusement or for any religious, educational or recreational purposes or for any other public assemblages whatsoever within the limits of the City of Alcoa without first having made application to and received permission to do so in accordance with the conditions and limitations as set out by the city manager and title 7, chapter 2 of this code. (1971 Code, § 5-301)

9-302. Permit issuance. If the city manager or his designated representative finds that the provisions of this title are complied with, or will be complied with, by the applicant, he shall issue a permit to erect or maintain such structure conditional upon such reasonable limitations and requirements as he may deem necessary for the safety of persons and property.

(1) Upon completion of such structure, it shall not be used as a place of assembly until the building inspector has inspected the entire premises upon which the structure is located.

(2) If the building inspector finds that all of the limitations and requirements of the permit and this chapter have been complied with and that the structure has been erected in accordance with the plans and specifications submitted with the application, he shall grant a permit to occupy such premises.

(3) It shall be unlawful for any person to cause or permit the occupancy of such structure as a place of assembly, without the issuance of such permit to occupy such structure as provided for herein. (1971 Code, § 5-302)

9-303. Insurance. Before such permit is issued, and as a condition precedent thereto, the proprietor, manager or other person having charge or control of such circus, carnival or other similar enterprise shall deliver to the city manager or his designated representative a certificate of a qualified inspector that the machinery, equipment or other similar service intended for public amusement or recreation by such circus, carnival or other similar enterprise as erected in the City of Alcoa has been inspected and tested by him and found to be safe for use by the public; and shall deposit with said director

a public liability and property damage insurance policy, in form approved by the city attorney, in the sum of one hundred thousand dollars (\$100,000) for public liability and twenty thousand dollars (\$20,000) for property damage of some public liability insurance company authorized to do business in the State of Tennessee providing for the payment of any final judgment not to exceed the sum of fifty thousand dollars (\$50,000) for injury or death to one person or one hundred thousand dollars (\$100,000) for injury or death to more than one person, and ten thousand dollars (\$10,000) property damage in any one accident, that may be rendered against the proprietor, manager or other person having charge or control of such circus, carnival, or other similar enterprise resulting from the operation of such machinery, equipment or other similar device or growing out of the careless or negligent operation thereof by such proprietor, manager or other person having charge or control of the same or by any servant, agent or employee thereof. No such policy of insurance shall be approved by the city attorney or accepted by the city manager which contains any provision relieving the company from liability because of the failure of said proprietor, manager or other person having charge or control of such circus, carnival or other similar enterprise or of any servant, agent or employee thereof, to notify the company of the happening of any accident resulting in death, injury or property damage to any person. (1971 Code, § 5-303)

9-304. Appeals. If the city manager or his designated representative finds that such structure, or the premises on which it is located, is being maintained in violation of any of the provisions of the permit to erect or maintain any of the provisions of this title, or in such a manner as to constitute a fire hazard, he may revoke the permit to occupy provided for herein.

Any person, firm or corporation whose permit to occupy has been revoked as aforesaid may, within ten (10) days after receipt of a notice thereof, appeal to the Board of Code Appeals for a hearing thereon, and the decision of the board in this regard shall be final. If no appeal is taken within ten (10) days as provided herein the action of the building inspector shall be final. (1971 Code, § 5-304)

9-305. Penalty. Any person who violates any of the provisions of this title shall be guilty of a misdemeanor. Each day of violation constitutes a new offense. (1971 Code, § 5-305)

CHAPTER 4

POOL ROOMS

SECTION

- 9-401. Business hours regulated.
- 9-402. Minors prohibited - exceptions.
- 9-403. Records.
- 9-404. Forfeiture of license.

9-401. Business hours regulated. It shall be unlawful for any person or persons to keep open and use any pool room operated for profit within the corporate limits between 11:00 o'clock p.m. of each day and 6:00 o'clock a.m. of the following day or at anytime on Sunday. (1971 Code, § 5-401)

9-402. Minors prohibited - exceptions. It shall be unlawful for any person or persons engaged in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, to permit any minor to play on said tables at any game of billiards, bagatelle, pool or other games requiring the use of cue and balls, without first obtaining the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school.

The written permission specified in this section shall be acknowledged before a notary public, or the signatures of the parents, guardian, or other person having legal control of such minors shall, be witnessed by two witnesses, and shall be kept on file by the owners or proprietor of such pool room.

Provided further, it shall be unlawful for any proprietor, owner, or manager of any pool room, place or building, in which any bagatelle, pool, or billiard table is kept to allow minors to remain or loiter in such room, place, or building, except when playing pool under permission of those having the legal charge of such minor as hereinabove set out and provided for. (1971 Code, § 5-402)

9-403. Records. The owner, proprietor, or manager of any pool room shall keep a book wherein he enters the name and dates of each and every minor that plays pool in his pool room, and this book shall be kept open for inspection and the policeman of the City of Alcoa and other citizens shall have the right to inspect said book at any time during business hours. (1971 Code, § 5-403)

9-404. Forfeiture of license. If any person, proprietor, or manager of any pool room shall be convicted of violating this chapter as many as five (5)

times within one year, then he shall forfeit his license, and the same shall not be renewable for a period of one year thereafter. (1971 Code, § 5-404)

CHAPTER 5

TRANSITORY VENDORS

SECTION

9-501. Transitory vendors defined.

9-502. Transitory vendors permit.

9-503. Application for permit.

9-504. Bond required.

9-501. Transitory vendors defined. Transitory vendors means any person who brings into temporary premises and exhibits to the public, stocks of merchandise for the purpose of selling or offering to sell such merchandise to the public. (1971 Code, § 5-501)

9-502. Transitory vendors permit. It shall be unlawful for any transitory vendor to apply his trade as defined in § 9-501 without having first applied for and received from the city recorder a transitory vendor's permit so to do. (1971 Code, § 5-502)

9-503. Application for permit. Any person desiring to secure a transitory vendor's permit shall apply therefor in writing over his or her signature to the city recorder on forms provided by the municipality and such application shall state:

- (1) Name of applicant;
- (2) Complete permanent home and local address of the applicant and address where goods are to be sold;
- (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) The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- (7) The last cities or villages, not to exceed three, where the applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities;
- (8) The personal description and complete identification of the applicant. (1971 Code, § 5-503)

9-504. Bond required. Each application for transitory vendor's permit shall be accompanied by a cash bond in the amount of \$1,000.00 running to the City of Alcoa, conditioned that the applicant shall comply fully with all the

provisions of this chapter and the statutes of the State of Tennessee regulating transitory vendors, and guaranteeing to any citizen of this municipality that the property purchased will be delivered according to the representations, and will be as represented by him, and that he will refund the purchase price of any goods sold by him which are not as represented. (1971 Code, § 5-504)

CHAPTER 6

SALES OR DISPLAYS DURING SPECIAL EVENTS

SECTION

- 9-601. Special events vendors defined.
- 9-602. Special events vendors' permit.
- 9-603. Application for permit.
- 9-604. Proof of insurance.

9-601. Special events vendors defined. The city may designate certain areas for entertainment and vendors selling food, drinks, crafts, arts and other items during the FreedomFest festival and such other special events as designated by the office of the city manager. For purposes of this division, a special event is defined as an event of a temporary nature which does not exceed one (1) week in duration and shall include FreedomFest, parades and other events as designated by the office of the city manager. (as added by Ord. #06-089, June 2006)

9-602. Special events vendors' permit. For purposes of this section, special events vendors may include "strolling" vendors as well as those of a stationary nature. No person(s) shall operate as a special events vendor, as defined, without first obtaining a permit from the city. Applications for the same will be available in the office of the city manager. The special events vendor's permit fee shall be determined by the special event and the office of the city manager. This vendor's permit is a separate and distinctly different category from a "transitory vendor's" permit or fee (see Chapter 5). (as added by Ord. #06-089, June 2006)

9-603. Application for permit. Any person desiring to secure a special events vendor's permit, whether selling or displaying their wares, shall apply therefore in writing over his or her signature to the office of the city manager on forms provided. (as added by Ord. #06-089, June 2006)

9-604. Proof of insurance. Each application for a special events vendor's permit shall be accompanied by certificate of insurance stating the limits of liabilities, with the City of Alcoa added as an additional insured for the special event. The minimum amount of liability insurance is five hundred thousand dollars (\$500,000). (as added by Ord. #06-089, June 2006)

CHAPTER 7

SEXUALLY ORIENTED BUSINESSES

SECTION

- 9-701. Title.
- 9-702. Definitions.
- 9-703. Prevention of sexual activity.
- 9-704. Involvement of minors.
- 9-705. Specified criminal activity by operators, employees, entertainers, and others.
- 9-706. Prohibited hours of operation.
- 9-707. Duties and responsibilities of operators, entertainers and employees.
- 9-708. Prohibited activities.
- 9-709. Reports.
- 9-710. Inspections.
- 9-711. Applicability of state statutes.
- 9-712. Violations.

9-701. Title. This chapter shall be known and may be cited as "The Sexually Oriented Businesses Ordinance." (as added by Ord. #99-020, Aug. 1999, and renumbered by Ord. #06-089, June 2006)

9-702. Definitions. The following words, terms and phrases, when used in the chapter, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

(1) "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(2) "Adult bookstore," "adult novelty store" or "adult video store" means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, computer software or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" or

(b) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of the principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(3) "Adult cabaret" means a nightclub, bar, restaurant or similar establishment which regularly features:

(a) Persons who appear in a state of nudity or semi-nude; or

(b) Live performances which are characterized by "specified sexual activities" or by the exposure of any of the "specified anatomical areas," even if partially covered by opaque material or partially or completely covered by translucent material, including swim suits, lingerie, or latex covering; or

(c) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(4) "Adult entertainment" means any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has a significant substantial portion of such exhibition any actual or simulated performance of "specified sexual activities" or the viewing of "specified anatomical areas."

(5) "Adult motel" means a hotel, motel or similar commercial establishment which:

(a) Offers sleeping room accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(b) Offers a sleeping room for rent for a period of time that is less than ten hours.

(6) "Adult motion picture theater" means a commercial establishment where, as one of its principal purposes, and for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(7) "Adult theater" means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a

state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(8) "Codes department" means the department or division of the city which is authorized to enforce building codes and other provisions of the municipal code.

(9) "Employee" means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, whether or not the person is denominated as an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

(10) "Entertainer" means any person who provides entertainment within a sexually oriented business 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.

(11) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to perform a striptease for another person.

(12) "Massage parlor" means an establishment or place primarily in the business of providing massage or tanning services for purposes of sexual stimulation or where one or more of the employees exposes to public view of the patrons within said establishment, at any time, "specified anatomical areas."

(13) "Nude model studio" means a commercial establishment where a person appears semi-nude or in a state of nudity, or displays "specified anatomical areas," and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude model studio as defined herein shall not include a proprietary school licensed by the State of Tennessee or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or a structure:

(a) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

(b) Where in order to participate in a class, a student must enroll at least three days in advance of the class; and

(c) Where no more than one nude or semi-nude model is on the premises at any one time.

(14) "Nudity or state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully

opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

(15) "Operator" means a person operating, conducting or maintaining a sexually oriented business or a person who is identified in any report filed with the city as the operator of a sexually oriented business.

(16) "Sauna" means an establishment or place primarily in the business of providing for purposes of sexual stimulation:

- (a) A steam bath or dry heat sauna; or
- (b) Massage services.

(17) "Semi-nude" means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel, provided the areola is not exposed in whole or in part.

(18) "Sexual conduct" means the engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttocks or female breast of a person for the purpose of arousing or gratifying the sexual desire of that person or another person.

(19) "Sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (b) For purposes of sexual stimulation, activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(20) "Sexually oriented business" includes, but is not limited to, an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, sexual encounter center, massage parlor, or sauna, and further means any premises to which patrons or members of the public are invited or admitted and 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 entertainment, when such is held, conducted, operated or maintained for a profit, direct or indirect.

(21) "Sexual stimulation" means to excite or arouse the prurient interest or to offer or solicit acts of "sexual conduct" as defined in this chapter.

(22) "Specified anatomical areas" means:

- (a) Less than completely and opaquely covered:
 - (i) Human genitals;
 - (ii) Pubic region;
 - (iii) Buttocks; and

(iv) Female breasts below a point immediately above the top of the areola, and

(b) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

(23) "Specified criminal activity" means any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure, indecency with a child; engaging in organized criminal activity; rape; sexual assault; molestation; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of this state or other states or countries; for which:

(a) Less than five years have elapsed since the date of conviction or plea of nolo contendere or the date of release from confinement imposed, whichever is the later date, if the conviction or plea is for a misdemeanor offense;

(b) Less than ten years have elapsed since the date of conviction or plea of nolo contendere or the date of release from confinement imposed, whichever is the later date, if the conviction is of a felony offense; or

(c) Less than ten years have elapsed since the date of conviction or plea of nolo contendere or the date of release from confinement imposed for the last conviction or plea, whichever is the later date, if the convictions or pleas are for two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period;

provided further that the fact that conviction is being appealed shall have no effect whatsoever on the provisions of this article.

(24) "Specified services" means massage services, private dances, private modeling, or acting as an "escort" as defined in this chapter.

(25) "Specified sexual activities" means:

(a) Human genitals in a state of sexual arousal;

(b) Acts of human masturbation, oral copulation, sexual intercourse or sodomy; or

(c) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts. (as added by Ord. #99-020, Aug. 1999, and renumbered by Ord. #06-089, June 2006)

9-703. Prevention of sexual activity. (1) No person who owns, operates or manages a sexually oriented business shall permit "specified sexual activities," as defined in the chapter, to occur on the premises.

(2) No commercial building, structure, premises or portion thereof shall be designed for or used to promote high-risk sexual contact.

(3) No person who owns, operates, causes to be operated or manages a sexually oriented business, other than an adult motel, which exhibits on the premises in any one or more viewing rooms or booths of less than 150 square feet of floor space, a film, video cassette, other reproduction or live entertainment which depicts "specified sexual activities" or "specified anatomical area" shall cause or allow any deviation from the following requirements:

(a) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. No manager's station may exceed 32 square feet of floor area. If the premises has two or more manager's stations, then the interior of the premises shall be configured in such manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restroom, from at least one of the manager's stations. Each such area shall remain unobstructed by doors, curtains, partitions, walls, merchandise, display racks or other materials. All viewing rooms and booths shall have at least one side open so that the area inside is visible from a manager's station. The view required in this subsection must be by direct line of sight from the manager's station.

(b) No alteration in the configuration or location of a manager's station may be made without the prior approval of the codes department.

(c) At least one employee shall be on duty and situated in each manager's station at all times that any patron is present inside the premises.

(d) No viewing room or booth may be occupied by more than one person at any time.

(e) Each viewing room or booth shall be lighted in such a manner that persons within are visible from a manager's station. The illumination level of each viewing room or booth, when not in use, shall be a minimum of ten foot candles at all times, as measured from the floor. The illumination level of all other portions of the premises open to the public shall be a minimum of ten foot candles at all times.

(f) No patron shall be permitted access to any area which has been designated as an area in which patrons will not be allowed.

(g) Each viewing room or booth shall be totally separated from adjacent viewing rooms and booths and any non-public areas by walls. All such walls shall be solid and extended from the floor to a height of not less than six feet and shall be of light colored, nonporous, non-absorbent, smooth textured and easily cleanable material. No such wall may be constructed of plywood or composition board. No opening or aperture of any kind shall be allowed to exist between viewing rooms or booths. No

person shall make or attempt to make an opening or aperture of any kind between viewing rooms or booths.

(h) All floor coverings in viewing rooms or booths shall be light colored, nonporous, non-absorbent, smooth textured, easily cleanable surfaces, with no rugs or carpeting.

(i) The premises shall be maintained in a clean and sanitary manner at all times.

(j) No occupant of a viewing room or booth shall be allowed to damage or deface any portion therein or to engage in any type of sexual activity, cause any bodily discharge or litter while inside. (as added by Ord. #99-020, Aug. 1999, and renumbered by Ord. #06-089, June 2006)

9-704. Involvement of minors. An operator of a sexually oriented business is in violation of this chapter if:

(1) The operator is less than 18 years of age.

(2) Any officer, director, partner, stockholder or other individual having a direct or beneficial financial interest in the operator is less than 18 years of age, if the operator is a corporation, partnership or other form of business organization.

(3) Any employee of the sexually oriented business is less than 18 years of age.

(4) Any entertainer at the sexually oriented business is less than 18 years of age. (as added by Ord. #99-020, Aug. 1999, and renumbered by Ord. #06-089, June 2006)

9-705. Specified criminal activity by operators, employees, entertainers and others. (1) No person may own or operate a sexually oriented business within the city if:

(a) He has a record of "specified criminal activity," as defined in this chapter, if the owner or operator is an individual.

(b) Any officer, director, partner or other individual having at least a 10% direct or beneficial interest in the operator has a record of "specified criminal activity," as defined in this chapter, if the owner or operator is a corporation, partnership or other form of business organization.

(2) No operator of a sexually oriented business may allow any employee who has a record of "specified criminal activity," as defined in this chapter, to work on the premises of the business.

(3) No operator of a sexually oriented business may allow any entertainer who has a record of "specified criminal activity," as defined in this chapter, to perform on the premises of the business.

(4) No operator or employee of a sexually oriented business may knowingly allow any "specified criminal activity" to occur on the premises of the business.

(5) No operator or employee of a sexually oriented business may allow any patron or customer who has carried out any "specified criminal activity" on the premises of the business to reenter the premises.

(6) The police department may any time investigate the criminal record of any person identified pursuant to § 9-709(4) or of any employee of a sexually oriented business or any entertainer performing at a sexually oriented business. (as added by Ord. #99-020, Aug. 1999, and renumbered by Ord. #06-089, June 2006)

9-706. Prohibited hours of operation. No sexually oriented business, except for an adult motel, shall be open between the hours of 11:00 P.M. and 8:00 A.M. No adult motel may allow any guest to check into a room between the hours of 11:00 P.M. and 8:00 A.M. (as added by Ord. #99-020, Aug. 1999, and renumbered by Ord. #06-089, June 2006)

9-707. Duties and responsibilities of operators, entertainers and employees. (1) The operator of each sexually oriented business shall maintain a register of all employees, showing the name, all aliases, home address, age, birth date, sex, weight, color of hair and eyes, telephone number, social security number, driver license or other state identification number and date of issuance, date of employment and termination, and duties of each employee. The above information for each employee shall be maintained on the premises during his or her employment, and for a period of three years following termination.

(2) The operator shall make such information available for inspection immediately upon request by the city manager or his authorized representative or by the police department or codes department. Alternatively, if the city manager or his authorized representative, the police department or the codes department request that copies of any such information be delivered to them, the operator shall have such copies delivered within three days of the request.

(3) An operator shall be responsible for the conduct of all employees on the premises of the sexually oriented business and any act or omission of any employee constituting a violation of the provisions of this part shall be deemed the act of omission of the operator.

(4) There shall be posted and conspicuously displayed in the common areas of each sexually oriented business a list of any and all entertainment and services provided on the premises. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the city manager or his authorized representative or by the police department or codes department.

(5) No operator or employee of a sexually oriented business shall allow any person under the age of 18 years on the premises of a sexually oriented business.

(6) A sign shall be conspicuously displayed in the common area of the premises of each sexually oriented business, and shall read as follows:

This sexually oriented business is regulated by the City of Alcoa, Tennessee. Employees, entertainers and customers are not permitted to engage in any type of sexual conduct.

(7) Operators of sexually oriented businesses that provide "specified services," as defined in this chapter, for customers or patrons shall comply with the following requirements:

(a) For each "specified service," such customers or patrons shall be provided with written receipts. Operators shall keep copies of such receipts for at least three years, showing:

- (i) "Specified service" provided.
- (ii) Cost of "specified service."
- (iii) Date and time of service provided.
- (iv) Name of person providing the "specified service."
- (v) Method of payment for service.

(b) Copies of all published advertisements for the business shall be kept for at least three years.

(c) Copies of the receipts and advertisements required under this section shall be available immediately upon request by the city manager or his authorized representative or by the police department or codes department.

(8) It shall be the duty of the operator and all employees on the premises of a sexually oriented business to ensure that the line of sight between the manager's station(s) and each viewing room or booth remains unobstructed by doors, curtains, partitions, walls, merchandise, display racks or other materials.

(9) It shall be the duty of the operator and all employees on the premises of a sexually oriented business to ensure that the illumination required by this article is maintained at all times during business hours.

(10) It shall be the duty of the operator and all employees on the premises of a sexually oriented business to ensure that no openings of any kind exist between viewing rooms or booths.

(11) The operator or his/her agent shall, during each business day, regularly inspect the walls of all viewing rooms and booths to determine if any openings or holes exist. If such openings exist, it is the duty of the operator to immediately repair the damage. No patron shall be permitted access to a viewing room or booth where such an opening exists. It shall be the duty of the operator and all employees on the premises to ensure that such rooms or booths are unoccupied by patrons until the opening is repaired and covered. (as added by Ord. #99-020, Aug. 1999, and renumbered by Ord. #06-089, June 2006)

9-708. Prohibited activities. (1) No operator, entertainer or employee of a sexually oriented business shall perform or offer to perform any specified sexual activities on the premises of the business, or allow or encourage any

person on the premises to perform or participate in any specified sexual activities.

(2) 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 18 inches above the immediate floor level and removed at least six feet from the nearest entertainer, employee, and/or customer.

(3) No business shall advertise that it offers or provides any entertainment or services which would fall under the definitions of "sexual conduct," "sexual stimulation" or "specified sexual activities" as defined in this chapter.

(4) No operator or employee shall serve or allow to be served or consume any intoxicating liquor or malt beverage on the premises of a sexually oriented business.

(5) No operator or employee shall knowingly allow possession, use or sale of controlled substances on the premises of a sexually oriented business.

(6) The possession of weapons by a patron or customer on the premises of a sexually oriented business shall be prohibited. Notice of such prohibition shall be posted on the premises. No operator or employee shall knowingly allow a patron or customer on the premises of a sexually oriented business to have a weapon in his possession.

(7) No hotel, motel or similar commercial establishment may knowingly allow a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours. (as added by Ord. #99-020, Aug. 1999, and renumbered by Ord. #06-089, June 2006)

9-709. Reports. Any person operating or desiring to operate a sexually oriented business shall file a report with the codes department at least 30 days prior to the opening of the business and no later than November 1 of each year thereafter. The report shall be filed in triplicate with and dated by the codes department upon receipt. One copy of the dated report shall be returned to the operator and one copy shall be promptly provided to the police department. The report shall be upon a form provided by the codes department and shall include the following information, which shall be sworn by the operator to be true and correct under oath:

(1) The name under which the sexually oriented business is or will be opened.

(2) The location and all telephone numbers for the sexually oriented business.

(3) The type of sexually oriented business which is being or will be operated, using the terms included in the definition of "sexually oriented business" provided in this chapter, if applicable, and a complete description of all types of entertainment and services provided or to be provided by the business.

- (4) If the operator is an individual, or for any individual who owns or will own at least a 10% direct or beneficial interest in the business:
- (a) Legal name and other names or aliases used by the individual.
 - (b) Mailing address and residential address and telephone number.
 - (c) Business address and telephone number.
 - (d) A recent photograph of the individual.
 - (e) Age, date and place of birth.
 - (f) Height, weight, and hair and eye color.
 - (g) Date, issuing state and number of the individual's driver's license or other state identification card information.
 - (h) Social security number.
 - (i) Proof that the individual is at least 18 years of age.
 - (j) The business, occupation or employment of the individual for five years immediately preceding the date of the report.
- (5) If the operator is a partnership:
- (a) The partnership's complete name.
 - (b) The names of all partners and the information required above for all individuals who own or will own at least a 10% direct or beneficial interest in the business.
 - (c) Whether the partnership is general or limited.
 - (d) A copy of any printed partnership agreement.
- (6) If the operator is a corporation:
- (a) The corporation's complete name, address and telephone number.
 - (b) The date and state of incorporation.
 - (c) The corporation's federal tax identification number.
 - (d) Evidence that the corporation is in good standing under the laws of the state of incorporation.
 - (e) The names and capacity of all officers, directors and principal stockholders and the information required above for all individuals who own or will own at least a 10% direct or beneficial interest in the business.
 - (f) The name and address of the registered corporate agent for the service of process.
- (7) The sexually oriented business or similar business history of the operator and of each individual listed under § 9-709(4) above, including:
- (a) The name and location of each sexually oriented business or similar business currently or previously owned or operated by such operator or individual.
 - (b) If the operator or individual is or was a partner, officer, or director or holds or held at least a 10% direct or beneficial interest in a partnership, corporation or other business entity which operates or

operated or is or was majority owner of any sexually oriented business or similar business, the name and location of each such business and the owning or operating business entity.

(c) Whether such operator or individual has had any license or permit issued to a sexually oriented business or similar business denied, suspended or revoked.

(d) The name and location of each sexually oriented business or similar business for which the license or permit was denied, suspended or revoked, and the dates and reasons for each suspension or revocation.

(8) Whether the operator or any of the operator's officers or directors or any individual listed under § 9-709(4) above has a record of any "specified criminal activity" as defined in this chapter, and, if so, the "specified criminal activity" or activities involved and the date, place and jurisdiction of each.

(9) If the premises are leased or being purchased under contract, a copy of such lease or contract.

(10) A sketch or diagram showing the configuration of the premises, including the total amount of floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. The codes department may waive this requirement if the report adopts a sketch or diagram that was previously submitted and the operator certifies that the configuration of the premises has not been altered since it was prepared. This requirement does not excuse the operator from compliance with all other applicable requirements or approval of building plans.

(11) For the initial report, a current certificate and straight-line drawing prepared within 30 days prior to the filing of the report by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented business within 1,000 feet of the property of the business filing the report; the boundary lines of any residential zoning district within 1,000 feet of said property; and the property lines of any parcel which includes an established religious facility, child care or educational facility, public park or recreation area, family entertainment business, liquor store or residence within 1,000 feet of said property. For purposes of this section, a use shall be considered existing or established if it is in existence at the time a report is submitted.

(12) A signed statement by the operator that the operator is familiar with the provisions of this chapter and is and will continue to be in compliance therewith, provided that if the operator is not an individual, such statement shall be signed by each individual who owns or will own at least a 10% direct or beneficial interest in the operator.

(13) Any other reasonable available information determined by the city manager, codes department or police department to be necessary in determining whether the operator and the sexually oriented business meet the requirements

of this chapter. (as added by Ord. #99-020, Aug. 1999, and renumbered by Ord. #06-089, June 2006)

9-710. Inspections. In order to effectuate the provisions of this chapter, the police department, codes department, city manager and/or his authorize representatives are empowered to:

(1) Conduct investigations of the premises on any sexually oriented business or any business believed by any of them to be a sexually oriented business at any time such business is occupied or open for business.

(2) Inspect all licenses and records of any sexually oriented business and its operators and employees for compliance with this chapter at any time such business is occupied or open for business.

(3) Conduct investigation of persons engaged or believed to be engaged in the operation of any sexually oriented business. (as added by Ord. #99-020, Aug. 1999, and renumbered by Ord. #06-089, June 2006)

9-711. Applicability of state statutes. The provisions of this chapter are not intended to supersede any obligations or requirements, including licensing requirements, imposed by state statute and shall be in addition thereto. (as added by Ord. #99-020, Aug. 1999, and renumbered by Ord. #06-089, June 2006)

9-712. Violations. (1) Each of the following acts and omissions shall be considered a civil offense against the city:

(a) Failure to file any report required under this chapter at the time required or submittal of false or misleading information or omission of any material facts in any report required under this chapter.

(b) Any operator, entertainer, or any employee of the operator violates any provision of this chapter.

(c) Any operator, employee or entertainer denies access to the police department, codes department, fire department, city manager or his authorized representatives to any portion of the premises of the sexually oriented business at any time it is open for business.

(d) Any operator fails to maintain the premises of a sexually oriented business in a clean, sanitary and safe condition.

(2) Upon a second or subsequent violation by an operator, entertainer or employee of a sexually oriented business, of any part of this chapter, or any state statute regarding nudity, sexually oriented businesses or adult entertainment, such business shall be deemed a nuisance and shall also be subject to an order of closure, and/or to cease and desist, by chancery court action seeking injunctive relief to enforce the provisions of this chapter, provided that such second or subsequent violation occurs after a judgment or conviction or plea of no contendere has been obtained for the previous such violation. (as added by Ord. #99-020, Aug. 1999, and renumbered by Ord. #06-089, June 2006)

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

1. GENERAL PROVISIONS.
2. RABIES CONTROL.
3. VICIOUS DOGS.
4. SERVICE ANIMALS.

CHAPTER 1**ANIMAL CONTROL – GENERAL PROVISIONS****SECTION**

- 10-101. Definitions.
- 10-102. Registration of dogs and cats.
- 10-103. Permit required for kennels, boarding facilities, pet shops, or pet dealers.
- 10-104. Kennels, boarding facilities, pet shops, and pet dealers; required to post certain documents.
- 10-105. Animals at large.
- 10-106. Restraint of animals.
- 10-107. Keeping or possessing livestock.
- 10-108. Keeping of animals which disturb the peace.
- 10-109. Keeping of wild or exotic animals prohibited.
- 10-110. Nuisance animals prohibited.
- 10-111. Impoundment of animals running at large.
- 10-112. Impoundment of uncared for animals.
- 10-113. Impounding fees.
- 10-114. Failure to reclaim animal at large.
- 10-115. Records of impounded animals.
- 10-116. Authority to trap.
- 10-117. Authority to destroy animals at large.
- 10-118. Cruelty to animals prohibited.
- 10-119. Abandonment.
- 10-120. Poisoning or trapping animals.
- 10-121. Chasing, fighting, or racing.
- 10-122. Reckless riding or driving.
- 10-123. Animal waste.
- 10-124. Animal exhibitions.
- 10-125. Prohibition against sale or gift of animals under certain conditions
- 10-126. Prohibition against sale or giving away of animals in certain places.
- 10-127. Animals on school grounds.

- 10-128. Pet dogs in outdoor dining areas at restaurants.
- 10-129. Citation; assessment of fines.
- 10-130. Citation procedure for violations of this title.
- 10-131. Interference with officers, violations of orders.
- 10-132. Failure to obey animal control citation.
- 10-133. Acceptance of guilty pleas and penalties for animal control violations.
- 10-134. Collection and disposition of fees.
- 10-135. Penalties.
- 10-136. Inspections; warrant for entry.
- 10-137. Severability.

10-101. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter unless it is apparent from the context that a different meaning is intended:

(1) "Administrator" means the means the City Manager for the City of Alcoa or a designee authorized by the city manager.

(2) "Animal" means and includes all living creatures, domestic, or wild, including livestock.

(3) "Animal shelter" means an approved facility, public or private, used to confine and house animals which are seized, lost, abandoned or given over by owners.

(4) "Boarding facility" means any person who houses animals for twenty-four (24) hours or more for a fee.

(5) "Domesticated animal" means any animal kept, cared for, sheltered, fed or harbored for use in work, as a pet, or as a source of food, raw material or income.

(6) "Impound" means receiving into custody by the unit or any authorized representative thereof.

(7) "Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, puppies, cats or kittens or any other animal

(8) "Livestock" means all farm animals, including but not limited to cattle, horses, pigs, fowl, sheep, goats, and mules.

(9) "Operator" means the operator of the animal shelter.

(10) "Owner" means any person possessing, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal covered by this chapter for a period of seven (7) or more days.

(11) "Person" means any individual, firm, corporation, partnership, association, trust, estate or other legal entity.

(12) "Pet dealer" means any person who engages in the sale of animals to the public, including breeders of animals who sell directly to consumers.

(13) "Pet shop" means any person engaged in the business of breeding, buying, selling at retail or as a broker of animals.

(14) "Police department" means the Alcoa Police Department unless otherwise specifically designated.

(15) "Provoke" or any tense of the word, means any action or activity, whether intentional or unintentional, which may be reasonably expected to cause a normal dog in similar circumstances to react in a manner similar to that shown by the evidence.

(16) "Running at large" means any animal which is not confined to its owner's property and not under restraint.

(17) "Stray" means any dog or cat which does not wear a rabies tag and license tag, or which has not had a vaccination within the time period specified in this chapter or any animal which is not cared for, harbored, or maintained according to the provisions of this chapter or other applicable laws.

(18) "Unit" means the animal control unit.

(19) "Vaccination" means the administration by a licensed veterinarian of a rabies vaccine approved by the state department of health at such times as shall be required by the general laws of the state.

(20) "Veterinarian" means a person licensed to practice veterinary medicine in the state.

(21) "Vicious" means an animal with a propensity, tendency, or disposition to attack without provocation, to cause serious injury, or otherwise threaten the safety of human beings or domestic animals. (1971 Code, § 3-101, as replaced by Ord. #07-125, May 2007, and by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-102. Registration of cats and dogs. The display of a valid vaccination tag upon any dog or cat over three (3) months of age or any other animal as required in this title shall serve as registration of the animal for City of Alcoa purposes. It shall be the duty of every owner to provide each registered animal with a collar or harness to which the vaccination tag must be affixed and such owner shall see that the collar or harness is constantly worn. If a vaccination tag is lost or destroyed, the owner shall obtain a replacement tag from the vaccinating veterinarian. In instances where obtaining a replacement tag is not possible or reasonably practical as determined by the chief of police or city manager, the display of a valid certificate of vaccination shall waive the requirements of this section until the expiration of the current vaccination period. (1971 Code, § 3-102, as replaced by Ord. #07-125, May 2007, and Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-103. Permit required for kennels, boarding facilities, pet shops, or pet dealers. (1) No person may establish or maintain a kennel, boarding facility, pet shop or pet dealership without a permit issued by the administrator, and the administrator shall possess the authority to establish minimum standards for the facilities or quarters where animals are kept. Such

standards may be enforced by way of inspection conducted by the administrator or any animal control or police officer.

(2) It shall be the responsibility of the person operating as a kennel, boarding facility, pet shop or pet dealer to request a permit. The administrator shall have the power to revoke such permit if negligence in care or misconduct occurs that is detrimental to animal welfare or to the public. Revocation of a permit by the administrator shall restrict animal ownership to four (4) animals respectively. A permit fee will be charged. All permits shall be renewed in May of each year. (as replaced by Ord. #07-125, May 2007, and Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-104. Kennels, boarding facilities, pet shops and pet dealers; required to post certain documents. (1) Every person operating a pet shop shall post a notice clearly visible from the ground level adjacent to the store, containing the names, addresses and telephone numbers of persons to be notified during any hour of the day or night by an animal control or police officer acting under the authority of §10-136.

(2) Every kennel, boarding facility, pet shop and pet dealer shall post a permit issued by the administrator acknowledging that the facility meets the minimum required standards for housing animals. (1971 Code, § 3-104, as replaced by Ord. #07-125, May 2007, amended by Ord. #18-466, Dec. 2018 *Ch15_12-10-19*, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-105. Animals at large. No person owning or having possession, charge, care, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large in or upon any public street, sidewalk or park or upon the property of another, if such animal is not under sufficient restraint as to allow the animal to be controlled. (1971 Code, § 3-105, as replaced by Ord. #07-125, May 2007)

10-106. Restraint of animals. Every person owning or having possession, charge, care, custody or control of any animal 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. (1971 Code, § 3-106, as replaced by Ord. #07-125, May 2007, and Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-107. Keeping or possessing livestock. It is unlawful for any person to keep or possess livestock, including pigs and goats, within the city. This section is inapplicable to areas zoned for livestock, provided the owner complies with the conditions set forth in the city zoning ordinance. (1971 Code, § 3-107, as replaced by Ord. #07-125, May 2007 deleted by Ord. #18-466, Dec. 2018 *Ch15_12-10-19*, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-108. Keeping of animals which disturb peace, comfort or health. No person shall keep within the city limits any animal which by reason of frequent or continual noise or unsanitary conditions disturbs the peace, comfort or health of neighbors. (1971 Code, § 3-108, as replaced by Ord. #07-125, May 2007, and Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-109. Keeping of wild or exotic animals prohibited. (1) No person shall have, sell, keep or maintain any wild, exotic, dangerous or nondomesticated animal within the corporate limits of the city. "Wild, exotic, dangerous or nondomesticated animal" shall be defined to include all animals classified as class 1 animals under Tennessee Code Annotated, § 70-4-403, as amended, and shall also include any wolf-hybrid and the following species of nonvenomous snakes, when such snakes reach six feet (6') in length, unless the owner, seller or keeper of the snake first obtains a permit from the administrator:

- (a) Pythons,
- (b) Boas, or
- (c) Anacondas.

(2) Notwithstanding any provisions of this part to the contrary, the provisions of this section shall have no application to:

- (a) A zoological park accredited by the American Association of Zoological Parks;
- (b) Any veterinary establishment licensed by the state;
- (c) Appropriately accredited colleges, universities or other institutions of higher learning which own, keep or maintain any such animals for educational or scientific purposes;
- (d) Handicapped persons who utilize primates to assist them in their daily activities;
- (e) Persons or entities maintaining such animals within the corporate limits of the city pursuant to a valid permit issued on a temporary basis by the administrator. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-110. Nuisance animals prohibited. (1) Every person responsible for an animal shall keep it from creating a nuisance, and it shall be a violation and a nuisance if an animal:

- (a) Habitually and repeatedly makes noises sufficient to interfere with neighboring residents' reasonable use and enjoyment of their property.
- (b) Is offensive to others due to an odor caused by the animal.
- (c) Repeatedly turns over or rummages through refuse containers, damages flower or vegetable gardens, or causes damage to public property or property of others.

(d) Without provocation, chases or approaches a pedestrian, bicycle rider or vehicle in a menacing fashion or apparent attitude of attack.

(e) Without provocation, attacks or bites a person or other animal.

(f) Impedes refuse collection, mail delivery, meter reading or other public service activities.

(g) Trespasses on property not owned, leased or rented by the person responsible for the animal.

(h) Is maintained in a manner that is dangerous to the health, safety or welfare of the community.

(2) A violation of this section is subject to a fine of fifty dollars (\$50.00), plus court costs and administrative fees. Each act of the animal constitutes a separate offense. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-111. Impoundment of animals running at large. (1) It shall be the duty of any authorized officer to apprehend and impound in an animal shelter any animal found running at large.

(2) An animal wearing a valid vaccination tag shall be held for a period of seven (7) working days from the date of apprehension. Untagged animals shall be held for a period of five (5) working days. "Working days" are defined as days the animal shelter is open.

(3) Any animal not claimed within the times provided in the subsection (2) may be transferred, destroyed or sold. In case of transfer, the owner will be responsible for any fees from the transfer facility in addition to fees incurred pursuant to this title.

(4) The record of the owner, and not the particular animal, for one (1) year prior to the date of the current violation, shall be considered when calculating the number of offenses committed.

(5) Any unaltered animal that has been impounded three (3) times within any twelve (12) month period shall be spayed or neutered within thirty (30) days of release from the shelter. The owner must show proof of the procedure to the division of animal control.

(6) In lieu of apprehending and impounding an animal found at large, the animal control officer, upon determining the owner, may return the animal to the owner and issue a citation requiring the owner to appear in city court for determination of whether there has been a violation of § 10-105.

(7) No animal shall be released from impoundment unless and until it has been vaccinated. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-112. Impoundment of uncared for animals. Whenever the unit finds that any animal is or will be without proper care because of injury, illness,

or incarceration of the person responsible for the care of such animal, or because of any other unknown or extended absence of the person responsible for the care of such animal, the unit may impound such animal. In order to reclaim the animal, the owner or owner's representative must demonstrate that the circumstances causing the impoundment to have ceased to exist, and must pay all applicable fees, including any medical fees, prior to the release of such animal from the shelter. Any animal that has been impounded under this part and not reclaimed within ten (10) days of the impoundment or upon a showing that the circumstances causing the impoundment have ceased to exist, whichever is sooner, may be offered for adoption to any member of the public and adopted to such member in accordance with the policies of adoption and after payment of all applicable fees established by the operator. If the animal is not redeemed or adopted, it may be destroyed in a humane manner. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-113. Impounding fees. Impoundment fees are fees set by the City of Alcoa and are for the purpose of deferring cost(s) associated with impounding an animal. Impoundment fees are in addition to any shelter fees collected by the detaining authority after an animal has been turned over for harboring.

The impoundment fees are as follows:

(1) Vaccinated animal wearing a valid tag:

(a) Twenty dollars (\$20.00) for the first offense;

(b) Thirty dollars (\$30.00) for the second offense;

(c) Fifty dollars (\$50.00) for the third offense plus an additional fifty dollars (\$50.00) for every subsequent offense.

(2) Unvaccinated animal or animal not wearing a valid tag:

(a) Thirty dollars (\$30.00) for the first offense;

(b) Forty dollars (\$40.00) for the second offense, and

(c) Fifty dollars (\$50.00) for the third offense plus an additional fifty dollars (\$50.00) for every subsequent offense.

(3) The impoundment of an animal under this title shall be in addition to, and shall not relieve the owner thereof from prosecution for, permitting such animal to run at large in violation of other local or state laws. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-114. Failure to re-claim animal at large. Any owner who has been notified that his or her animal has been impounded and who refuses to pay the impound fee set forth in § 10-113 shall be subject to a penalty for failure to re-claim the animal. In determining the number of prior failures to re-claim, the entire record of the owner with regard to every animal owned will be considered.

The penalty shall be as follows:

(1) First failure to re-claim, thirty dollars (\$30.00).

(2) Second failure to re-claim, forty dollars (\$40.00).

(3) Third and subsequent failures to re-claim, fifty dollars (\$50.00).
(as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019
Ch15_12-10-19)

10-115. Records of impounded animals. The unit shall keep or have access to a record of each impounded animal, the date of receipt of such animal, the date and manner of its disposition and, if redeemed, reclaimed or adopted, the name of the person by whom redeemed, reclaimed or adopted, the address of such person and the amount of all fees received or collected for or because of the impounding, reclaiming or adopting thereof, together with the number of any tag and the date of any license issued upon the redemption or adoption of any such animal. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-116. Authority to trap. It shall be the duty of any animal control officer to set traps for the purpose of carrying out the provisions of this title. Further it shall be unlawful for any person to interfere with an animal control officer while carrying out their duties related to this chapter including; moving, throwing, springing, releasing animals caught in traps or otherwise interfering with traps set by animal control officers. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-117. Authority to destroy animals at large. If any animal found at large in violation of this title cannot be safely taken and impounded, and either poses a threat to a person or the public or is seriously injured, such animal may be destroyed by any police officer or animal control officer. Nothing in this section shall be construed to prevent a police officer or animal control officer from destroying an animal in self-defense. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-118. Cruelty to animals prohibited. (1) A person commits the offense of cruelty to animals by intentionally or knowingly:

- (a) Unreasonably abandoning an animal in the person's custody;
- (b) Unreasonably failing to provide necessary food, water, care or shelter for an animal in the person's custody;
- (c) Strikes, beats, kicks, drags, chokes, or uses an object or weapon to inflict pain upon or to injure an animal;
- (d) Uses of caustic, flammable, boiling or heated substances on an animal;
- (e) Suffocates or drowns an animal;
- (f) Transports or confines an animal in an inhumane manner including, but not limited to, keeping an animal in a vehicle or other type

of conveyance without adequate ventilation and enclosing any animal in the trunk of a vehicle;

(g) Tortures, maims, or mutilates an animal;

(h) Overworks, overdrives or drives an animal when it is overloaded;

(i) Shoots a firearm or other missile-projecting weapon at an animal; wounds, captures, or in any other manner molests, injures, or kills an animal;

(j) Inflicts burns, cuts, or lacerations on an animal by any method;

(k) Fails to provide health related care or grooming of an animal;

(l) Causes an animal, except livestock, to drag any heavy object, including but not limited to, cinder blocks, heavy weights, bricks, chains, or logs; or carrying any other object with the purpose of building up the strength or endurance of an animal; or

(m) Any other act which causes harm or injury to an animal. In the case of activities where physical pain is necessarily caused, such as medical, research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" means a failure to employ the most humane method reasonably available;

(n) Colors, dyes, stains, or otherwise alters the natural color of any animal.

(2) Any person convicted of cruelty to animals shall be subject to a penalty of not less than fifty dollars (\$50.00), plus court costs and administrative fees.

(3) Nothing in this section prevents a person from using reasonable force to drive away a vicious or trespassing animal or to take any action necessary to avoid injury to a person.

(4) It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner's consent, acceptable standards for legal animal competition, or bona fide experimentation for scientific research.

(5) Minimum care. No person owning or keeping an animal shall fail to provide it with the minimum care, nor shall such person keep an animal under unsanitary conditions or in a shelter or an enclosure that is overcrowded, unclean or unhealthy. Except for emergencies or circumstances beyond the owner's control, an animal is deprived of minimum care if it is not provided with care sufficient to preserve the health and well-being of the animal considering the species, breed and type of animal. Minimum care includes but is not limited to, the following requirements:

(a) Food of sufficient quantity, quality and nutrition to allow for normal growth or maintenance of body weight.

(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source.

(c) Access to a well-constructed shelter, barn, doghouse, or other shelter sufficient to protect the animal from the elements. Such shelter must be placed in a dry area free of debris, feces, and standing water.

(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

(e) A shelter or an enclosure is unclean when it contains an excessive amount of animal waste.

(f) A shelter or an enclosure is unhealthy when its condition is likely to cause illness or injury to the animal.

(6) Impoundment. (a) Whenever any animal is a victim of cruelty or otherwise deprived of minimum care as required by this section, it shall be the duty of the administrator or any animal control or police officer to enter such building or premises to take possession of and impound such animal. Such entry shall be affected in accordance with § 10-136. The administrator or any animal control or police officer shall issue a court citation to the owner of the animal or to the appropriate person who is responsible for any such inhumane animal treatment.

(b) Any animal confiscated under this section may be taken to a veterinarian for immediate treatment, and any expenses incurred for veterinary care and treatment shall be the responsibility of the owner.

(c) An animal taken into custody under this section may be humanely disposed of at the discretion of the administrator seven (7) days after the animal is taken into custody. Any person claiming an interest in any animal in custody under this section may prevent disposition of the animal by posting a bond or security in an amount sufficient to provide for the animals care and keeping for at least thirty (30) days, inclusive of the date on which the animal was taken into custody. Even if a bond or security is posted, the administrator may humanely dispose of the animal at the end of the time for which expenses of care and keeping are covered by the bond or security, unless there is a court order prohibiting the disposition. The court is authorized to require a bond in the amount necessary to protect the administrator from any cost of the care, keeping or disposal of the animal. The authority taking custody of an animal under this section shall give notice of this section by posting a copy of it at the place where the animal is taken into custody or by delivering it to a person residing on the property. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-119. Abandonment. (1) It shall be unlawful for any person to abandon an animal that is under the person's ownership or care. If an animal is found abandoned, the animal may be impounded. Abandonment consists of:

(a) Leaving an animal for a period in excess of twenty-four (24) hours without providing for someone to feed, water and check on the animal's condition;

(b) Leaving an animal by a roadside or other area; or

(c) Leaving an animal on either public or private property without the property owner's consent.

(2) Any person convicted of violating this section shall be subject to a fine of not less than fifty dollars (\$50.00), plus court costs and administrative fees. Each animal abandoned is a separate violation. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-120. Poisoning or trapping animals. It shall be unlawful for any person to poison or to trap any animal or aid, abet or assist in the poisoning or trapping or the putting out or placing of poison or a trap at any point or place outside of buildings within the corporate limits of the city where dogs, cats or other domesticated animals may secure or encounter the poison or trap; provided, however, that in instances where any animal by reason of damage to property, danger to life, or threat to public health becomes a nuisance, a live, humane trapping method approved by the board may be used. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-121. Chasing, fighting, or racing. It shall be unlawful for any person to set free any animal within the city limits for the purpose of chasing, fighting or having a race thereafter. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-122. Reckless riding or driving. It shall be unlawful for any person to run, drive or ride any animal in a reckless, disorderly or careless manner through or over any of the streets or property of the city. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-123. Animal waste. The owner of any animal shall remove any excreta deposited by their animal on public walks, recreation areas, public streets or private property other than the premises of the owner of the animal, except where attendants are employed for the purpose of removing the deposits, such as would be the case in a horse show arena, parade or other such event or establishment. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-124. Animal exhibitions. No person shall show or exhibit any animal in any of the streets of the city or at any location within the limits of the city, unless an exhibition permit has been obtained from the administrator. Any approved show, event or exhibition must have a veterinarian immediately available during performances which are open to the public. A permit fee will be charged. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-125. Prohibition against sale or gift of animals under certain conditions. (1) It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits, or to sell such animals after their natural color has been altered.

(2) It shall be unlawful for any person to give away animals as premiums, toys, prizes or novelties. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-126. Prohibition against sale or gift of animals in certain places. It shall be unlawful for any person to sell or give away any animal on the city streets, sidewalks, outdoor commercial areas, specifically including parking lots, or public property within the municipal boundaries of the city. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-127. Animals on school grounds. It shall be unlawful for any owner, or any other person having an animal under his or her care or control to take, allow, or let such animal upon the grounds, property, or premises of any public school operated by the Alcoa School System unless such person shall first have obtained written permission from the director of schools or the director's designee. This section is not applicable to any law enforcement animal, medical services animal or service animal. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-128. Pet dogs in outdoor dining areas at restaurants.

(1) Definition of "pet dog." For purposes of this section, "pet dog" means a dog other than a service animal as defined by the United States Department of Justice in 28 C.F.R. 36.104 and does not include dogs in training to be service animals that are under the control of a credentialed service animal trainer.

(a) No pet dog shall be present in the interior of any restaurant or in any area where food is prepared;

(b) The restaurant shall have the right to refuse to serve the owner of a pet dog if the owner fails to exercise reasonable control over the pet dog or the pet dog otherwise is behaving in a manner which

compromises or threatens to compromise the health or safety of any person present in the restaurant;

(c) Employees shall be prohibited from touching, petting or otherwise handling pet dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment. All public food service establishment employees shall wash their hands promptly after touching, petting or otherwise handling a pet dog;

(d) Employees and patrons shall be instructed that they shall not allow pet dogs to come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved in food service operations;

(e) Patrons shall keep their pet dogs on a leash at all times and keep their pet dogs under reasonable control;

(f) Pet dogs shall not be allowed on chairs, tables or other furnishings;

(g) Accidents involving pet dog waste shall be cleaned immediately by the person who brought the pet dog upon the premises and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area;

(h) A sign or signs reminding employees and patrons of the applicable rules shall be posted in a visible location upon the premises of the outdoor dining area. The restaurant owner shall erect a sign at the appropriate location within the restaurant stating: "Only service animals permitted beyond this point."

(2) Permit fee. (a) Any restaurant owner and/or proprietor wishing to obtain a permit authorizing pet dogs in outdoor dining areas shall pay a permit fee and shall complete an application for such permit in the business office of the city. The application shall request such information as deemed appropriate by the finance director, including, but not limited to, the names and contact information for at least one (1) person responsible for management of the business during all hours when the business is open to the public. The application also shall contain a certification that the applicant is aware of all laws, ordinances, rules and regulations pertaining to permitting dogs to be in outdoor dining areas, together with an affirmative statement to be signed by the applicant verifying that the applicant shall abide by all such laws, ordinances, rules and regulations at all times. Educational information including, but not limited to, Department of Justice White Paper, shall be distributed to applicants for a permit.

(b) Any applicant/permittee shall fully cooperate with any governmental entity having responsibility for enforcement of title 53,

chapter 1 of the Tennessee Code, and any other applicable statutes and ordinances.

(c) Revocation of permit. Any violation of this part by the holder of the permit shall, upon conviction, result in a fine not to exceed fifty dollars (\$50.00) for each offense plus court costs and administrative fees, and shall also subject the permit holder to revocation of the permit.

(3) Enforcement. Any person in violation of this section will be subject to a fine of fifty dollars (\$50.00), plus any court costs and fees adjudged in city court. Obligations imposed by this chapter on the owner of or person responsible for a pet dog shall be enforced against the owner or the person responsible for the dog. Obligations imposed by this ordinance on the restaurant or the employees thereof shall be enforced against the manager of the restaurant. Obligations that may reasonably be construed as being imposed against either the owner of or person responsible for a pet dog, or the restaurant or the employees thereof, may be enforced against the owner of or person responsible for the pet dog, or the manager of the restaurant, or both. Each act in violation of this section constitutes a separate offense punishable by a fine of fifty dollars (\$50.00) plus court costs and administrative fees. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-129. Citation; assessment of fines. (1) Generally. In discharging their duties under this title, the administrator or any animal control or police officer is hereby empowered to issue citations to any person if there is reasonable cause to believe that such person has violated any of the provisions of this title. Citations so issued may be delivered in person to the violator or they may be delivered by registered mail to the person so charged if he or she cannot be readily found. Any notice or citation so delivered or mailed shall direct the alleged violator to appear at the municipal court of the city on a specific day and at a specific hour stated in the notice; and the time so specified shall be not less than seventy-two (72) hours after its delivery to the alleged violator. Failure to accept delivery shall constitute delivery as of the date of return of the notice. All cases of citations for violation of any of the provisions of this title shall be tried in the municipal court. The judge of the municipal court shall assess fines or other penalties against any person convicted of violating any of the provisions of this title, and if a fine is imposed, it shall not be more than fifty dollars (\$50.00) for each violation upon which a judgment is rendered, plus all court costs and fees.

(2) Recordkeeping requirements. The city court clerk shall be responsible for all city court record keeping, otherwise the unit shall be responsible for the maintenance of its records.

(3) Failure to appear. If an alleged violator of any section of this title does not appear in municipal court at or before the day and hour named in the notice, the alleged violations will be adjudged guilty and assessed any applicable

fees and costs. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-130. Citation procedure for violations of this title. Whenever the administrator, an animal control officer, or law enforcement officer determines there has been a violation of any of the provisions in this title, they may issue a citation to appear in city court. The citation shall include the name and address of such person, the offense charged, and the date and time when such person shall appear in city court. The time specified for appearance shall not be less than five (5) days from the date of the issuance to appear, unless the person cited agrees to a shorter time period. The cited person shall sign one (1) copy of the notice to appear. Signing the citation shall constitute the cited person's promise to appear on the date specified in the notice. One (1) copy of the citation shall be delivered to the cited person. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-131. Interference with officers, violation of orders. It shall be unlawful for any person to interfere with or hinder any animal control officer or any police officer while such officer(s) are in the performance of their duties prescribed in accordance with title 10. It shall further be unlawful for any person to violate any orders issued by an animal control officer or police officer regarding the seizure, impoundment or confinement of an animal as provided herein. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-132. Failure to obey animal control citation. No person shall violate his or her written promise to appear provided for in § 10-131, regardless of the disposition of the charge for which the citation was originally issued. Failure to appear is a separate charge from the original citation and carries a fine of fifty dollars (\$50.00). (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-133. Acceptance of guilty pleas and penalties for animal control violations. The city court clerk is hereby authorized to accept pleas of guilty for violations of this title, to accept designated penalties in connection with such pleas, and to issue receipts therefore, all in accordance with such procedures as may be established by the judge of the city court. Such fines and costs shall be accepted upon the entry of any plea of guilty before the court clerk. The amount of such penalty to be accepted shall be so designated by rule of court promulgated by the judge of the city court; provided that no such penalty may be accepted for a sum less than the minimum imposed by any section of this title for such offense. Any person given a citation for a violation of any provision of this title may post the penalty appropriate thereto and notify the clerk of the city court that he or she will not appear for trial in which case the matter may

be entered on the docket for trial. Court costs as set forth by the city will be collected in addition to any other penalties on all citations issued under title 10. (as added by Ord. #07-125, May 2007, and replaced by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-134. Collection and disposition of fees. All fees required by this title shall be collected as required and shall be deposited as required by law.

10-135. Penalties. Any person violating any provision of this title, unless the penalty is specified in the section, shall be punished by a penalty not to exceed fifty dollars (\$50.00) plus court costs and administrative fees. Each day a violation exists shall be deemed a separate violation. (as added by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-136. Inspections; warrant for entry. (1) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this title or other applicable law, or whenever there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this title or other applicable law, the administrator or any animal control or police officer is hereby empowered to enter such property at any reasonable time and to inspect the property and perform any duty imposed by this title or other applicable law, but only if the consent of the occupant or owner of the property is freely given or a search warrant is obtained, as follows:

(a) If such property is occupied, he shall first present proper credentials to the occupant and request entry, explaining his reasons therefor;

(b) If such property is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the property, present proper credentials and request entry, explaining his reasons therefor; and

(c) If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the administrator, animal control or police officer shall obtain a warrant to conduct a search of the property.

(2) Notwithstanding any other provision of this chapter, the administrator or any animal control or police officer shall have the authority to enter upon any property to enforce the provisions of this chapter if a violation of such law is being committed in the presence of the administrator or officer. (as added by Ord. #19-470, June 2019 *Ch15_12-10-19*)

10-137. Severability. If any section, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity

of the remaining portions of this title. (as added by Ord. #19-470, June 2019
Ch15_12-10-19)

CHAPTER 2

RABIES CONTROL

SECTION

- 10-201. Vaccination of animals.
- 10-202. Apprehension and disposition of rabid animals and suspects.
- 10-203. Quarantine of animals inflicting, or suspected of inflicting, a bite or suspected of being rabid.
- 10-204. Quarantine of animals in contact with rabid animals.
- 10-205. Report required when person bitten by an animal.
- 10-206. Veterinarians to report result of examination of animal that has bitten a person.
- 10-207. Forwarding of head to state health department.
- 10-208. Surrender and examination of carcasses of animals.
- 10-209 – 10-216. [Deleted.]

10-201. Vaccination of animals. (1) It shall be unlawful for any person to own, keep, or harbor any dog or cat, or other animal that requires vaccination for rabies, which has not been vaccinated against rabies as required by state law.

(2) Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the animal shall be re-vaccinated, description and sex of the animal vaccinated, type and lot number of the vaccine administered and the license number of the veterinary clinic administering the vaccine.

(3) All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Tennessee. (1971 Code, § 3-201, as replaced by Ord. #-7-125, May 2007)

10-202. Apprehension and disposition of rabid animals and suspects. Any animal capable of being infected with rabies, which is rabid or believed to be rabid, shall be immediately reported to the police department. Such animal shall be taken up and impounded if this can be accomplished with safety. If it is necessary for the city to destroy the animal to prevent further biting or for the safety of the community, every effort shall be made to avoid damage to the brain. (1971 Code, § 3-202, as replaced by Ord. #07-125, May 2007)

10-203. Quarantine of animals inflicting, or suspected of inflicting, a bite or suspected of being rabid. (1) Any animal that is suspected of or has bitten a human being, or is suspected of being infected with rabies shall be quarantined at a facility designated by the City of Alcoa for no

less than ten (10) days from the time the bite or scratch occurred. The owner shall be responsible for all quarantine fees and costs.

(2) No animal that is suspected of or has bitten a human being or is suspected of being infected by rabies shall be killed or destroyed or removed from the city unless authorized by the City of Alcoa.

(3) Only animals that appear to be without rabies shall be released from quarantine or impoundment.

(4) No person shall hide, kill, conceal or aid or assist in hiding, killing, or concealing any animal suspected of being infected with rabies or permit the same to be removed from the city for the purpose of preventing the quarantine. (1971 Code, § 3-203, as replaced by Ord. #07-125, May 2007)

10-204. Quarantine of animals in contact with rabid animal. All animals capable of being infected with rabies that have come in contact with a rabid animal shall be quarantined and vaccinated as follows:

(1) If no vaccination for rabies has been given within the previous twelve (12) months, the animal shall be vaccinated and quarantined for ninety (90) days.

(2) If the animal has been vaccinated for rabies within the previous twelve (12) months, the animal shall be revaccinated and quarantined for thirty (30) days. (1971 Code, § 3-204, as replaced by Ord. #07-125, May 2007)

10-205. Report required when person is bitten by an animal. Whenever a person is bitten by an animal capable of being infected with rabies, prompt report of such bite shall be made to the police department. Such report shall be made by any physician attending the person bitten, or, if such person is at a hospital, the report shall be made by the person in charge. Such report shall contain all information required by the division of animal control. When a physician was not consulted or the person not taken to a hospital, the report shall be made by the person bitten or any other person with knowledge of the facts. (1971 Code, § 3-205, as replaced by Ord. #07-125, May 2007)

10-206. Veterinarians to report result of examination of animal that has bitten a person. Whenever a veterinarian is called upon to examine an animal capable of transmitting rabies that has bitten a person, the veterinarian shall promptly report the results of the examination to the division of animal control. (1971 Code, § 3-206, as replaced by Ord. #07-125, May 2007)

10-207. Forwarding of head to state health department. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under quarantine, the division of animal control shall send the head of such animal to the state health department for pathological examination. (1971 Code, § 3-207, as replaced by Ord. #07-125, May 2007)

10-208. Surrender and examination of carcasses of animals. The carcass of any dead animal found within the city shall, upon demand, be surrendered to the division of animal control for examination if, in the opinion of an animal control officer, such examination is necessary or advisable. (1971 Code, § 3-208, as replaced by Ord. #07-125, May 2007)

10-209--10-216. [Deleted.] (1971 Code § § 3-209--3-216, as deleted by Ord. #07-125, May 2007)

CHAPTER 3

VICIOUS DOGS

SECTION

- 10-301. Definition.
- 10-302. Vicious dogs prohibited.
- 10-303. Requirements for keeping a vicious dog.
- 10-304. Impoundment.
- 10-305. Notice of impoundment.
- 10-306. Exceptions.
- 10-307. Change of status.
- 10-308. Change of ownership.
- 10-309. Guard dogs.
- 10-310. Dog fighting.
- 10-311. Penalties.

10-301. Definition. "Vicious dog" means: (1) Any dog with a known propensity, tendency, or disposition to attack without provocation, to cause serious injury, or to otherwise threaten the safety of human beings or domestic animals; or

(2) Any dog which, without provocation, has attacked or bitten a human being or domestic animal; or

(3) Any dog owned or harbored primarily or in part for the purpose of dog fighting. (as added by Ord. #07-125, May 2007)

10-302. Vicious dog prohibited. (1) It shall be unlawful for any person to keep or harbor a vicious dog within the corporate city limits of the City of Alcoa unless said vicious dog is confined. Dogs maintained as guard dogs in compliance with the provisions of § 10-309 hereof shall be excluded from the provisions of this section.

(2) If any vicious dog is impounded, any authorized officer may institute proceedings in the City of Alcoa Municipal Court against the owner charging the owner with violation of this chapter. Nothing in this section shall be construed as preventing appropriate authorities of the City of Alcoa or a complaining citizen from instituting a proceeding in the City of Alcoa Municipal Court for violation of this chapter where there has been no impoundment.

(3) If a complaint has been filed in the City of Alcoa 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, payment of all charges and cost under this chapter, including penalties for violating this chapter.

Nothing in this section shall be construed to require a dog to be declared vicious prior to taking action under state law. (as added by Ord. #07-125, May 2007)

10-303. Requirements for keeping a vicious dog. (1) Confinement. All vicious dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The pen or structure shall have minimum dimensions of five (5) feet in width and length by ten (10) feet in height and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two (2) feet. All pens or structures must be kept clean and sanitary. The enclosure must provide shelter and protection from the elements and must provide adequate exercise room, light and ventilation. For purposes of this section, an underground fence system is insufficient confinement. Under no circumstances may more than one (1) vicious dog be kept in any one pen or structure.

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

(3) Number of vicious dogs per residence. Only one (1) vicious dog may be owned per residence.

(4) Leash and muzzle. The owner of a vicious dog shall not allow the dog to go outside its kennel, pen, or structure unless the dog is muzzled, under the physical control of a capable adult, and restrained by a leash not more than four (4) feet in length, which shall be bright yellow in color, and of sufficient strength to control the dog. The muzzle must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human being or animal.

(5) Signs. The owner of a vicious dog shall display, in a prominent place on the owner's premises, a clearly visible warning sign reading "Beware of Vicious Dog." The sign shall be legible from the driveway entrance or street. The owner shall also display a sign with a symbol warning children of the presence of a vicious dog. Similar signs shall be posted on the dog's kennel, pen or structure. The sign shall be at least twelve (12) inches by twelve (12) inches in size.

(6) Insurance. The owner of a vicious dog shall obtain public liability insurance of at least one hundred thousand dollars (\$100,000.00), per dog, insuring the owner for any damage or personal injury that may be caused by his vicious dog. The policy shall contain a provision requiring the city to be notified immediately by the agent issuing the policy in the event that the policy is canceled, terminated or expired. The owner must provide proof of the insurance to the division of animal control. If there is a lapse in insurance or a

cancellation, the owner shall be in violation of this chapter. (as added by Ord. #07-125, May 2007)

10-304. Impoundment. When a dog has severely attacked a human being or domestic animal and a police officer or animal control officer witnessed the attack or witnessed the injuries caused by the attack, or when a police officer or animal control officer witnesses any dog with a known propensity, tendency, or disposition to attack without provocation, to cause serious injury, or to otherwise threaten the safety of human beings or domestic animals showing those tendencies, or any dog owned or harbored primarily or in part for the purpose of dog fighting, such dog shall be immediately impounded. (as added by Ord. #07-125, May 2007)

10-305. Notice of impoundment. Within five (5) days of impoundment of a dog under § 10-304, the division of animal control shall notify the dog's owner, if known, in writing of the impoundment. (as added by Ord. #07-125, May 2007)

10-306. Exceptions. (1) This section shall not apply to any dog used by the police department or law enforcement agencies.

(2) No dog shall be considered vicious solely based on injury or damage sustained by a person who was entering the owner's property to commit burglary, robbery, assault, willful trespass or other tort or crime.

(3) No dog shall be considered vicious solely based on injury or damage sustained by a person who was teasing, tormenting, abusing, assaulting, or otherwise provoking the dog.

(4) No dog shall be considered vicious solely because it bites or attacks:

(a) A person assaulting its owner, excluding a police officer attempting to subdue or effect the arrest of a suspect; or,

(b) An unrestrained animal that attacks it or its young while it is restrained in compliance with this chapter. (as added by Ord. #07-125, May 2007)

10-307. Change of status. The owner of a vicious dog shall notify the division of animal control:

(1) Immediately if the vicious dog is unconfined and on the loose, or has attacked a human being or domestic animal without provocation;

(2) If the owner has moved outside of the city limits and shall give the owner's address; or,

(3) If the dog has died. (as added by Ord. #07-125, May 2007)

10-308. Change of ownership. (1) If the owner of a vicious dog sells, gives away, or otherwise transfers custody of the vicious dog, the owner shall,

within three (3) days, provide the division of animal control with the name, address, and telephone number of the new owner.

(2) The previous owner shall notify the new owner of the dog's designation as a vicious dog and, if the new owner resides within the city limits, of the requirements and conditions for keeping a vicious dog set forth in § 10-303.

(3) If the new owner resides within the city limits, the new owner must obtain the required enclosure prior to the acquisition of the vicious dog or confine the dog indoors.

(4) The new owner must fully comply with the provisions of this section, including obtaining liability insurance, prior to the acquisition of the vicious dog. (as added by Ord. #07-125, May 2007)

10-309. Guard dogs. It shall be unlawful for any person to place or maintain guard dogs within the city limits of the City of Alcoa for the protection of persons or property unless:

(1) The guard dog shall either be (a) confined or (b) under the absolute control of a handler at all times when not confined; and

(2) 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. Such signs shall be in lettering clearly visible from either the curblineline or a distance of fifty (50) feet whichever is lesser, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-fours (24) hours a day. (as added by Ord. #07-125, May 2007)

10-310. Dog fighting. (1) No person shall possess, harbor, or maintain care or custody of any dog for the purpose of dog fighting, nor shall any person train, torment, badger, bait, or use any dog for the reason of causing or encouraging the dog to attack human beings or domestic animals.

(2) No person shall permit a dogfight to take place upon their premises or premises within their control.

(3) No person shall knowingly be a spectator at a dogfight.

(4) Any dog found on the premises of the dogfight or in the immediate vicinity shall be impounded.

(5) A conviction under this section shall not relieve a person from prosecution for cruelty to animals under § 10-118. (as added by Ord. #07-125, May 2007)

10-311. Penalties. Any person violating the provisions of § 10-303 upon conviction shall be fined fifty dollars (\$50.00) and each day of violation shall be deemed a separate violation. Further any violation of § 10-303 will subject the person to penalties under § 10-304. (as added by Ord. #07-125, May 2007)

CHAPTER 4**SERVICE ANIMALS****SECTION**

10-401 Defined.

10-401. Defined. Nothing in this title shall be construed to restrict the use of service animals. The term "service animals" means any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability as defined by the Americans with Disabilities Act. (as added by Ord. #07-125, May 2007)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PERSON.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
7. MISCELLANEOUS.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Public intoxication.
 11-102. Minors in beer places.
 11-103. Drinking beer or any other alcoholic beverages in public places.

11-101. Public intoxication. A person commits the offense of public intoxication who appears in a public place under the influence of a controlled substance or any other intoxicating substance to the degree that the offender may be endangered; there is endangerment to other persons or property; or the offender unreasonably annoys people in the vicinity. (Ord. #986, July 1995)

11-102. Minors in beer places. No person under the age of 21 shall loiter in or around, work in, or otherwise frequent any place where beer is sold

¹Municipal code references

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

²Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

State law reference

- See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

at retail for consumption on the premises and where the sale of beer is the primary source of income for the business establishment. (Ord. #986, July 1995)

11-103. Drinking beer or any other alcoholic beverages in public places. (1) It shall be unlawful for any person to drink or consume beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has a beer permit and license for on premises consumption.

(2) It shall be unlawful for any person to drink or consume intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or any other public place.

(3) Nothing in the section shall make it unlawful for any priest or minister of any religious denomination or sect to receive and possess wines for sacramental purposes, or for any common or other carrier to ship or transport wine for such purposes to any priest or minister of any religious denomination or sect; or for druggists to receive and possess alcohol and other intoxicating liquors and such preparations as may be sold by druggists for the special purposes and in the manner provided by law, for manufacturers of medicines that conform to the provisions of law, or for bona fide hospitals or medical clinics, to receive and possess alcohol for use on bona fide patients of such hospitals, or in the manufacturing of such medicines, or for any common or other carrier to ship or transport such liquor or alcohol, for such purposes to such druggists or hospitals, or manufacturer of medicines; for any person engaged in the manufacturer of thermostatic devices or temperature regulators to import alcohol into this municipality for use in the manufacture and charging of such devices and regulators; for bona fide educational institutions to receive and possess alcohol for scientific and therapeutic purposes, or for any common or other carrier to ship or transport such alcohol for such purposes to such bona fide educational institutions; or for any person to transport intoxicating liquor not in excess of the quantity permitted by applicable federal and state law.

(4) No person, including any driver of any vehicle, shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this municipality, nor shall any person have an open container of intoxicating beverage or beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place. For purposes of this section an open container means any container containing alcoholic beverages or beer, the contents of which are immediately capable of being consumed or the seal of which has been broken. For purposes of this section, a motor vehicle is in operation if the driver is in physical control of the automobile, whether or not the motor vehicle is moving. (Ord. #986, July 1995)

CHAPTER 2**OFFENSES AGAINST THE PERSON****SECTION**

11-201. Assault.

11-201. Assault. It shall be unlawful for any person to commit an assault. A person commits an assault who:

(1) Intentionally, knowingly or recklessly causes bodily injury to another;

(2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or

(3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative. (Ord. #986, July 1995)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disorderly conduct, disrupting meeting or procession.

11-302. Anti-noise regulations.

11-301. Disorderly conduct, disrupting meeting or procession. No person shall engage in disorderly conduct, obstruct or interfere with a lawful meeting, procession or gathering, or harass another person.

A person engages in disorderly conduct if that person, in a public place and with intent to cause public annoyance or alarm:

- (1) Engages in fighting or in violent or threatening behavior;
- (2) Refuses to obey an official order to disperse issued to maintain public safety; or
- (3) Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose. A person also violates this section who makes unreasonable noise which prevents others from carrying on lawful activities.

A person commits an offense of disrupting a meeting or procession if, with the intent to prevent or disrupt a lawful meeting, procession or gathering, the person substantially obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance. (Ord. #986, July 1995)

11-302. 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 an 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) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonable loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The playing of any radio, phonograph, stereo, compact disc player, or any musical instrument or sound device, including but not limited to loud speakers or other devices

for reproduction or amplification of sound, either independent 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.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets 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.

(d) 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.

(e) Uses of vehicle. The uses of any automobile, motorcycle, truck or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request to proper municipal authorities.

(g) 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.

(h) Building operations. The erections (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 6:30 A.M. and 8:00 P.M. Monday through Friday and 6:30 A.M. and 6:00 P.M. on Saturday, except in case of urgent necessity in the interest of public health and safety, and then only with the permit from the building inspector granted for the period which 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 excavations of streets and highways during any otherwise prohibited hours and/or Sunday, and if he should further determine that loss or inconvenience would result to any party in the interest through delay, he may grant permission for such work to be done during those otherwise prohibited hours and/or on Sunday upon application being made.

(i) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading and unloading of any

vehicle or the opening and destruction of bales, boxes, crates and other containers.

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

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

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

(a) Municipal vehicles. Any vehicle of the municipality 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 municipality, the county, or the state, when the public welfare or convenience renders it impractical to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the city recorder as provided for herein. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the uses of such systems shall be restricted to the hours so designated in the permit as provided for herein.

(3) If a particular activity is authorized herein upon application for, and obtaining, a permit from the city recorder, any person seeking such a permit must file with the city recorder a registration statement in writing. This registration statement shall be filed in duplicate and shall state the following:

(a) Name and home address of the applicant.

(b) Address of place of business of applicant.

(c) License number and motor number of the sound truck, amplifiers or loudspeakers to be used by applicant.

(d) Name and address of person who own the sound truck, amplifiers or loudspeakers.

(e) Name and address of person having direct charge of sound truck, amplifiers or loudspeakers.

(f) Names and addresses of all persons who will use or operate the sound truck, amplifiers or loudspeakers.

(g) The purpose for which the sound truck, amplifiers or loudspeakers will be used.

(h) A general statement as to the section or sections of the city in which the sound truck, amplifiers or loudspeakers will be used.

(i) The proposed hours of operation of the sound truck, amplifiers or loudspeakers.

(j) The number of days for the proposed operation of the sound truck, amplifiers or loudspeakers.

(k) A general description of the sound amplifying equipment which is to be used.

(l) The maximum sound producing power of the sound amplifying equipment in or on the sound truck, amplifiers or loudspeakers. State the following: The wattage to be used, the volume in decibels of the sound which will be produced, and the approximate maximum distance for which sound will be thrown from the sound truck, amplifiers or loudspeakers.

Any such registration statement shall be amended by the person who has submitted the registration statement forty-eight (48) hours after any change in the information therein furnished. The city recorder shall return to each applicant one (1) copy of said registration statement duly certified by the city recorder as a correct copy of said application. Said certified copy of the application shall be in the possession of any person operating the sound truck, amplifier or loudspeaker at all times while the amplification equipment is in operation, and said copy shall be promptly displayed and shown to any policeman of the City of Alcoa upon request. (Ord. #986, July 1995, as amended by Ord. #13-318, Sept. 2013)

CHAPTER 4**INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL****SECTION**

11-401. Obstruction of justice offenses.

11-402. False emergency alarms.

11-403. Coercing people not to work.

11-404. Criminal impersonation.

11-401. Obstruction of justice offenses. (1) The following definitions shall apply in this section:

(a) The term "complaining witness" means a person who makes a criminal complaint; and

(b) The term "custody" means under arrest by a law enforcement officer or under restraint by a public servant pursuant to an order of the court; and

(c) "Escape" means unauthorized departure from custody or failure to return to custody following temporary leave for a specific purpose or limited period, but does not include a violation of conditions of probation or parole.

(2) It is an offense for a person to intentionally prevent or obstruct anyone known to the person to be a law enforcement officer, or anyone acting in a law enforcement officer's presence and at such officer's direction, from effecting a stop, frisk, halt, arrest or search of any person, including the person who commits the offense, by interfering with the law enforcement officer or another. It is no defense to prosecution under this section that the stop, frisk, halt, arrest or search was unlawful. It is an offense for a person to intentionally prevent or obstruct an officer of the municipality in serving, or attempting to serve or execute, any legal writ or process. It is unlawful for any person to intentionally flee from anyone the person knows to be a law enforcement officer and the person:

(a) Knows the officer is attempting to arrest the person; or

(b) Has been arrested.

It is a defense to prosecution under this section that the attempted arrest was unlawful.

It is unlawful for any person to solicit, accept or agree to accept any benefit in consideration of refraining from reporting to a law enforcement officer the commission or suspected commission of an offense. It is unlawful for a complaining witness to solicit, accept or agree to accept any benefit in consideration of abstaining from, discontinuing or delaying the prosecution of another for an offense. It is a defense to prosecution under this section that the benefit was solicited or accepted by the victim and did not exceed an amount

reasonably believed by the victim to be due as restitution or indemnification for loss caused by the offense.

It is unlawful for any person to intentionally or knowingly permit or facilitate the escape of a person in custody.

It is unlawful for any person to knowingly fail to appear as directed by a lawful authority if the person has been lawfully issued a citation in lieu of arrest; or knowingly goes into hiding to avoid prosecution or court appearance. It is a defense to prosecution under this section that the person had a reasonable excuse for failure to appear at the specified time and place. Nothing in this section shall apply to witnesses. (Ord. #986, July 1995)

11-402. False emergency alarms. It is unlawful for any person to:

(1) Report to a law enforcement officer an offense or incident within the officer's concern knowing the offense or incident did not occur or knowing the information relating to the offense is false;

(2) Intentionally initiate or circulate a report of a past, present, or impending bombing, fire or other emergency, knowing that the report is false or baseless and knowing it will cause action of any sort by an official or volunteer agency organized to deal with those emergencies; it will place a person in fear of imminent bodily injury; or it will prevent or interrupt the occupation of any building, place of assembly, form of conveyance, or any other place to which the public has access. (Ord. #986, July 1995)

11-403. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (Ord. #986, July 1995)

11-404. Criminal impersonation. A person commits criminal impersonation who, with intent to injure or defraud another person, assumes a false identity; pretends to be a representative of some person or organization; pretends to be a law enforcement officer, or another officer or employee of the government; or pretends to have a handicap or disability. (Ord. #986, July 1995)

CHAPTER 5**FIREARMS, WEAPONS AND MISSILES****SECTION**

11-501. Weapons and firearms generally. Throwing missiles.

11-501. Weapons and firearms generally. Throwing missiles.

(1) It shall be unlawful for any person within the corporate limits to carry in any manner whatever with the intent to go armed, any razor, dirk, bowie knife or other knife of like form, shape or size, sword cane, ice pick, sling shot, black-jack, brass-knucks, spanish stiletto, or a fountain pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, except an army or navy pistol which shall be carried openly in the hand, or any other dangerous weapon; provided, however, that this section shall not apply to any person employed in the army, air force, navy or marine service of the United States, or to any officer or policeman, or to any director, commissioner, or similar head of any metropolitan or municipal police department in this state, whether elected or appointed, while bona fide engaged in his official duties, in the execution of process, or while searching for or engaged in arresting criminals, nor to persons who may have been summoned by such officer or policeman, in the discharge of his said duties, and in arresting criminals and transporting and turning them over to the proper authorities; nor shall said provisions apply to any conductor of any passenger or freight train of any steam railroad while he is on duty; provided further that persons who may be employed in the army, air force, navy or marine service as aforesaid shall only carry such pistols as are prescribed by the army, air force, navy or marine regulations.

(2) It shall be unlawful for any person within the corporate limits to carry in any manner whatever, with the intent to go armed, any pocket knife with a blade exceeding four (4) inches in length.

(3) Whenever any person is arrested and convicted for the possession or carrying of any dangerous weapons, which under this section he is prohibited from possessing or carrying, said weapon shall be confiscated and become the property of the City of Alcoa.

(4) All dangerous weapons confiscated under the provisions of this section may be destroyed or otherwise disposed of under the supervision of the city judge of the City of Alcoa before whom the arrested person is tried; provided, however, that in no event shall said weapon or weapons be returned to the person arrested or any of his relatives or friends.

(5) It shall be unlawful for any person in the municipality to discharge any firearm, air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method.

This section shall not apply to persons engaged in organized and supervised shooting sponsored by a person, firm, or corporation holding a permit for such activity issued by the city manager as hereinafter provided. Any person, firm, or corporation desiring such a permit shall make application in writing to the city manager, which application shall contain such information as the city manager shall direct, including but not limited to the following: the name of the person, firm, or corporation desiring such permit, the name of the person supervising such activity, the location where such activity will be conducted, the provisions for the safety of the public, a diagram of the shooting area, the dates when such shooting will be conducted, and the financial responsibility of such applicant. If the city manager finds that reasonable safety precautions have been taken, and that applicant is financially responsible, or has sufficient liability insurance coverage, he may issue a permit to engage in such activity together with a list of conditions and limitations the city manager deems advisable. Said permit may be revoked by the city manager without notice if, in his opinion, the public welfare requires it.

(6) It shall be unlawful for any person to maliciously throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (Ord. #986, July 1995)

CHAPTER 6**TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC****SECTION**

- 11-601. Trespassing.
- 11-602. Trespassing on trains.
- 11-603. Interference with traffic.
- 11-604. Criminal trespass or trespass by motor vehicle.
- 11-605. Loitering.

11-601. Trespassing. A person commits the offense of trespassing who, knowing he does not have the owner's effective consent to do so, enters or remains on property, or a portion thereof. Knowledge that the person did not have the owner's effective consent may be inferred where notice against entering or remaining is given by personal communication to the person by the owner or by someone with apparent authority to act for the owner; fencing or other enclosure obviously designed to exclude intruders; or posting reasonably likely to come to the attention of intruders. It is a defense to prosecution under this section that the property was open to the public when the person entered and remained; the person's conduct did not substantially interfere with the owner's use of the property; and the person immediately left the premises upon request. (Ord. #986, July 1995)

11-602. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to, any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (Ord. #986, July 1995)

11-603. Interference with traffic. A person commits an offense who, without legal privilege, intentionally, knowingly or recklessly:

(1) Obstructs a highway, street, sidewalk, railway, waterway, elevator, aisle, or hallway to which the public, or a substantial portion of the public, has access; or any other place used for the passage of persons, vehicles or conveyances, whether the obstruction arises from the person's acts alone or person's acts and the acts of others; or

(2) Disobeys a reasonable request or order to move issued by a person known to be a law enforcement officer, a fireman, or a person with authority to control the use of the premises to prevent obstruction of a highway or passageway; or maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot or other hazard. For purposes of this section,

"obstruct" means to render impassable or to render passage unreasonably inconvenient or potentially injurious to persons or property. (Ord. #986, July 1995)

11-604. Criminal trespass or trespass by motor vehicle. A person commits criminal trespass who, knowing he does not have the owner's effective consent to do so, enters or remains on property, or a portion thereof. Knowledge that the person did not have the owner's effective consent may be inferred where notice against entering or remaining is given by:

(1) Personal communication to the person by the owner or by someone with apparent authority to act for the owner;

(2) Fencing or other enclosure obviously designed to exclude intruders;

or

(3) Posting reasonably likely to come to the attention of intruders. It is a defense under this section that:

(a) The property was open to the public when the person entered and remained;

(b) The person's conduct did not substantially interfere with the owner's use of the property; and

(c) The person immediately left the premises upon request. For purposes of this section, the term "enter" means intrusion of the entire body.

Any person 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 upon such property, or adjoining property or for use otherwise in connection with activities conducted upon such property, or adjoining property, after such person has been requested or ordered to leave the property or to cease doing any of the foregoing actions is guilty of an offense against the municipality. A request or order under this section may be given by a law enforcement officer or by the owner, lessee, or other person having the right to the use or control of the property, or any authorized agent or representative thereof, including, but not limited to private security guards hired to patrol the property. As used in this section, the term "motor vehicle" includes an automobile, truck, van, bus, recreational vehicle, camper, motorcycle, motorbike, mo-ped, go-cart, all-terrain vehicle, dune buggy, and any other vehicle propelled by motor. (Ord. #986, July 1995)

11-605. Loitering. (1) A person commits the offense of loitering when he or she is lingering, remaining or prowling in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, including but not limited to any of the following circumstances:

(a) In or near a school, college or university building or grounds, not having any reason or relationship involving custody of or responsibility for a student or any other specific legitimate reason for being there and not having written permission to be there from anyone authorized to grant permission.

(b) In a public place or on the premises of another for the purpose of begging.

(c) In a public place for the purpose of unlawful gambling. Indicia of gambling include, but are not limited to, the presence of cards, dice or other gambling paraphernalia.

(d) In a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviant sexual activity.

(e) In a public place for the purpose of unlawfully obtaining, distributing, or consuming an alcoholic beverage.

(f) In a public place for the purpose of unlawfully obtaining, distributing or using a controlled substance. Conduct that is deemed, where warranted under the circumstances, adequate to establish one's purpose to engage in obtaining or distributing a controlled substance, includes but is not limited to:

(i) Repeatedly beckoning to or stopping pedestrian or motorists in a public place; and/or,

(ii) Repeatedly passing an object to or receiving an object from pedestrians or motorists in a public place; and/or,

(iii) Repeatedly circling in a public place in a motor vehicle and on one or more occasions passing an object to or receiving an object from a person in a public place;

(g) On or about the premises of another for the purpose of spying upon or invading the privacy of another.

(h) On or about the premises of any off-site customer-bank communication terminal without any legitimate purpose.

(2) Among the circumstances which may be considered in determining whether alarm or immediate concern is warranted is the fact that:

(a) The person takes flight upon appearance of law enforcement; and/or,

(b) The person refuses to identify himself or herself; and/or,

(c) The person manifestly endeavors to conceal himself or herself or any object.

(3) Prior to any arrest for violation of this section, unless flight or other circumstances make it impracticable, a law enforcement officer shall give the person an opportunity to dispel any alarm or immediate concern by requesting the person to identify himself or herself and explain his or her presence and conduct.

(4) No person shall be convicted for this offense if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that

the explanation given by the person was true and should have dispelled the alarm or immediate concern.

(5) Violation of this offense constitutes a civil offense punishable by a fine of up to fifty dollars (\$50.00). (as added by Ord.#08-176, Sept. 2008)

CHAPTER 7

MISCELLANEOUS

SECTION

- 11-701. Abandonment of airtight containers.
- 11-702. Caves, wells, cisterns, etc.
- 11-703. Posting notices.
- 11-704. Indecent exposure.
- 11-705. Vandalism.
- 11-706. Inciting to riot, etc.
- 11-707. Fireworks.
- 11-708. Curfew for minors.
- 11-709. Failure to appear.
- 11-710. Capture or use of image using unmanned aircraft: use of unmanned aircraft over prohibited sites or facilities; offense and penalty.

11-701. Abandonment of airtight containers. It is an offense for a person to place or permit to remain outside any dwelling, building, or other structure, or within any warehouse or storage or any unoccupied or abandoned dwelling, building, or other structure, under such circumstances as to be accessible to children, any icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with a latch or other fastening device capable of securing such door or lid shut. (Ord. #986, July 1995)

11-702. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern or other such opening in the ground is dangerous to life and limb without an adequate cover or safeguard. (Ord. #986, July 1995)

11-703. Posting notices. No person should fasten, in any way, any show-card, poster or any other advertising device upon public property unless legally authorized to do so. (Ord. #986, July 1995)

11-704. Indecent exposure. It shall be unlawful for any person to, in a public place or on the private premises of another, or so near thereto as to be seen from such private premises intentionally:

- (1) Expose such person's genitals or buttocks to one (1) or more persons; or
- (2) Engages in sexual contact or sexual penetration; and
- (3) Reasonably expects the acts will be viewed by another and such acts:

- (a) Will offend an ordinary viewing person; or
- (b) Offer the purpose of sexual arousal and gratification of the person committing the offense. (Ord. #986, July 1995)

11-705. Vandalism. Any person who knowingly causes damage to or destruction to any real or personal property of another person or of the municipality, knowing that he does not have the owner's effective consent, is guilty of an offense under this section. "Damage" includes, but is not limited to, destroying, polluting or contaminating property; or tampering with property and causing pecuniary loss or substantial inconvenience to the owner or a third person. "Polluting" is the contamination by manmade or maninduced alteration of the chemical, physical, logical or radiological integrity of the atmosphere, water, or soil to the material injury of the right of another. Pollutants include dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sledge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste. (Ord. #986, July 1995)

11-706. Inciting to riot. (1) As used in this section, the following terms shall have the following meanings:

- (a) The term "participates" includes:
 - (i) Assembling with or joining a group of three (3) or more persons who riot; and
 - (ii) Being present, aiding and abetting a riot; or
 - (iii) Refusing any lawful order of law enforcement officers during the course of a riot; and

(b) The term "riot" means a disturbance in a public place involving an assemblage of three (3) or more persons which, by tumultuous and violent conduct, creates grave danger of substantial damage to property or serious bodily injury to persons or substantially obstructs law enforcement or other governmental functions.

(2) A person commits an offense who knowingly participates in a riot. A person commits an offense who incites or urges three (3) or more persons to create or engage in a riot. (Ord. #986, July 1995)

11-707. Fireworks. It shall be a violation of this section for an individual, firm, partnership, or corporation to possess, sell, manufacture, or use within this municipality any pyrotechnics commonly known as "fireworks".

Fireworks shall not be used, including igniting or discharging the same, within the city limits of Alcoa. Nor shall any fireworks be used in such a manner as to constitute a violation of § 11-302.

This section shall not apply to the possession or use of fireworks, for public display, by employees of the municipality, in lawful performance of their duties, or by an individual, firm, partnership, or corporation who has first

obtained a permit from the State of Tennessee to possess, store, or use fireworks. (Ord. #986, July 1995)

11-708. Curfew for minors. (1) It is unlawful for any person who has not reached his/her eighteenth (18th) birthday to loiter, wander, stroll, or play in or upon the public streets, sidewalks, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any place unsupervised by an adult having the lawful authority to be at such places between the hours of 10:30 p.m. and 6:00 a.m. Sunday through Friday and between the hours of 11:30 p.m. and 6:00 a.m. Friday through Sunday, provided that the provisions of this section shall not apply in the following instances:

(a) When a minor is accompanied by his/her parent, guardian, or other adult person having the lawful care and custody of the minor;

(b) When a minor is upon an emergency errand directed by his/her parent or guardian or other adult person having the lawful care and custody of such minor;

(c) When a minor is returning directly home from a sanctioned school function, religious activity, or place of public entertainment. This exception does not apply beyond 1:00 a.m. on any day;

(d) When a minor is directly en route to or from lawful employment that makes it necessary to be in the above-referenced places during the prescribed period of time. This travel time shall not exceed forty-five (45) minutes;

(e) When a minor is attending or traveling directly to or from an activity involving his/her first amendment rights;

(f) When a minor is within a motor vehicle, with parental consent, for interstate travel through the City of Alcoa.

(2) It shall be unlawful for any person having the legal care and custody of any person under eighteen (18) years of age to allow or permit such minor to be in or upon the public streets or any other place listed in paragraph (1) above within the time therein prohibited except in circumstances set forth within that section. The violation of this subsection of this section shall be declared a misdemeanor and any person upon being found guilty of such violation shall be fined up to fifty dollars (\$50.00) for each offense.

(3) Confinement of minor for violation. (a) Any police officer may confine any minor willfully violating the provisions of paragraph (1) above of this chapter and detain him/her for a reasonable length of time, in which complaint can be made and a petition issued and served; provided that no minor so confined shall be placed in detention until he/she has first been taken to the Alcoa Police Department and contact has been made with his/her parents or guardians and the parents or guardians have refused to be held responsible for the violation of paragraph (1) above by such minor.

(b) In cases where the parents or guardians have refused to become responsible for minors in violation of the provisions of paragraph (1) above, the officer shall have an option of summoning the minor to juvenile court or placing the minor into the custody of the juvenile court. (Ord. #1008, June 1996)

11-709. Failure to appear. Adoption, by reference, of Tennessee Code Annotated, § 7-63-105. A violation of this section shall be punishable by a fine of up to fifty dollars (\$50.00). (as added by Ord. #06-105, Dec. 2006)

11-710. Capture or use of image using unmanned aircraft: use of unmanned aircraft over prohibited sites or facilities; offense and penalty. (1) To protect the identity and security of persons, particularly youth who participate in curriculum, extracurricular activities and other events within the City of Alcoa, and subject to the exceptions set forth in Tennessee Code Annotated, § 39-13-902(a), a person commits an offense if the person:

(a) Uses an unmanned aircraft to capture an image of an individual or privately owned real property in this state with the intent to conduct surveillance on the individual or property captured in the image; or,

(b) Knowingly uses an image in a manner prohibited by Tennessee Code Annotated, § 39-13-902(b); or,

(c) Without the consent of the venue owner or operator, uses an unmanned aircraft to intentionally capture an image of an individual or event at an open-air event venue wherein more than one hundred (100) individuals are gathered for a ticketed event, whether said event is being held on private or public property; or,

(d) (i) Knowingly uses an unmanned aircraft within or over a designated fireworks discharge site, fireworks display site, or fireworks fallout area during an event as defined in Tennessee Code Annotated, § 68-104-202, without the consent of the owner or operator of the event; and

(ii) For purposes of this subdivision (1)(d):

(A) "Discharge site" means the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;

(B) "Display site" means the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to spectator viewing areas, but not including the spectator viewing areas or vehicle parking areas; and

(C) "Fallout area" means the designated area in which hazardous debris is intended to fall after a pyrotechnic device, including display fireworks, is fired; or

(e) (i) Without the business operator's written consent, knowingly uses an unmanned aircraft within two hundred fifty feet (250') of the perimeter of any critical infrastructure facility for the purpose of conducting surveillance of, gathering evidence or collecting information about, or photographically or electronically recording, critical infrastructure data.

(ii) As used in this subdivision (1)(e), "critical infrastructure facility" means:

(A) An electrical power generation system; electrical transmission system, either as a whole system or any individual component of the transmission system; or electrical distribution substation;

(B) A petroleum refinery;

(C) A manufacturing facility that utilizes any hazardous substance, as defined in § 68-131-102, either in storage or in the process of manufacturing;

(D) A chemical or rubber manufacturing facility;

(E) A petroleum or chemical storage facility;

(F) A water or wastewater treatment facility;

(G) Any facility, equipment, or pipeline infrastructure utilized in the storage, transmission, or distribution of natural gas or propane; and

(H) Railroad yards and facilities not open to the general public.

(iii) This subdivision (1)(e) shall not prohibit an unmanned aircraft system from operating for commercial purposes in compliance with authorization granted by the Federal Aviation Administration.

(2) A person commits an offense if the person captures an image in violation hereof, and possesses that image.

(3) An offense under this section is a Class C misdemeanor civil ordinance violation punishable by a fine of up to fifty dollars (\$50.00).

(4) It is a defense to prosecution under this section that the person destroyed the image:

(a) As soon as the person had knowledge that the image was captured in violation of this section; and,

(b) Without disclosing, displaying, or distributing the image to a third party.

(5) Any other use of such image is prosecutable as a criminal violation of state law. (as added by Ord. #16-388, June 2016)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. RESIDENTIAL CODE.
3. PLUMBING CODE.
4. ELECTRICAL CODE.
5. [DELETED.]
6. PROPERTY MAINTENANCE CODE.
7. MECHANICAL CODE.
8. ENERGY CONSERVATION CODE.
9. [DELETED.]

CHAPTER 1

BUILDING CODE¹

SECTION

- 12-101. Building code adopted.
- 12-102. Local modifications.
- 12-103. Available in recorder's office.
- 12-104. Violations.

12-101. Building code adopted. Pursuant to authority granted by the Tennessee Code Annotated, §§ 6-54-501 through 6-54-510 and for the purpose of regulating the construction, alteration, repair, use and 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,² 2018 edition, and Appendices A and B thereto, with the modifications thereto hereinafter set forth, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, except as otherwise specifically stated in this chapter, and

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: title 18.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

is hereinafter referred to as the "building code." (Ord. #1028, Oct. 1996, as amended by Ord. #R01-022, Sept. 2001, as replaced by Ord. #07-133, July 2007, Ord. #12-282, May 2012, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-102. Local modifications. The following sections and appendices of the International Building Code, 2018 edition, are hereby amended in the City of Alcoa, as hereinafter provided:

(1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the City of Alcoa by inserting "City of Alcoa" as the name of the jurisdiction.

(2) Chapter 1, Scope and Administration: Section 101.2.1 Appendices. is hereby amended locally in the City of Alcoa by inserting at the end of the section the following:

"The following Appendices are specifically included in the adoption. All others are excluded.

- Appendix A Employee Qualifications
- Appendix B Board of Appeals"

(3) Chapter 1, Scope and Administration: Section 101.4.3 Plumbing. is hereby amended locally in the City of Alcoa by deleting the last sentence and inserting the following:

"Private sewage disposal systems shall comply with the regulations of the Blount County Environmental Health Department."

(4) Chapter 1, Scope and Administration: Section 103.1 Creation of enforcement agency. is hereby amended locally in the City of Alcoa by deleting Section 103.1 in its entirety and replacing with the following:

"Section 103.1 Building Official. The provisions of this code shall be enforced by the Building Official."

(5) Chapter 1, Scope and Administration: Section 104.10.1 Flood hazard areas. is hereby amended locally in the City of Alcoa by deleting Section 104.10.1 in its entirety with no replacement.

(6) Chapter 1, Scope and Administration: Section 105.4 Validity of permit. is hereby amended locally in the City of Alcoa by inserting the following at the beginning:

"A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans of in construction, or of violation of this code. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code."

(7) Chapter 1, Scope and Administration: Section 105.5. Expiration. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"105.5. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 60 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 60 days after the time the work is commenced.

Extensions of time may be granted by the Building Official; however, the extension must be requested in writing and justifiable cause demonstrated. The building official is authorized to grant, in writing, one or more extensions of time. Each extension shall be for a period of time not to exceed 180 days. A fee of fifty percent (50%) of the permit fee of the original permit shall be charged to cover administrative expenses for each extension granted."

(8) Chapter 1, Scope and Administration: Section 105.6 Suspension or revocation. is hereby amended locally in the City of Alcoa by inserting at the end the following:

"After a permit has become void, if the owner wishes to commence construction to complete the structure for which the original permit was issued, the Owner shall reapply for a new building permit for the completion of the construction. When a new building permit is issued, the permit fee for the completion of the construction shall be equal to the permit fee that was paid when the original permit was issued."

(9) Chapter 1, Scope and Administration: Section 105.7 Placement of Permit. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"105.7 Placement of Permit. The building permit or copy shall be kept on the site of the work or be made available to inspectors upon request until the completion of the project."

(10) Chapter 1, Scope and Administration: Section 107.3.4 Design Professional in responsible charge. is hereby amended locally in the City of Alcoa by inserting the following at the end of the first paragraph:

"The registered design architect shall be the responsible design professional in responsible charge unless otherwise designated by the owner or the owner's authorized agent."

(11) Chapter 1, Scope and Administration: Section 110.5 Inspection request. is hereby amended locally in the City of Alcoa by inserting the following at the end:

"No inspections shall be performed on any site or portion thereof where there is an unsafe condition or a violation of the occupational safety and health standards for the construction industry promulgated by the Occupational Safety and Health Administration (OSHA)."

(12) Chapter 1, Scope and Administration: Section 111.1 Change of occupancy. is hereby amended locally in the City of Alcoa by inserting the following at the end of the paragraph and before the exception:

"Said certificate shall not be issued until the following have been tested and approved by the appropriate agency or department:

- Fire protection systems
- Mechanical Systems
- Utility systems
- Site work beyond the confines of the building
- General building construction requirements."

(13) Chapter 1, Scope and Administration: Section 113 Board of Appeals. is hereby amended locally in the City of Alcoa by changing the title from "Board of Appeals" to "Construction Board of Adjustments and Appeals". Every occurrence of "Board of Appeals" in Section 113 and its subsections shall be changed to "Construction Board of Adjustments and Appeals Board".

(14) Chapter 1, Scope and Administration: Section 114.4, Violation and Penalties is hereby locally amended in the City of Alcoa by deleting the section in its entirety and insert in its place:

"Any person, firm, corporation, tenant, owner or agent who shall violate a provision of this code, or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, demolish, or move any structure, or has erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of a detailed statement or drawing submitted and permitted thereunder, or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law and the enforcement and penalty clause of this Ordinance."

(15) Chapter 10, Means of Egress: Section 1008.2 Means of egress illumination. is hereby amended locally in the City of Alcoa by inserting the following under "Exceptions":

"5. Unenclosed pavilions and similar structures that are not provided with electrical utility service and not intended for occupancy after daylight hours."

(16) Chapter 10, Means of Egress: Section 1015.2 Where required. is hereby amended locally in the City of Alcoa by deleting the first sentence and replacing it with the following sentence:

"Guards shall be provided along open-sided walking surfaces or ground surfaces, mezzanines, industrial equipment platforms, retaining walls, stairways, ramps, landings and any other locations that are located more than 30 inches above the floor or grade below at any point within 36 inches horizontally to the edge of the open side."

(17) Chapter 16, Structural Design: Section 1612.3 Establishment of flood hazard areas. is hereby amended locally in the City of Alcoa by inserting "Blount County, Tennessee, and Incorporated Areas, City of Alcoa for name of

jurisdiction community number 475421 and inserting "September 19, 2007 " as the date of issuance.

(18) Chapter 28: Mechanical Systems. is hereby amended locally in the City of Alcoa by deleting every reference to "International Fuel Gas Code". The International Fuel Gas Code is specifically not adopted in the City of Alcoa.

(19) Chapter 29, Plumbing Systems: Section 2901.1 Scope. is hereby amended locally in the City of Alcoa by deleting the sentence "Private sewage disposal systems shall conform to the International Private Sewage Disposal Code." and replacing with the following:

"Private sewage disposal systems shall comply with the regulations of the Blount County Environmental Health Department."

(20) Chapter 29, Plumbing Systems: Section 2902.3 Employee and public toilet facilities. is hereby amended locally in the City of Alcoa by inserting the following at the end:

"Exception 3: Unenclosed pavilions and similar structures with a floor area of one thousand square feet or less and not served with water and sewer services shall not be required to provide public toilet facilities or other plumbing fixtures. For the purpose of this section guards as described in Section 1015, whether said guards are required or not by this code, shall not be considered to enclose the structure."

(21) Appendix B: Board of Appeals. is hereby amended locally in the City of Alcoa by changing the title from "Board of Appeals" to "Construction Board of Adjustments and Appeals". Every occurrence of "Board of Appeals" in Appendix B and its subsections shall be changed to "Construction Board of Adjustments and Appeals".

(22) Appendix B: Section B101.2 Membership of board. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"The Construction Board of Adjustments and Appeals shall consist of seven (7) persons appointed by the chief appointing authority for four year terms and shall serve staggered and overlapping terms. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board."

(23) Appendix B: Section B101.2.2 Qualifications. is hereby amended locally in the City of Alcoa by deleting the word "five" and replacing it with the word "seven" in the first sentence. Appendix B Section B101.2.2 is also amended locally by inserting "or as determined by the Building Official" after the word "disciplines".

(24) Appendix B: Section B101.3.3 Postponed Hearing. is hereby amended locally in the City of Alcoa by deleting the word "five" and replacing it with the word "seven".

(25) Appendix B: Section B101.4 Board decision. is hereby amended locally in the City of Alcoa by inserting the word "majority" after the word "concurring" and deleting "of two-thirds of its members". (1971 Code, § 4-102, modified, as

amended by Ord. #03-001, Feb. 2003, and Ord. #04-039, Nov. 2004, and Ord. #07-121, April 2007, replaced by Ord. #07-133, July 2007, amended by Ord. #07-146, Nov. 2007, and replaced by Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-103. Available in recorder's office. The Commission of the City of Alcoa hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days prior to the passage of this ordinance, will remain on file as long as this ordinance is in effect, and that all public hearing and notice requirements in Tennessee Code Annotated, § 6-54-501 et seq. have been or will be met by the time of the final passage of this ordinance. (1971 Code, § 4-103, modified, as replaced by Ord. #07-133, July 2007, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-104. Violations. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the City of Alcoa or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the city shall be entitled to recover from any person adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this chapter. Additionally, violators may in the discretion of the city be subject to fines and penalties to be imposed by the administrative hearing officer pursuant to Tennessee Code Annotated, § 6-54-1001 et seq. as adopted locally in the city code. (1971 Code, § 4-104, as replaced by Ord. #07-133, July 2007, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

CHAPTER 2

RESIDENTIAL CODE

SECTION

- 12-201. Residential code adopted.
- 12-202. Local modifications
- 12-203. Available in recorder's office.
- 12-204. Violations.

12-201. Residential code adopted. Pursuant to authority granted by the Tennessee Code Annotated, §§ 6-54-501 through 6-54-510 and for the purpose of regulating the construction, alteration, repair, use and 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 for One- and Two-Family Dwellings,¹ 2018 edition, Chapters 1-23, 25-33, 44 and Appendices E, H, and J thereto, with the modifications thereto hereinafter set forth, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, except as otherwise specifically stated in this chapter, and is hereinafter referred to as the "residential code." (Ord. #1027, Oct. 1996, as amended by Ord. #R01-022, Sept. 2001, and replaced by Ord. #07-133, July 2007, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-202. Local modifications. The following sections and appendices of the International Residential Code for One- and Two-Family Dwellings, 2018 edition, are hereby amended in the City of Alcoa, as hereinafter provided:

(1) Chapter 1, Scope and Administration: Section R101.1 Title. is hereby amended locally in the City of Alcoa by inserting "City of Alcoa" as the name of the jurisdiction.

(2) Chapter 1, Scope and Administration: Section R102.5 Appendices. is hereby amended locally in the City of Alcoa by inserting at the end of the section the following:

"The following Appendices are specifically included in the adoption. All others are excluded.

- Appendix E Manufactured Housing Used As Dwellings
- Appendix H Patio Covers
- Appendix J Existing Buildings and Structures"

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

(3) Chapter 1, Scope and Administration: Section R103.1 Creation of enforcement agency. is hereby amended locally in the City of Alcoa by deleting Section R103.1 in its entirety and replaced with the following:

"Section R103.1 Building Official. The provisions of this code shall be enforced by the Building Official."

(4) Chapter 1, Scope and Administration: Section R104.10.1 Flood hazard areas. is hereby amended locally in the City of Alcoa by deleting Section R104.10.1 in its entirety.

(5) Chapter 1, Scope and Administration: Section R105.4 Validity of permit. is hereby amended locally in the City of Alcoa by inserting the following at the beginning:

"A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans of in construction, or of violation of this code. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis on incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code."

(6) Chapter 1, Scope and Administration: Section R105.5. Expiration. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 60 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 60 days after the time the work is commenced.

Extensions of time may be granted by the Building Official; however, the extension must be requested in writing and justifiable cause demonstrated. The Building Official is authorized to grant, in writing, one or more extensions of time. Each extension shall be for a period of time not to exceed 180 days. A fee of fifty percent (50%) of the permit fee of the original permit shall be charged to cover administrative expenses for each extension granted."

(7) Chapter 1, Scope and Administration: Section R105.6 Suspension or revocation. is hereby amended locally in the City of Alcoa by inserting at the end the following:

"After a permit has become void, if the owner wishes to commence construction to complete the structure for which the original permit was issued, the Owner shall reapply for a new building permit for the completion of the construction. When a new building permit is issued, the

permit fee for the completion of the construction shall be equal to the permit fee that was paid when the original permit was issued."

(8) Chapter 1, Scope and Administration: Section R105.7 Placement of Permit. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"R105.7 Placement of Permit. The building permit or copy shall be kept on the site of the work or be made available to inspectors upon request until the completion of the project."

(9) Chapter 1, Scope and Administration: Section R109.3 Inspection request. is hereby amended locally in the City of Alcoa by inserting the following at the end:

"No inspections shall be performed on any site or portion thereof where there is an unsafe condition or a violation of the occupational safety and health standards for the construction industry promulgated by the Occupational Safety and Health Administration (OSHA)."

(10) Chapter 1, Scope and Administration: Section R110.1 Use and occupancy. is hereby amended locally in the City of Alcoa by inserting the following at the end of the paragraph and before the exception:

"Said certificate shall not be issued until the following have been tested and approved by the appropriate agency or department:

- Fire protection systems
- Mechanical systems
- Utility systems
- Site work beyond the confines of the building
- General building construction requirements"

(11) Chapter 1, Scope and Administration: Section R112 Board of Appeals. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"Section R112 Construction Board of Adjustments and Appeals

R112.1 Appeals relative to the application of this code shall be as established and regulated by the International Building Code as locally adopted and amended in the City of Alcoa."

(12) Chapter 1, Scope and Administration: Section 113.4, Violation and Penalties is hereby locally amended in the City of Alcoa by deleting the section in its entirety and the following substituted in lieu thereof:

"Any person, firm, corporation, tenant, owner or agent who shall violate a provision of this code, or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, demolish, or move any structure, or has erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of a detailed statement or drawing submitted and permitted thereunder, or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."

(13) Chapter 3, Building Planning: Section R301.2 Climatic and geographic design criteria. is hereby amended locally in the City of Alcoa by inserting the following information in Table R301.2 (1):

"Table R301.2 (1) Climatic and Geographic Design Criteria.

Insert "10 PSF" in the table for Ground Snow Load.

Insert "115" in the table for Wind Speed.

Insert "No" in the table for Topographic Effects.

Insert "No" in the table for Special Wind Region.

Insert "No" in the table for Windborne Debris Zone.

Insert "C" in the table for Seismic Design Category.

Insert "Severe" in the table for Weathering.

Insert "12 inches" in the table for Frost Line Depth.

Insert "Moderate to heavy" in the table for Termite.

Insert "19 degrees Fahrenheit" in the table for Winter Design Temp.

Insert "No" in the table for Ice Barrier Underlayment Required.

Insert in the table for Flood Hazards:

"(a) "December 7, 1971 is the date for City of Alcoa's entry into the National Flood Insurance Program; (b) September 19, 2007 is the date of the Flood Insurance Study, and, (c) the effective FIRM panels are 0119, 0120, 0137, 0138, 0139, 0143, 0232, 0234, 0235, 0251, 0252, 0253, 0254, 0255, and 0275 dated September 19, 2007"

Insert "210" in the table for Air Freezing Index.

Insert "59.4" in the table for Mean Annual Temp.

Insert "980 feet" in the table for Elevation.

Insert "350 North" in the table for the Latitude.

Insert "190 F" in the table for Winter Heating.

Insert "900 in the table for Summer Cooling.

Insert "0.97" in the table for Altitude Correction Factor.

Insert "700 F (Heat)" in the table for Indoor Design Temperature.

Insert "750 F - 700 F" in the table for Design Temperature Cooling.

Insert "510 F in the table for Heating Temperature Difference.

Insert "150 - 200 F" in the table for Cooling Temperature Difference.

Insert "15 mph" in the table for Wind Velocity Heating.

Insert "7.5 mph" in the table for Wind Velocity Cooling.

Insert "740 F" in the table for Coincident Wet Bulb.

Insert "Medium" in the table for Daily Range.

Insert "700 db no visible condensation" in the table for Winter Humidity.

Insert "50% @ 750 db" in the table for Summer Humidity.

(14) Chapter 3, Building Planning: Section R301.2.2 Seismic provisions. is hereby amended locally in the City of Alcoa by deleting item 1, renumbering item 2 to item 1 and inserting "and townhouses" just after the word dwellings and at the end of the section inserting "All references to "townhouses in seismic design category C" in Chapters 6, 7 and 28 shall not apply in the City of Alcoa."

(15) Chapter 3, Building Planning: Section R301.2.2.1 Determination of seismic design category. is hereby amended locally in the City of Alcoa by deleting the entire sentence and replacing with "Buildings shall be assigned a seismic design category in accordance with Table R301.2.2.1.1. For the purpose of determining the seismic design category for this code in the City of Alcoa the value for SDS in Table R301.2.2.1.1 shall be 0.414g."

(16) Chapter 3, Building Planning: Section R302.5.1 Opening protection. is hereby amended locally in the City of Alcoa by deleting the words ", equipped with a self-closing device" and insert a period after the word "doors".

(17) Chapter 3, Building Planning: Section R302.13 Fire protection of floors. is hereby amended locally in the City of Alcoa by deleting the words "or electric-powered" in exception 2.

(18) Chapter 3, Building Planning: Section R303.4 Mechanical ventilation. is hereby amended locally in the City of Alcoa by adding the word "(Optional)." in the section title after the word ventilation and by deleting the words "the dwelling unit shall be provided with whole-house mechanical ventilation" and replacing with the words "dwelling units provided with whole-house mechanical ventilation shall be"

(19) Chapter 3, Building Planning: Section R.311.2 Egress Door. is hereby amended locally in the City of Alcoa by replacing the word "one (1)" with "two (2)" in the first sentence, as well as replacing the word "door" with "doors" also in the first sentence.

(20) Chapter 3, Building Planning: Section R312.1.1 Where required. is hereby amended locally in the City of Alcoa by deleting the first sentence and replacing it with the following sentence:

"Guards shall be provided along open-sided walking surfaces or ground surfaces, mezzanines, retaining walls, stairways, ramps, landings and any other locations that are located more than 30 inches above the floor or grade below at any point within 36 inches horizontally to the edge of the open side."

(21) Chapter 3, Building Planning: Section R312.2 Window fall protection. is hereby amended locally in the City of Alcoa by deleting section R312.2 and its subsections in their entirety.

(22) Chapter 3, Building Planning: Section R313.1 Townhouse automatic fire sprinkler systems. is hereby amended locally in the City of Alcoa by deleting the entire section and the exception and replacing with "Automatic residential fire sprinkler systems shall not be required to be install in townhouses in the City of Alcoa. Installation of automatic fire extinguishing systems in townhouses shall be optional. Nothing in this code shall be construed as requiring automatic fire extinguishing systems in townhouses. See Tennessee Code Annotated, Section 68-120-101(a)(8)."

(23) Chapter 3, Building Planning: Section R313.1.1 Design and installation. is hereby amended locally in the City of Alcoa by inserting "Where installed" at the beginning before the word "automatic".

(24) Chapter 3, Building Planning: Section R313.2 One- and two-family dwellings automatic fire sprinkler systems. is hereby amended locally in the City of Alcoa by deleting the entire section and the exception and replacing with "Automatic residential fire sprinkler systems shall not be required to be install in one- and two-family dwellings in the City of Alcoa. Installation of automatic fire extinguishing systems in townhouses shall be optional. Nothing in this code shall be construed as requiring automatic fire extinguishing systems in one- and two-family dwellings. See Tennessee Code Annotated, Section 68-120-101(a)(8)."

(25) Chapter 3, Building Planning: Section R313.2.1 Design and installation. is hereby amended locally in the City of Alcoa by inserting "Where installed" at the beginning before the word "automatic".

(26) Chapter 3, Building Planning: Section R322.1.7 Protection of water supply and sanitary sewage. is hereby amended locally in the City of Alcoa by deleting "and Chapter 3 of the International Private Sewage Disposal Code" and inserting ", the requirements of the water and sewer service utility providers and the Blount County Health Department" in its place.

(27) Chapter 4, Foundations: Figure R403.1 (1) Concrete and Masonry Foundation Details. is hereby amended locally in the City of Alcoa by inserting a note in the figure as follows:

"The bottom of all foundations shall extend a minimum of 12 inches below finished grade."

(28) Chapter 5, Floors: Section R502.11.4 Truss Design Drawings. is hereby amended locally in the City of Alcoa by deleting "to the building official and approved prior to installation" and replacing it with "for review when required by the building official".

(29) Chapter 8, Roof-ceiling Construction: Section R802.10.1 Truss design drawings. is hereby amended locally in the City of Alcoa by deleting "to the building official and approved prior to installation" and replace it with "for review when required by the building official".

(30) Chapter 11 [RE]: Energy Efficiency: Table N1102.1.1 (R402.1.1) Insulation and Fenestration Requirements by Component is hereby amended locally in the City of Alcoa by:

In the row for climate zone "4 except Marine", change Ceiling R-Value from "R49" to "R-38", and change the Wood Frame Wall R-Value from "20 or 13 + 5" to "13", and change the Mass Wall R-Value from "8/13" to "5/10".

(31) Chapter 11 [RE]: Energy Efficiency: Table N1102.1.3 (R402.1.3) Equivalent U-Factors is hereby amended locally in the City of Alcoa by:

In the row for climate zone "4 except Marine", change Ceiling U-Factor from "0.026" to "0.030", and change the Frame Wall U-Factor from "0.060" to "0.082", and change the Mass Wall U-Factor from "0.098" to "0.141".

- (32) Chapter 11 [RE]: Energy Efficiency: Section N1102.2.6 (R402.2.6) Steel-frame ceilings, walls, and floors. is hereby amended locally in the City of Alcoa by inserting "Table N1102.1.1," after the first occurrence of the word "of".
- (33) Chapter 11 [RE]: Energy Efficiency: Section N1102.4.1.1 (R402.4.1.1) Installation. is hereby amended locally in the City of Alcoa by adding the words "and visual inspection option." after the word "Installation" in the section title, and adding the words ", and be field verified." after the word "construction".
- (34) Chapter 11 [RE]: Energy Efficiency: Section N1102.4.1.2 (R402.4.1.2) Testing. is hereby amended locally in the City of Alcoa by adding the word "(optional)" after the word "Testing" in the section title, and inserting "Where required by the building official," before the first sentence.
- (35) Chapter 11 [RE]: Energy Efficiency: Section N1103.1.1 (R403.1.1) Programmable thermostat. is hereby amended locally in the City of Alcoa by adding the word "(optional)." after the word "thermostat" in the section title, and inserting "Where required by the building official and," before the first sentence.
- (36) Chapter 11 [RE]: Energy Efficiency: Section N1103.3.3 (R403.3.3) Duct testing (Mandatory). is hereby amended locally in the City of Alcoa by deleting the word "(Mandatory)" in the section title and "inserting "Where required by the building official," at the beginning.
- (37) Chapter 11 [RE]: Energy Efficiency: Section N1103.5.3 (R403.5.3) Hot water pipe insulation (Prescriptive). is hereby amended locally in the City of Alcoa by deleting the word "Prescriptive" and replacing it with the word "Optional" in the section title, by inserting before the first sentence "Where required by the building official,", and by inserting "Where required by the building official," before the words "All remaining piping".
- (38) Chapter 11 [RE]: Energy Efficiency: Section N1103.6 (R403.6) Mechanical ventilation (Mandatory). is hereby amended locally in the City of Alcoa by deleting the word "Mandatory" and replacing it with the word "Optional" in the section title, and deleting "The building shall be provided with ventilation that meets" and replacing with "Buildings provided with mechanical ventilation shall comply".
- (39) Chapter 11 [RE]: Energy Efficiency: Section N1103.10 (R403.10) Pools and permanent spa energy consumption (Mandatory). is hereby amended locally in the City of Alcoa by deleting the word "Mandatory" and replacing it with the word "Optional" in the section title, and inserting "Where required by the building official," before the first sentence.
- (40) Chapter 26, General Plumbing Requirements: Section P2603.5.1 Sewer depth. is hereby amended locally in the City of Alcoa by inserting in two places "twelve inches" as the number to be inserted.
- (41) Chapter 30, Sanitary Drainage: Section P3002.2 Building Sewer. is hereby amended locally in the City of Alcoa by deleting the section in its entirety and the following substituted in lieu thereof:
- "P3002.2 Approved Material: Building Sewer Pipe and Pipe Fittings.

Only the following materials will be accepted in the installation of building sewer pipes and fittings:

1. Cast iron soil pipe and fittings,
2. Brass fittings,
3. Bronze fittings,
4. Type 1 PVC pipe and fittings, minimum schedule 40 (ASTM 0-2665),
5. ASTM D - 3034 PVC pipe encapsulated with six (6) inches of bedding material (Size no. 7 or 67 crushed stone) on the top, both sides, and the bottom of the pipe,
6. Ductile iron pipe and fittings.

The following pipe and fitting materials are specifically prohibited:

1. Asbestos - cement pipe and fittings,
2. Concrete pipe and fittings,
3. Coextruded PVC pipe under building slabs and in outside building sanitary sewers.

(42) Chapter 30, Sanitary Drainage: Section P3003.13 Joints between different materials. is hereby amended locally in the City of Alcoa by inserting the following at the end:

"Co-mingling of materials in the building sewer shall be accomplished only through the use of neoprene adapters with stainless steel bands."

(43) Chapter 30, Sanitary Drainage: Section P3005.1 Drainage fittings and connections. is hereby amended locally in the City of Alcoa by inserting the following at the end:

"Bends greater than 45 degrees shall be prohibited in the building sewer."

(44) Chapter 30, Sanitary Drainage: Section P3005.2.6 Cleanout plugs. is hereby amended locally in the City of Alcoa by deleting the entire section and replacing with:

"Cleanout plugs shall be copper alloy, plastic or other approved materials. Cleanout plugs for borosilicate glass piping systems shall be of borosilicate glass. Copper alloy cleanout plugs shall conform to ASTM A74 and shall be limited for use only on metallic piping systems. Cleanout plugs in building sewers shall have countersunk heads or be of the recessed slot type only."

(45) Chapter 30, Sanitary Drainage: Section P3005.2.2 Spacing. is hereby amended locally in the City of Alcoa by inserting the following at the end:

"Cleanouts in building sewers shall be installed not more than 80 feet apart measured from the upstream entrance of the cleanout."

(46) Chapter 30, Sanitary Drainage: Section P3005.2.4 Change of direction. is hereby amended locally in the City of Alcoa by deleting the words "building sewer," in the first sentence with nothing to be inserted in its place and inserting the following at the end of the section:

"In the building sewer cleanouts shall be installed at each change of direction which is greater than 90 degrees. (Please note that this change

may be accomplished with two or more fittings. Example - Two 45 degree bends and a 22 1/2 degree bend installed in succession shall require a cleanout be installed between them regardless length of separation.)"

(47) Chapter 30, Sanitary Drainage: Section P3005.2.9 Accessibility. is hereby amended locally in the City of Alcoa by inserting the following at the end:

"All building sewer cleanouts shall be provided with clearance of not less than 36 inches (914 mm) for rodding."

(48) Chapter 30, Sanitary Drainage: Section P3005.2.3 Building drain and building sewer junction. is hereby amended locally in the City of Alcoa by deleting the section in its entirety and the following substituted in lieu thereof:

"Building drain and building sewer junction. The first exterior cleanout shall be located a minimum of three (3) feet but no more than five (5) feet from the exterior wall of the building without prior approval of the plumbing official."

(49) Chapter 30, Sanitary Drainage: Section P3005.4.2. Building drain and sewer size and slope. is hereby amended locally in the City of Alcoa by inserting the following at the end:

"Notwithstanding the above, four (4) inch nominal diameter building sewer drainage piping shall have a minimum fall of 1/4 inch per foot, and six (6) inch nominal diameter building sewer drainage piping shall have a minimum fall of 1/8 inch per foot."

(50) Appendix E: Manufactured Housing Used As Dwellings: Section AE304.3.2.1 Investigation. is hereby amended locally in the City of Alcoa by inserting "Where required by the building official," before the first sentence.

(51) Appendix E: Manufactured Housing Used As Dwellings: Section AE304.3.2.2 Fee. is hereby amended locally in the City of Alcoa by inserting "Where required by the building official," before the first sentence.

(52) Appendix E: Manufactured Housing Used as Dwellings: Section AE305.5.1 Structural inspections for the manufactured home installation. is hereby amended locally in the City of Alcoa by inserting at the end of the section:

"Exception: The inspections required by this section shall not apply to manufactured homes as exempted by the State of Tennessee but shall apply to any construction or installation of decks, porches, steps or other structures or equipment. All manufactured homes shall pass a final inspection and have a certificate of occupancy issued." (1971 Code, § 4-202, modified, as amended by Ord. #07-121, April 2007, replaced by Ord. #07-133, July 2007, and Ord. #14-326, Jan. 2014, amended by Ord. #14-332, May 2014, and replaced by Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-203. Available in recorder's office. . The Commission of the City of Alcoa hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15)

days prior to the passage of this ordinance and that all public hearing and notice requirements in Tennessee Code Annotated § 6-54-501 et seq. have been or will be met by the time of the final passage of this ordinance. (1971 Code, § 4-203, modified, as replaced by Ord. #07-133, July 2007, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-204. Violations. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the City of Alcoa or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the city shall be entitled to recover from any person adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this chapter." In the city's discretion, violations of this part may further be adjudicated by and administrative hearing officer pursuant to Tennessee Code Annotated, 6-54-1001 et seq. as adopted locally in the city code. (1971 Code, § 4-204, as deleted by Ord. #07-133, July 2007, and replaced by Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

CHAPTER 3

PLUMBING CODE¹

SECTION

- 12-301. Plumbing code adopted.
- 12-302. Local modifications.
- 12-303. Available in recorder's office.
- 12-304. Violations.

12-301. Plumbing code adopted. Pursuant to authority granted by §§ 6-54-501 through 6-54-510 of the Tennessee Code Annotated and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the City of Alcoa water or sewerage system, the International Plumbing Code,² 2018 edition, and subsequent modifications thereto, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, except as particularly stated otherwise in this chapter, and is hereinafter referred to as the "plumbing code." (Ord. #1029, Oct. 1996, modified, as replaced by Ord. #07-133, July 2007, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-302. Local modifications. The following sections and appendices of the International Plumbing Code, 2018 edition, are hereby amended in the City of Alcoa, as hereinafter provided:

- (1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the City of Alcoa by inserting "City of Alcoa" as the name of the jurisdiction.
- (2) Chapter 1, Scope and Administration: 101.2 Scope. is hereby locally amended in the City of Alcoa by deleting the third and fourth sentences, and at the end of the first paragraph inserting:

"The provisions of the International Plumbing Code 2018 Edition shall apply to the installation, alteration, repair and replacement of plumbing

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

²Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of private sewage disposal systems shall comply with the regulations of the Blount County Environmental Health Department.

Provisions in the appendices shall not apply unless specifically adopted. The following Appendices are specifically included in the adoption. All others are excluded.

- Appendix B Rates of Rainfall for Various Cities
- Appendix C Vacuum Drainage System
- Appendix D Degree Day and Design Temperatures
- Appendix E Sizing of Water Piping System
- Appendix F Structural Safety

Exception: Detached one- and two- family dwellings and multiple single family dwellings (townhouse) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code."

(3) Chapter 1, Scope and Administration: Section 101 General. is hereby locally amended in the City of Alcoa by adding the following Sub-section:

"101.5 Conflicts with other City of Alcoa Rules, Regulations, Rates, and Policies. When any provisions of this code conflicts with provisions addressed in the City of Alcoa Water Quality Control Department's Rules, Regulations, Rates, and Policies Manual, the City of Alcoa Stormwater Discharges Ordinance, or the City of Alcoa Land Development and Public Works Standards- Drainage and Construction Standards the most restrictive provision shall be enforced. If no determination can be made by the Building Official about which is the "most restrictive" then this code shall not apply."

(4) Chapter 1, Scope and Administration: Section 103.1 Creation of enforcement agency. is hereby amended locally in the City of Alcoa by deleting Section 103.1 in its entirety and replacing with the following:

"103.1 Building Official. The provisions of this code shall be enforced by the Building Official."

(5) Chapter 1, Scope and Administration: Section 106.5.3 Expiration. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"106.5.3 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 60 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 60 days after the time the work is commenced. Work authorized by that permit shall be completed within the time frame set forth in the building permit associated with the same construction project, or within one year if a building permit has not been issued for the construction project. Extensions of time may be granted by

the Building Official; however, the extension must be requested in writing and justifiable cause demonstrated. The building official is authorized to grant, in writing, one or more extensions of time. Each extension shall be for a period of time not to exceed 180 days. A fee of fifty percent (50%) of the permit fee of the original permit shall be charged to cover administrative expenses for each extension granted."

(6) Chapter 1, Scope and Administration: Section 106.6 Fee Schedule. is hereby amended by deleting the section and its subsections in their entirety and replacing with:

"Section [A] 106.6 Fee schedule. Fees shall be as adopted by the City of Alcoa, Tennessee. Refund of fees shall be subject to fee refund policy as established by the Building Official."

(7) Chapter 1, Scope and Administration: Section 107 Inspection and Testing. is hereby amended by adding the following section:

"107.8 Building Occupancy. A new building shall not be occupied or a change made in occupancy or the nature or the use of a building or part of a building until after the Building Official has issued a Certificate of Occupancy. Said certificate shall not be issued until the following have been tested and or approved by the appropriate agency or department."

- Fire protection systems
- Mechanical Systems
- Utility systems
- Site work beyond the confines of the building
- General building construction requirements"

(8) Chapter 1, Scope and Administration: Section 108, Violations is hereby locally amended to add the following section:

"108.8 Cesspool, septic tanks, etc. It is mandatory that every cesspool, septic tank, and seepage pit, which has been abandoned or has been discontinued otherwise from further use or to which no waste or soil pipe from a plumbing fixture is connected, shall have the sewage removed therefrom and be completely filled with earth, sand, gravel, concrete, or other approved material.

The top cover or arch over the cesspool, septic tank, or seepage pit shall be removed before filling and the filling shall not extend above the top of the vertical portions of the sidewalls or above the level of any outlet pipe until inspected and approved by the City of Alcoa plumbing inspector, following which the cesspool septic tank or seepage pit shall be filled to the level of the top of the ground."

(9) Chapter 1, Scope and Administration: Section 108.4, Violation and Penalties. is hereby locally amended in the City of Alcoa by deleting the section in its entirety and insert in its place:

"108.4, Violation and Penalties. Any person, firm, corporation, tenant, owner or agent who shall violate a provision of this code, or fail to comply therewith or with any of the requirements thereof, or who shall erect,

construct, alter, demolish, or move any structure, or has erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of a detailed statement or drawing submitted and permitted thereunder, or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."

(10) Chapter 1, Scope and Administration: Section 109 Means of Appeal. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"Section 109 Construction Board of Adjustments and Appeals

109.1 Appeals relative to the application of this code shall be as established and regulated by the International Building Code as locally adopted and amended in the City of Alcoa."

(11) Chapter 3, General Regulations: Section 303.3 Plastic Pipe, Fittings, and Components. is hereby amended locally in the City of Alcoa by adding the following at the end of the existing paragraph:

"The use of coextruded PVC pipe under building slabs and in outside building sanitary sewers is prohibited. Its use in storm drains and storm sewers shall be at the discretion of the local authority."

(12) Chapter 4, Fixtures, Faucets and Fixture Fittings. Section 403.3, Required public toilet facilities, is hereby amended locally in the City of Alcoa by inserting the following at the end of the exception:

"Unenclosed pavilions and similar structures with a floor area of one thousand square feet or less and not served with water and sewer services shall not be required to provide public toilet facilities or other plumbing fixtures. For the purpose of this section guards, whether required or not, shall not be considered to enclose the structure."

(13) Chapter 7, Sanitary drainage, Section 701.2, Sewer required. is hereby amended locally in the City of Alcoa by deleting "International Private Sewage Disposal Code" and replace with the following:

"regulations of the Blount County Environmental Health Department."

(14) Chapter 7, Sanitary Drainage: Section 701.3 Separate sewer connection. is hereby amended locally in the City of Alcoa by adding the following as the last sentence to the paragraph:

"A common building sewer line must be a minimum of six (6) inches diameter."

(15) Chapter 7, Sanitary Drainage: Tables 702.3 and 702.4 are hereby amended locally in the City of Alcoa by deleting in their entirety and the following added in their place:

"702.3 Approved Material: Building Sewer Pipe and Pipe Fittings. Only the following materials will be accepted in the installation of building sewer pipes and fittings:

1. Cast iron soil pipe and fittings,
2. Brass fittings,

3. Bronze fittings,
 4. Type 1 PVC pipe and fittings, minimum schedule 40 (ASTM 0-2665),
 5. ASTM D - 3034 PVC pipe encapsulated with six (6) inches of bedding material (Size no. 7 or 67 crushed stone) on the top, both sides, and the bottom of the pipe,
 6. Ductile iron pipe and fittings."
- (16) Chapter 7, Sanitary Drainage: Section 702 Materials is hereby amended locally in the City of Alcoa by adding the following section:
"702.7 Co-Mingling. Co-mingling of materials in the building sewer shall be accomplished only through the use of neoprene adapters with stainless steel bands."
- (17) Chapter 7, Sanitary Drainage: Section 704.1 Drainage piping installation. is hereby amended locally in the City of Alcoa by inserting after Table 704.1 the following:
"Notwithstanding the above, four (4) inch nominal diameter building sewer drainage piping shall have a minimum fall of 1/4 inch per foot, and six (6) inch nominal diameter building sewer drainage piping shall have a minimum fall of 1/8 inch per foot."
- (18) Chapter 7, Sanitary Drainage: Section 705.3 Asbestos cement. is hereby amended locally in the City of Alcoa by deleting the section in its entirety and inserting the following in its place:
"705.3 Asbestos cement. Asbestos - cement pipe and fittings are prohibited."
- (19) Chapter 7, Sanitary Drainage: Section 705.6 Concrete joints. is hereby amended locally in the City of Alcoa by deleting the section in its entirety and inserting the following in its place:
"705.6 Concrete joints. Concrete pipe and fittings are prohibited."
- (20) Chapter 7, Sanitary Drainage: Section 706.1 Connections and changes in directions. is hereby amended locally in the City of Alcoa by inserting at the end:
"Bends greater than 45 degrees shall be prohibited in the building sewer."
- (21) Chapter 7, Sanitary Drainage: Section 708.1.3 Building drain and building sewer junction. is hereby amended locally in the City of Alcoa by deleting the section in its entirety and inserting the following in its place:
"708.1.3 Building drain and building sewer junction. The first exterior cleanout shall be located a minimum of three (3) feet but no more than five (5) feet from the exterior wall of the building without prior approval of the plumbing official.
- (22) Chapter 7, Sanitary Drainage: Section 708.1.4 Changes of direction. is hereby amended locally in the City of Alcoa by deleting the section in its entirety and inserting the following in its place:
"708.1.4 Changes of direction. Cleanouts shall be installed at each change of direction of the building sewer which is greater than 90 degrees. (Please note that this change may be accomplished with two or more

fittings. Example - Two 45 degree bends and a 22 1/2 degree bend installed in succession shall require a cleanout be installed between them regardless length of separation.) "

(23) Chapter 7, Sanitary Drainage: Section 708.1.9 Clearances. is hereby amended locally in the City of Alcoa by deleting the section in its entirety and inserting the following in its place:

"708.1.9 Clearances. All building sewer cleanouts shall be provided with clearance of not less than 36 inches (914 mm) for rodding."

(24) Chapter 7, Sanitary Drainage: Section 708.2 Cleanout plugs. is hereby amended locally in the City of Alcoa by deleting the sentences:

"Plugs shall have raised square or countersunk heads. Countersunk heads shall be installed where raised heads are a trip hazard."

and replacing with:

"Cleanout plugs shall have countersunk heads or be of the recessed slot type only." (1971 Code, § 4-302, modified, as replaced by Ord. #07-133, July 2007, and Ord. #14-326, Jan. 2014, amended by Ord. #14-332, May 2014, and replaced by Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-303. Available in recorder's office. The Commission of the City of Alcoa hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days prior to the passage of this ordinance and that all notice and public hearing requirements in Tennessee Code Annotated, § 6-54-501 et seq. have been or will be met by the time of the final passage of this ordinance. (1971 Code, § 4-303, as replaced by Ord. #07-133, July 2007, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-304. Violations. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the City of Alcoa or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the city shall be entitled to recover from any person adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this chapter. Additionally, violators may in the discretion of the city be subject to fines and penalties to be imposed by the administrative hearing officer pursuant to Tennessee Code Annotated, § 6-54-1001 et seq. as adopted locally in the city code. (1971 Code, § 4-304, as replaced by Ord. #07-133, July 2007, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

CHAPTER 4

ELECTRICAL CODE¹

SECTION

- 12-401. Electrical code adopted.
- 12-402. Available in recorder's office.
- 12-403. Permit required for doing electrical work.
- 12-404. Violations.
- 12-405. Enforcement.
- 12-406. Fees.
- 12-407. Additional electrical requirements.
- 12-408. Local modifications.
- 12-409. [Deleted.]
- 12-410. [Deleted.]
- 12-411. [Deleted.]

12-401. Electrical code adopted. Pursuant to authority granted by §§ 6-54-501 through 6-54-510 of the Tennessee Code Annotated and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, for other purposes, the National Electric Code,² 2017 edition, as hereinafter modified and, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code, except as particularly stated otherwise in this chapter, and is hereinafter referred to as the "electrical code." (1971 Code, § 4-401, as replaced by Ord. #07-133, July 2007, Ord. #09-196, June 2009, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-402. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (Ord. #1030, Oct. 1996, as amended by Ord. #R01-022, Sept. 2001, and replaced by Ord. #07-133, July 2007, and Ord. #14-326, Jan. 2014)

¹Municipal code references:

Fire protection, fireworks and explosives: Title 7

²Copies of this code may be purchased from the National Fire Protection Association, 1 Battery Park, Quincy, Massachusetts 02269-9101.

12-403. Permit required for doing electrical work. No electrical work shall be done within this municipality until a permit therefor has been issued by the municipality. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1971 Code, § 4-403, as replaced by Ord. #07-133, July 2007, and Ord. #14-326, Jan. 2014)

12-404. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1971 Code, § 4-405, as replaced by Ord. #07-133, July 2007, and Ord. #14-326, Jan. 2014)

12-405. Enforcement. It shall be the duty of the State of Tennessee Electrical inspector to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1971 Code, § 4-406, as replaced by Ord. #07-133, July 2007, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-406. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-145 for electrical inspections by deputy inspectors of the state fire marshal. (1971 Code, § 4-407, as replaced by Ord. #07-133, July 2007, and Ord. #14-326, Jan. 2014)

12-407. Additional electrical requirements. (1) Wiring methods requirements. The wiring methods for all structures shall be installed in an approved raceway or shall be metallic-sheathed cable, except that non-metallic-sheathed cables, including NM, NMB, NMC, NMS, SE and UF shall be permitted to be installed in apartment buildings not more than three stories above grade plane in height, detached one- and two- family dwellings and multiple single family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures. Renovations and repairs of existing buildings shall comply with this section to the extent judged practical by the building official. In instances where there is conflict between the electrical code and this section, this section shall govern.

(2) Service equipment disconnecting means. Service equipment shall have only one (1) means of disconnecting services of two hundred twenty five (225) amperes or less.

(3) Smoke alarms. Except as provided in Tennessee Code Annotated, § 68-120-111(b), no one- and two-family dwellings shall be approved for connection of new electric service unless such dwelling is equipped with at least one (1) smoke alarm which, when activated, initiates an alarm audible in every sleeping room. The smoke alarm or alarms shall be listed in accordance with the 2018 International Residential Code, published by the International Code Council, Inc.; and in accordance with the manufacturer's directions. (1971 Code, § 4-408, as deleted by Ord. #07-133, July 2007, and replaced by Ord. #18-464, Nov. 2018 *Ch15 12-10-19*)

12-408. Local modifications. (1) Article 110.24(B) Available Fault Current. Modifications. is locally amended by deleting it in its entirety with no replacement.

(2) Article 210.12 (A). Arc-Fault Circuit-Interrupter Protection. Dwelling Units. shall be locally amended by numbering the exception at the end as "Exception 1" and adding the following after the exception:

"Exception 2. Notwithstanding the above, Arc Fault Circuit Interrupters (AFCIs) shall be optional for bathrooms, laundry areas, garages, unfinished basements, which are portions or areas of the basement not intended as habitable rooms and limited to storage, work or similar area, and for branch circuits dedicated to supplying refrigeration equipment. Should there be any conflict within this section as to application, this exception shall prevail."

(3) Article 210.19(A)(3) Household Ranges and Cooking Appliances. is amended locally by deleting in its entirety and replacing it with the following: "Section 210.19(A)(3) Household Ranges and Cooking Appliances. All range taps shall be on separate wired circuits."

(4) Article 210.52(A)(2). Wall Space. shall be locally amended by adding the following at the end:

"(4) Receptacles shall not be required in the wall space behind doors which may be opened fully against a wall surface. Wall space measurement shall begin at the edge of the door when fully opened."

(5) Article 210.52 (C) (2). Island Countertop Spaces shall be locally amended by deleting in its entirety and replacing with:

"(2) Island Countertop Spaces. The installation of receptacles for island counter spaces below the countertop shall be optional."

(6) Article 210.52 (C) (3). Peninsular Countertop Spaces shall be locally amended by deleting in its entirety and replacing with:

"(3) Peninsular Countertop Spaces. The installation of receptacles for peninsular counter spaces below the countertop shall be optional."

(7) Article 334.15 (C). In Unfinished Basements and Crawlspaces shall be locally amended by adding the following at the end:

"Exception: Non-metallic-Sheathed Cable shall not be required to be run through bored holes in unfinished basements and crawlspaces with less than four (4) feet and six (6) inches of clearance."

(8) Article 410.10. Luminaires in Specific Locations. shall be locally amended by adding the following at the end:

(D) In Crawlspaces. Light fixtures in crawlspaces shall have guarded covers. (1971 Code, § 4-409, as deleted by Ord. #07-133, July 2007, and replaced by Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-409. [Deleted.] (1971 Code, § 4-410, modified, as deleted by Ord. #07-133, July 2007)

12-410. [Deleted.] (1971 Code, § 4-411, as deleted by Ord. #07-133, July 2007)

12-411. [Deleted.] (1971 Code, § 4-412, as deleted by Ord. #07-133, July 2007)

CHAPTER 5

DELETED

This chapter was deleted by Ord. #14-326, Jan. 2014

CHAPTER 6

PROPERTY MAINTENANCE CODE

SECTION

- 12-601. Property maintenance code adopted.
- 12-602. Local modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations.

12-601. Property maintenance code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510 and for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures, the International Property Maintenance Code,¹ 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated herein by reference as a part of this code, except as otherwise specifically stated in this chapter, and is hereinafter referred to as the "property maintenance code." (Ord. #1031, Oct. 1996, as amended by Ord. #R01-022, Sept. 2001, and replaced by Ord. #07-133, July 2007, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-602. Local modifications. The following sections and appendices of the International Property Maintenance Code, 2018 edition, are hereby amended in the City of Alcoa, as hereinafter provided:

- (1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the City of Alcoa by inserting "City of Alcoa" as the name of the jurisdiction.
- (2) Chapter 1, Scope and Administration: Section 103.5 Fees. is hereby amended locally in the City of Alcoa by deleting the section in its entirety with no replacement.
- (3) Chapter 1, Scope and Administration: Section 106.3 Prosecution of violation. is hereby amended locally in the City of Alcoa by deleting the section in its entirety and replacing with:

"Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed

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

guilty of a misdemeanor and of a violation of the City Code. If the notice of violation is not complied with the Code Official may in his discretion institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate."

(4) Chapter 1, Scope and Administration: Section 106.4 Failure to comply. is hereby amended locally in the City of Alcoa by deleting the section in its entirety and replacing with:

"Violation Penalties. Any person who shall violate a provision of this Code or fail to comply therewith or of any of the requirements thereof shall be prosecuted within the limits provided by state or local laws and may be penalized pursuant to the general penalty clause of the City of Alcoa. Each day that violation continues after due notice has been served shall be deemed a separate offense regardless of whether an additional citation has been issued. If the City must resort to the equitable relief to abate a violation, the violator should be liable to the City for the City's reasonable attorney's fees and litigation expenses in bringing and prosecuting the equitable action. Additionally, violators may in the discretion of the City be subject to fines and penalties to be imposed by the Administrative Hearing Officer pursuant to T.C.A. §6-54-1001 et seq. as adopted locally in the City Code."

(5) Chapter 1, Scope and Administration: Section 108.2 Closing of vacant structures. is hereby amended locally in the City of Alcoa by inserting after Section 108.2.1 a new section as follows:

"108.2.2 Boarding of abandoned structures. All windows and doors of abandoned structures shall be boarded in an approved manner to prevent entry by unauthorized persons. Boarding sheet material shall be minimum 1/2-inch (12.7 mm) nominal thick wood structural panels complying with the International Building Code."

(6) Chapter 1, Scope and Administration: Section 109.6 Hearing. is hereby amended locally in the City of Alcoa by deleting the last sentence in its entirety with no replacement.

(7) Chapter 1, Scope and Administration: Section 111 Means of Appeal. is hereby amended locally in the City of Alcoa by deleting the section and all of its subsections in their entirety with no replacement.

(8) Chapter 1, Scope and Administration: Section 112.4 Failure to comply. is hereby amended locally in the City of Alcoa by deleting the section in its entirety and replacing with:

"Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is

directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law."

(9) Chapter 3, General Requirements: Section 302.4 Weeds. is hereby amended locally in the City of Alcoa by deleting the first paragraph in its entirety and inserting the following in its place:

"All mowable parcels or mowable portions of parcels of a parcel located in the City limits, shall be maintained free from weeds or plant growth in excess of twelve (12) inches.

Parcels that are three (3) acres or larger and are adjacent to the city rights-of-way or adjacent to a parcel which contains an existing dwelling within one hundred fifty (150) feet of the larger parcel shall have a fifty (50) feet setback from the shared property line that shall be maintained free from weeds or plant growth in excess of eighteen (18) inches. However, parcels three (3) acres or larger shall mow the entire parcel at least two (2) times during growing season.

Mowable shall mean all parcels other than heavily wooded parcels where equipment cannot maneuver because of the natural density of the vegetation. Slopes where the gradient is steeper than three units horizontal to one unit vertical (33%) shall not be considered mowable.

The requirements of this section shall apply only to the extent that they do not conflict with the City of Alcoa's Stormwater Quality Management Plan and stormwater regulations.

This section does not apply to government owned property including greenways, parks and recreation areas nor does it apply to active and bona fide agricultural uses for livestock, crops or plant nurseries. Further, this section shall not apply to properties that legitimately qualify for and have Greenbelt classification for tax assessment purposes."

(10) Chapter 3, General Requirements: Section 302.6 Exhaust vents. Is hereby amended locally in the City of Alcoa by deleting the entire section and replacing with:

302.6 Wood smoke. Wood smoke (smoke coming from the burning of wood) shall not be permitted to escape one commercially operated property and come on to abutting or adjacent public or private property where such wood smoke:

1. Is detectable by sight or smell below the roof lines or 15 feet above grade, whichever is less, at the affected neighboring buildings or structures; and
2. Results in complaints from owners or tenants of such abutting or adjoining property.

A person or entity producing such wood smoke will not be considered in violation of this ordinance if there exists on its property for each wood smoke producing fire:

1. A properly functioning, and at least 15 foot high chimney, smoke stack, flue or chute directing the wood smoke upward; and a functioning commercial grade exhaust fan to disburse the wood smoke to a higher altitude; or
2. Any commercially designed system or device, such as a scrubber, that removes particulate matter.

Persons or entities producing wood smoke as part of participation in a city-approved special event are exempted from the provisions of this ordinance.

(11) Chapter 3, General Requirements: Section 302.9 Defacement of property. Is hereby amended locally in the City of Alcoa by inserting at the end:

"All graffiti shall be removed or the surface repainted to match the existing surfaces."

(12) Chapter 3, General Requirements: Section 302 Exterior property areas. is hereby amended locally in the City of Alcoa by inserting at the end a new section as follows:

"302.10. Junkyards. All junkyards and other places where vehicles or scrap is collected before being discarded, reused or recycled shall be operated and maintained subject to the following regulations:

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

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height. Such fence is to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards. Additionally, such fence shall be subject to any other regulations that are provided in the City of Alcoa Municipal Code or Alcoa Land Development Regulations.

(3) All such junk yards within one thousand (1,000) feet of any right-of-way within the municipality shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the right-of-way. Additionally, such screening, plantings, or fences shall be subject to any other regulations that are provided in the City of Alcoa Municipal Code or Alcoa Land Development Regulations.

(4) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety."

(13) Chapter 3, General Requirements: Section 304.14 Insect screens. is hereby amended locally in the City of Alcoa by inserting "January 1 to December 31" as the dates to be inserted.

(14) Chapter 6, Mechanical and Electrical Requirements: Section 602.3 Heat supply. is hereby amended locally in the City of Alcoa by inserting "January 1 to December 31" as the dates to be inserted.

(15) Chapter 6, Mechanical and Electrical Requirements: Section 602.4 Occupiable work spaces. is hereby amended locally in the City of Alcoa by inserting "January 1 to December 31" as the dates to be inserted. (1971 Code, § 4-602, as replaced by Ord. #07-133, July 2007, and Ord. #14-326, Jan. 2014)

12-603. Available in recorder's office. The Commission of the City of Alcoa hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days prior to the passage of this ordinance and that all public hearing and notice requirements in Tennessee Code Annotated, § 6-54-501 et seq. have been or will be met by the time of the final passage of this ordinance. (1971 Code, § 4-603, modified, as replaced by Ord. #07-133, July 2007, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-604. Violations. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the City of Alcoa or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the city shall be entitled to recover from any person adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this chapter. Additionally, violators may in the discretion of the city be subject to fines and penalties to be imposed by the administrative hearing officer pursuant to Tennessee Code Annotated, § 6-54-1001, et seq. as adopted locally in the city code. (as deleted by Ord. #07-133, July 2007, and replaced by Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

CHAPTER 7

MECHANICAL CODE

SECTION

- 12-701. Mechanical code adopted.
- 12-702. Local modifications.
- 12-703. Available in recorder's office.
- 12-704. Violations and penalty.

12-701. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in building construction, the International Mechanical Code,¹ 2018 edition, as prepared and maintained by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, except as otherwise specifically stated in this chapter, and is hereinafter referred to as the "mechanical code." (1971 Code, § 4-701, as replaced by Ord. #07-133, July 2007, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-702. Local modifications. The following sections and appendices of the International Mechanical Code, 2018 edition, are hereby amended in the City of Alcoa, as hereinafter provided:

- (1) Chapter 1, Scope and Administration: Section 101.1 Title. is hereby amended locally in the City of Alcoa by inserting "City of Alcoa" as the name of the jurisdiction.
- (2) Chapter 1, Scope and Administration: Section 101.2 Scope. is hereby amended locally in the City of Alcoa by deleting the last sentence before the exception in its entirety without replacement.
- (3) Chapter 1, Scope and Administration: Section 103.1 Department of Mechanical Inspection. is hereby amended locally in the City of Alcoa by deleting Section 103.1 in its entirety and replacing with the following:
 "Section 103.1 Building Official. The provisions of this code shall be enforced by the Building Official."
- (4) Chapter 1, Scope and Administration: Section 106.4.2 Validity. is hereby amended locally in the City of Alcoa by inserting the following at the beginning:
 "A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or

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

set aside any of the provisions of this code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans of in construction, or of violation of this code. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis on incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code."

(5) Chapter 1, Scope and Administration: Section 106.4.3 Expiration. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"106.4.3. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 60 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 60 days after the time the work is commenced."

(6) Chapter 1, Scope and Administration: Section 106.4.4 Extensions. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"Extensions of time may be granted by the Building Official; however, the extension must be requested in writing and justifiable cause demonstrated. The building official is authorized to grant, in writing, one or more extensions of time. Each extension shall be for a period of time not to exceed 180 days. A fee of fifty percent (50%) of the permit fee of the original permit shall he charged to cover administrative expenses for each extension granted."

(7) Chapter 1, Scope and Administration: Section 106.4.5 Suspension or revocation of permit. is hereby amended locally in the City of Alcoa by inserting at the end the following:

"After a permit has become void, if the owner wishes to commence construction to complete the structure, equipment or system for which the original permit was issued, the Owner shall reapply for a new permit for the completion of the construction. When a new permit is issued, the permit fee for the completion of the construction shall be equal to the permit fee that was paid when the original permit was issued."

(8) Chapter 1, Scope and Administration: Section 106.4.8 Posting of Permit. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"106.4.8 Placement of Permit. The permit or copy shall be kept on the site of the work or be made available to inspectors upon request until the completion of the project."

(9) Chapter 1, Scope and Administration: Section 106.5.2 Fee Schedule. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"106.5.2 Fee schedule. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid."

(10) Chapter 1, Scope and Administration: Section 106.5.3 Fee refunds. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"106.5.3 Fee refunds. The Building Official is authorized to establish a refund policy."

(11) Chapter 1, Scope and Administration: Section 107.2.2 Inspection request. is hereby amended locally in the City of Alcoa by inserting the following at the end:

"No inspections shall be performed on any site or portion thereof where there is an unsafe condition or a violation of the occupational safety and health standards for the construction industry promulgated by the Occupational Safety and Health Administration (OSHA)."

(12) Chapter 1, Scope and Administration: Section 108.4, Violation penalties. is hereby locally amended in the City of Alcoa by deleting the section in its entirety and insert in its place:

"Any person, firm, corporation, tenant, owner or agent who shall violate a provision of this code, or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, demolish, or move any structure, or has erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of a detailed statement or drawing submitted and permitted thereunder, or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."

(13) Chapter 1, Scope and Administration: Section 108.5, Stop work orders. is hereby locally amended in the City of Alcoa by deleting the last sentence and replacing with:

"Any person who shall continue any work after having been served with a stop work order, except that such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as described by law."

(14) Chapter 1, Scope and Administration: Section 109 Means of appeals. is hereby amended locally in the City of Alcoa by deleting in its entirety and the following substituted in lieu thereof:

"Section 109 Means of appeals. Appeals relative to the application of the this code shall be as established and regulated by the International Building Code as locally adopted and amended in the City of Alcoa."

(1971 Code, § 4-702, modified, as replaced by Ord. #07-133, July 2007, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 **Ch15_12-10-19**)

12-703. Available in recorder's office. The Commission of the City of Alcoa hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the Recorder of the city for a period of fifteen (15) days prior to the passage of this ordinance and that all public hearing and notice requirements in Tennessee Code Annotated, § 6-54-501 et seq. have been or will be met by the time of the final passage of this ordinance. (1971 Code, § 4-703, as replaced by Ord. #07-133, July 2007, Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 **Ch15_12-10-19**)

12-704. Violations. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the City of Alcoa or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the city shall be entitled to recover from any person adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this chapter. Additionally, violators may in the discretion of the city be subject to fines and penalties to be imposed by the administrative hearing officer pursuant to Tennessee Code Annotated, § 6-54-1001 et seq. as adopted locally in the city code. (as added by Ord. #07-133, July 2007, and replaced by Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 **Ch15_12-10-19**)

CHAPTER 8

ENERGY CONSERVATION CODE

SECTION

- 12-801. Energy conservation code adopted.
- 12-802. Local modifications.
- 12-803. Available in recorder's office.
- 12-804. Violation and penalty.

12-801. Energy conservation code adopted. Pursuant to authority granted by §§ 6-54-501 through 6-54-510 of the Tennessee Code Annotated and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in building construction, the International Energy Conservation Code,¹ 2018 edition, as prepared and maintained by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, except as otherwise specifically stated in this chapter, and is hereinafter referred to as the "energy code." (as added by Ord. #02-023, Oct. 2002, renumbered by Ord. #03-013, April 2003, deleted by Ord. #07-133, July 2007, and replaced by Ord. #14-326, Jan. 2014, and Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-802. Local modifications. The following sections and appendices of the International Energy Conservation Code, 2018 edition, are hereby amended in the City of Alcoa, as hereinafter provided:

- (1) Chapter 1 [CE], Scope and Administration: Section C101.1 Title is hereby locally amended in the City of Alcoa by inserting "City of Alcoa" in the brackets for the name of jurisdiction.
- (2) Chapter 1 [CE], Scope and Administration: Section C101.5 Compliance. is hereby locally amended in the City of Alcoa by deleting the first sentence in its entirety and replacing it with "Residential buildings shall meet the provisions of IECC- Residential Provisions, or Chapter 11, Energy Efficiency, of the International Residential Code for One- and Two Family Dwellings 2018 Edition.
- (3) Chapter 1 [CE], Scope and Administration: Section C108.4 Failure to comply. is hereby locally amended in the City of Alcoa by deleting "shall be liable to a fine as set by the applicable governing authority." and insert "subject to penalties as prescribed by law." in its place.

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

(4) Chapter 1 [CE], Scope and Administration: Section C109 Board of Appeals is hereby locally amended in the City of Alcoa by deleting in its entirety, including its subsections, and the following substituted in lieu thereof:

"Section C109 Construction Board of Adjustments and Appeals

C109.1 Appeals relative to the application of this code shall be as established and regulated by the International Building Code as locally adopted and amended in the City of Alcoa."

(5) Chapter 1 [RE], Scope and Administration: Section R101.1 Title is hereby locally amended in the City of Alcoa by inserting "City of Alcoa" in the brackets for the name of jurisdiction.

(6) Chapter 1 [RE], Scope and Administration: Section R101.5 Compliance, is hereby locally amended in the City of Alcoa by deleting the first sentence in its entirety and replacing it with "Residential buildings shall meet the provisions of IECC- Residential Provisions, or Chapter 11, Energy Efficiency, of the International Residential Code for One- and Two Family Dwellings, 2018 Edition.

(7) Chapter 1 [RE], Scope and Administration: Section R108.4 Failure to comply, is hereby locally amended in the City of Alcoa by deleting "shall be liable to a fine as set by the applicable governing authority." and insert "subject to penalties as prescribed by law." in its place.

(8) Chapter 1 [RE], Scope and Administration: Section R109 Board of Appeals is hereby locally amended in the City of Alcoa by deleting in its entirety, including its subsections, and the following substituted in lieu thereof:

"Section R109 Construction Board of Adjustments and Appeals

C109.1 Appeals relative to the application of this code shall be as established and regulated by the International Building Code as locally adopted and amended in the City of Alcoa."

(9) Chapter 4 [RE], Residential Energy Efficiency: Section R402.2.10, Slab-on-grade, is hereby amended by deleting the last sentence and replacing with:

"Due to local termite infestation vulnerability conditions, the slab-on-grade floor perimeter insulation required by this section shall be optional in the City of Alcoa. Should said insulation be provided, the installation shall comply with this section." (as added by Ord. #14-326, Jan. 2014, and replaced by Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-803. Available in recorder's office. The Commission of the City of Alcoa hereby declares that one (1) copy of the aforesaid code and revisions, as modified, has been filed with the recorder of the city for a period of fifteen (15) days prior to the passage of this ordinance and that all public hearing and notice requirements in Tennessee Code Annotated, § 6-54-501 et seq. have been or will be met by the time of the final passage of this ordinance. (as added by Ord. #14-326, Jan. 2014, and replaced by Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

12-804. Violations. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of this code adopted by reference or locally adopted as modified shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. Upon being found guilty of such violation, such person shall be punished according to the general penalty clause of the City of Alcoa or through injunctive remedies in state or federal court as appropriate. In the event court action is taken, the city shall be entitled to recover from any person adjudicated to have violated this chapter the city's reasonable attorney fees and litigation costs incurred in bringing the action(s) to enforce the provisions of this chapter. Additionally, violators may in the discretion of the city be subject to fines and penalties to be imposed by the administrative hearing officer pursuant to Tennessee Code Annotated, § 6-54-1001 et seq. as adopted locally by the city. (as added by Ord. #14-326, Jan. 2014, and replaced by Ord. #18-464, Nov. 2018 *Ch15_12-10-19*)

CHAPTER 9

DELETED.1

(as deleted by Ord. #07-133, July 2007)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. PUBLIC NUISANCES AND OTHER OFFENSES.
2. SLUM CLEARANCE.

CHAPTER 1

PUBLIC NUISANCES AND OTHER OFFENSES

SECTION

- 13-101. Enumerated public nuisances.
- 13-102. Unlawful acts against the public health.
- 13-103. Overgrown and dirty lots.
- 13-104. Enforcement.

13-101. Enumerated public nuisances. It shall be unlawful for any person, firm, or corporation owning, leasing, occupying, or having control of property within the corporate limits to create, maintain, or permit to be maintained on said property any of the following conditions, which are hereby declared to be public nuisances, unlawful, and dangerous to the health and welfare of the public:

- (1) Any pool, pond, cow pen, horse lot, stable, chicken house or other places or enclosures which become filthy, offensive, or acts as the breeding place of disease or disease-carrying pests such as flies and mosquitoes;
- (2) Any house or structure of any description which has fallen into decay or ruins;
- (3) Any waste or sewer pipe from any kitchen, bath room, house, or other premises, discharging into the streets or onto other public or private places;
- (4) Any dead body of any animal, not intended for food, or anything from which foul or obnoxious exhalations may arise;
- (5) Any sewage disposal facilities which do not comply with the provisions of title 18, chapter 2 of this code;
- (6) The growth of trees, vines, grass, and/or underbrush so as to be unsightly and obnoxious to the public; and

¹Municipal code references
 Animal control: title 10.
 Littering streets, etc.: § 16-107.

(7) The accumulation of trash, rubbish, cans, paper, and/or stagnant water so as to be unsightly, obnoxious, and/or dangerous to the public and public health. (1971 Code, § 8-401)

13-102. Unlawful acts against the public health. It shall be unlawful for any person, firm, or corporation to violate any of the following provisions:

(1) To permit, create, or cause any of the conditions enumerated in § 13-101 of this code.

(2) To violate within this municipality any provisions of the state food, drug, and cosmetic laws.

(3) To park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code.

(4) 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. (1971 Code, § 8-402)

13-103. Overgrown and dirty lots.¹ (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 board of commissioners shall designate an appropriate department or person to enforce the provisions of this section.

(3) Notice to property owner. Prior to the enforcement of this section of the ordinance, by authority of this chapter, the property (i.e. house) will be tagged with notice, specifying a ten (10) day period (or twenty (20) day period 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

¹Municipal code reference

Section 13-103 can be used when the city seeks to clean up the lot at the owner's expense and place a lien against the property for the cost of the clean-up but not to prosecute the owner in city court.

or other materials), excluding Saturdays, Sundays and legal holidays, by which the violation must be remedied. The property owner will also be notified, at the same time and the last known address, by certified mail/return receipt requested, of the violation(s), specifying the period of time in which the violation must be remedied. Written notice will include the following:

(a) A brief statement that the owner is in violation of § 13-303 of the Alcoa Municipal Code, 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 clean-up;

(b) The person, office, address and telephone number of the department or person giving the notice; and,

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city.

(4) Clean-up at property owner's expense. If the property owner of record 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 commissioners 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 cost thereof shall be assessed against the owner of the property. Upon the filing of the notice with the office of the register of deeds in Blount 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 cost 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) 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 commissioners. The appeal shall be filed with the city 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.

(6) Judicial review. Any person aggrieved by an order or act of the board of commissioners under subsection (5) above may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(7) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city 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. (as amended by Ord. #04-037, Nov. 2004)

13-104. Enforcement. (1) When it shall be determined by the city manager that any owner, lessee, occupier, or person having control of property has violated any of the provisions of § 13-101 of this code, he shall give notice to such person to immediately remedy the prohibited condition; and in the event such person shall fail or refuse to do so within ten (10) days after such notice, the city shall immediately cause such condition to be remedied or removed and the cost thereof assessed against such owner, lessee, occupier, or person having control of the property plus a 10% penalty which shall be added thereto; and such cost and penalty shall be placed upon the tax rolls of the city as a lien upon the property and shall be collected in the same manner as the city taxes are collected.

(2) When it shall be determined that any person has violated § 13-102 of this code, such person shall be punishable under the general penalty clause of this code. (1971 Code, § 8-403)

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

13-201. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of commissioners finds that there exists in the city 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 city.

13-202. Definitions. (1) "Municipality" shall mean the City of Alcoa, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(2) "Governing body" shall mean the board of commissioners charged with governing the city.

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

(5) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

(6) "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.

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the code enforcement officer of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the code enforcement officer.

13-204. 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 city 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.

13-205. 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 occupancy 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, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy 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.

13-206. 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 occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful."

13-207. 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.

13-208. 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 shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Blount County, 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. 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 action for debt against more than one 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 action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he 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 Blount County by the public officer, shall be secured in such manner as maybe directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Alcoa to define and declare

nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-209. 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 City of Alcoa; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness.

13-210. 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 person is 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 city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the 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 Blount County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided bylaw.

13-211. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit 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 suit 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.

13-212. 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 city 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.

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city 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.

13-214. 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 city 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 city.

Violations of this section shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

1. REGIONAL/MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. UNIFORM PROPERTY IDENTIFICATION SYSTEM.

CHAPTER 1**REGIONAL/MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Purpose.
- 14-102. Creation and membership.
- 14-103. Organization and fiscal policy.
- 14-104. Powers, duties, and responsibilities.
- 14-105. Effect of master plan.

14-101. Purpose. For the purpose to guide and accomplish a coordinated and harmonious development of the city which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, and for the general welfare as well as efficiency and economy in the process of development, there is hereby created and established a municipal planning commission as authorized by the charter of the city and the state law. (1971 Code, § 11-101)

14-102. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 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 another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other three (3) members 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 three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member 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, who shall also have the authority to remove any appointive member at his will and pleasure.

14-103. Organization and fiscal policy. The planning commission shall elect its chairman and secretary. The terms of the chairman and secretary shall be one year with eligibility for reelection. The planning commission shall adopt rules for the transaction of its business and shall keep a record of its transactions, findings, and determinations. The planning commission may appoint such other employees and staff as it may deem necessary for its work and make contracts with such engineers, planners, or other consultants for such service as it may require. The expenditures of the planning commission, exclusive of gifts, shall be within the amounts appropriated for such purposes by the board of commissioners. (1971 Code, § 11-103)

14-104. Powers, duties, and responsibilities. When the planning commission has been duly appointed they shall take an oath as prescribed by the charter of the city, applicable to all other officials of the city, and when they have organized, as herein provided and adopted their rules of procedure, then said planning commission shall have all powers, duties, and responsibilities as set forth in the charter of the city and the state law, heretofore enacted, providing for regional/municipal planning as may be authorized by the State of Tennessee. The planning commission has the authority to set forth special requirements, including but not limited to, such items as screening/buffering, landscaping, signage, access, circulation and other requirements of a similar nature, to bring a site into conformity with neighboring land uses. (1971 Code, § 11-104, as replaced by Ord. #14-323, Jan. 2014)

14-105. Effect of master plan. From and after the time when the planning commission shall have adopted a master plan which includes at least a major street plan or shall have progressed in its master planning to the stage of the making and adoption of a major street plan, and shall have filed a certified copy of such major street plan in the office of the Register of Blount County, no plat of a subdivision of land lying within the municipality shall be filed or recorded until it shall have been submitted to and approved by the said planning commission and such approval entered in writing on the plat by the secretary of the commission.

No Blount County Register shall file or record a plat of a subdivision of land within the municipality without the approval of the planning commission as required by this chapter, and any county register so doing shall be deemed guilty of a misdemeanor. (1971 Code, § 11-105)

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 City of Alcoa shall be governed by Ordinance Number 338, titled "The Zoning Ordinance of the City of Alcoa," and any amendments thereto.¹

¹Ordinance #338, May 8, 1952, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Ordinance #865, of record in the recorder's office. It provides for zoning the area adjacent to and outside the city but inside the city's planning jurisdiction. Ordinance #865 also provides a separate board of zoning appeals for the area outside the city.

Ordinance #98-014 (May 1998) of record in the office of the recorder is "an ordinance to establish a building setback of 85 feet from the centerline of Topside Road (from U.S. 129 to Louisville Road), to facilitate anticipated future widening."

Ordinance #98-015 (May 1998) of record in the office of the recorder is "an ordinance to establish a building setback of 90 feet from the centerline of Cusick Road, Louisville Road (from U.S. 129 By-Pass to South Louisville Loop Road), and Hunt Road (from Louisville Road to Old Knoxville Highway), to facilitate anticipated future widening."

CHAPTER 3

UNIFORM PROPERTY IDENTIFICATION SYSTEM

SECTION

- 14-301. Uniform numbering system.
- 14-302. Assignment of street numbers.
- 14-303. Posting of designated street address.
- 14-304. New buildings and administration.
- 14-305. Penalties.

14-301. Uniform numbering system. (1) A uniform system is hereby established for numbering properties and principal buildings fronting on all public and private streets, avenues, boulevards, roads, lanes, alleys, and other ways in the City of Alcoa, as designated on the map titled "Property Numbering System". This map and all explanatory matter therein, is hereby made a part of this chapter, and a copy shall be found in the offices of the Blount County Communications Center, Emergency 911 of Blount County, Tennessee.

(2) The Emergency 911 of Blount County, Tennessee office shall keep a record of all numbers assigned under this chapter and shall maintain a copy of such records in the city building inspector's office of the City of Alcoa. Any unincorporated area adjacent to the city may be permitted to be a part of or an extension of the city's property numbering system if approved by the local postmaster and respective governmental jurisdiction.

(3) On the property numbering map, referred to in subsection (1) of this section, the intersection of Lincoln Road and Hall Road (State Route 35) is designated as the "point of reference", the place from whence street naming and property numbering begin. Hall Road and Alcoa Highway (State Route 35) are designated as the base line for the east-west dividing axis, and Lincoln Road is designated as the base line for the north-south dividing axis. All streets and ways running generally east and west shall be numbered consecutively from the Hall Road-Alcoa Highway base line to the corporate limits or end of respective street or way. Streets or ways running generally north and south shall be numbered from the Lincoln Road base line in the same manner.

(4) Wherever possible, one hundred numbers shall be assigned to each block in order that the number of each consecutive block shall commence with consecutive hundreds and whenever streets and ways do not extend through any platted or unplatted lands the number shall be assigned to spaces between streets and ways as if streets and ways were extended. (Ord. #988, Aug. 1995)

14-302. Assignment of street numbers. (1) Property numbers for all properties or parcels of land, dwelling units, or places of business, shall be assigned by the E-911 Center in accordance with the provisions outlined herein.

(2) The owner, occupant, person or corporation occupying or responsible for any property, dwelling, or building to which a number has been assigned will be notified in writing by the E-911 Center of the assigned number after passage of this chapter.

(3) A whole number shall be assigned for every interval of ground, whether lot or parcel is improved or vacant. All properties shall be assigned a property number in accordance with the interval schedule as follows; and designated on the "Property Numbering System" map:

(a) Within Zone 1, a separate number shall be assigned for each ten feet of frontage.

(b) Within Zone 2, a separate number shall be assigned for each 20 feet of frontage.

(c) Within Zone 3, a separate number shall be assigned for each 50 feet of frontage.

(4) Odd numbers shall be assigned to the left-hand side of the street for any and all streets as they proceed outward from either base line, and even numbers shall be assigned to the right-hand side of the street.

(5) All existing numbers of property and buildings not in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within one (1) year from the date of passage of this chapter. (Ord. #988, Aug. 1995)

14-303. Posting of designated street address. (1) Each principal building shall display the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance may display a separate number.

(2) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be placed either over or at the side of the main entrance of said building or upon the front of any porch or stoop thereof or over or at the side of any gateway leading thereto, or upon the steps thereof in such a manner that the same may be plainly seen and distinguishable from the street on which the property is located and in such manner that the same shall not be hidden from view by an trees or shrubs or other obstructions.

(3) All building numbers displayed shall be permanent, legible figures not less than two and one-half (2 1/2) inches nor more than five (5) inches high and of a color contrasting to the building background.

(4) It shall be the duty of the owner or occupant or person in charge of each principal building upon affixing the new numbers to remove any different number which might be mistaken for, or confused with, the number assigned to said structure by the E-911 Center. (Ord. #988, Aug. 1995)

14-304. New buildings and administration. (1) The E-911 Center shall assign the number to each lot or tract which may be hereafter platted, and shall indicate the same upon an approved final subdivision plat.

(2) No building permit shall be issued for any principal building until the owner or developer has procured from the E-911 Center the official number of the premises. Final approval of a certificate of occupancy of any principal building erected or repaired after the adoption of this ordinance shall be withheld until permanent and proper numbers have been displayed in accordance with § 14-303 of this chapter. (Ord. #988, Aug. 1995)

14-305. Penalties. In the event that an owner, occupant person, or corporation responsible for any parcel or unit or building refuses to comply with the terms herein stated by failing to affix the number assigned within one (1) year after adoption of this chapter or thirty (30) days after notification of assigned number, shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$50.00. Each day the unit or property is in violation of this chapter shall constitute a separate offense. (Ord. #988, Aug. 1995)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. DEFINITIONS.
2. ENFORCEMENT OF TITLE AND DRIVERS LICENSES.
3. MISCELLANEOUS.
4. VEHICLE EQUIPMENT.
5. EMERGENCY VEHICLES.
6. TRAFFIC CONTROL SIGNALS AND DEVICES.
7. VEHICLE OPERATION - GENERAL RULES OF THE ROAD.
8. VEHICLE OPERATION - YIELDING AND TURNING.
9. PEDESTRIANS.
10. MOTORCYCLES, BICYCLES AND OTHER VEHICLES.
11. RAILROADS AND RAIL CROSSINGS.
12. SPEED LIMITS AND SPEEDING.
13. LIGHTING.
14. STOPPING, PARKING AND TOWING.
15. ACCIDENTS.
16. MOTOR VEHICLE TITLE AND REGISTRATION.
17. PRIVATE VEHICLE SALES.
18. FEDERAL MOTOR CARRIER SAFETY REGULATIONS.

CHAPTER 1

DEFINITIONS

SECTION

- 15-101. Definitions.
 15-102.--15-130. Deleted.

15-101. Definitions. As used in this title, and as set forth in Tennessee Code Annotated (hereinafter "T.C.A.") § 55-8-101 (1) through (93), unless the context otherwise requires:

(1) "All-terrain vehicle" means either:

- (a) A motorized nonhighway tire vehicle with no less than four (4) nonhighway tires, but no more than six (6) nonhighway tires, that is limited in total dry weight to less than two thousand five hundred pounds (2,500 lbs.), and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control; or

¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

(b) A motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, or other natural terrain and not intended for use on public roads traveling on two (2) wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control;

(2) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designed by The City of Alcoa as part of a major arterial system of streets or highways;

(3) (a) "Authorized emergency vehicle" means vehicles of the fire department or law enforcement, vehicles or bicycles, and emergency vehicles, including vehicles operated by commissioned members of the Tennessee Bureau of Investigation when on official business;

(b) (i) "Authorized emergency vehicle" automatically includes every ambulance and emergency medical vehicle operated by any emergency medical service licensed by the department of health; and, notwithstanding any law to the contrary, regulation of these ambulances and emergency medical vehicles shall be exclusively performed by the department of health, and no special authorization, approval or filing shall be required pursuant to this title by the commissioner of safety;

(ii) "Authorized emergency vehicle" automatically includes every rescue vehicle or emergency response vehicle owned and operated by a state-chartered rescue squad, emergency lifesaving crew or active member unit of the Tennessee Association of Rescue Squads and no special authorization, approval or filing shall be required for the vehicle pursuant to this title by the commissioner of safety;

(4) "Autocycle" means a three (3) wheeled motorcycle that is equipped with safety belts, steering wheel, and non-straddle seating, and is manufactured to comply with federal safety requirements for motorcycle;

(5) "Automated driving system" or "ADS" means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed in high or full automation mode, without any supervision by a human operator, with specific driving mode performance by the automated driving system of all aspects of the dynamic driving task that can be managed by a human driver, including the ability to automatically bring the motor vehicle into a minimal risk condition in the event of a critical vehicle or system failure or other emergency event;

(6) "Automated-driving-system-operated vehicle" or "ADS-operated vehicle" means a vehicle equipped with an automated driving system;

(7) "Bicycle" means every device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than twenty inches (20") in diameter;

(8) "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

(9) "Business district" means the territory contiguous to and including a highway when within any six hundred feet (600') along the highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, or office buildings, railroad stations and public buildings that occupy at least three hundred feet (300') of frontage on one (1) side or three hundred feet (300') collectively on both sides of the highway;

(10) "Certified police cyclist" means any full time, sworn law enforcement officer who is certified by the International Police Mountain Bike Association or has otherwise been certified by the Tennessee peace officer standards and training commission as having received and successfully completed appropriate bicycle training in the performance of law enforcement functions;

(11) "Chauffeur" means every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation;

(12) "Class I off-highway vehicle" means a motorized vehicle with not less than four (4) nonhighway tires, nor more than six (6) nonhighway tires, whose top speed is greater than thirty-five miles per hour (35 mph), that is limited in total dry weight up to two thousand five hundred pounds (2,500 lbs.), that is eighty inches (80") or less in width, and that has a non-straddle seating capable of holding at least two (2) but no more than four (4) passengers and a steering wheel. "Class I off-highway vehicle" includes mini-trucks;

(13) "Class II off-highway vehicle" means any off-highway vehicle that is designed to be primarily used for recreational purposes, that has a non-straddle seating capable of holding at least two (2) but no more than four (4) passengers and a steering wheel, and that is commonly referred to as a sand buggy, dune buggy, rock crawler, or sand rail. "Class II off-highway vehicle" does not include a snowmobile or other vehicle designed to travel exclusively over snow or ice;

(14) "Commissioner" means the Tennessee Commissioner of Safety;

(15) "Controlled-access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway;

(16) "Crosswalk" means:

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of

the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(17) "Curb" means the lateral boundary of that portion of the street designated for the use of vehicles, whether marked by curbstones or not.

(18) "Dealer" means every person engaged in the business of buying, selling or exchanging vehicles of a type required to be registered and who has an established place of business for that purpose in the City of Alcoa;

(19) "Department" means the department of safety;

(20) "Driver" means:

(a) For purposes of a conventionally operated vehicle, every person who drives or is in actual physical control of a vehicle; and

(b) For purposes of an ADS-operated vehicle and when the context requires, the ADS when the ADS is engaged;

(21) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic. "Dynamic driving task" does not include strategic functions, such as route selection and scheduling;

(22) "Electric bicycle" means a device upon which any person may ride that is equipped with two (2) or three (3) wheels, any of which is twenty inches (20") or more in diameter, fully operable pedals for human propulsion, and an electric motor of less than seven hundred fifty (750) watts, and meets the requirements of one (1) of the three (3) classes of electric bicycles defined in subsection (a), (b), or (c).

(a) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour (20 mph);

(b) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour (20 mph);

(c) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour (28 mph) (2019, Reference T.C.A. § 55-8-301).

(23) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation;

(24) "Established place of business" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the books and records are kept and a large share of the business is transacted;

(25) "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in those proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb;

(26) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;

(27) "Flammable liquid" means any liquid that has a flash point of seventy degrees Fahrenheit (70° F), or less, as determined by a tagliabue or equivalent closed-cup test device;

(28) "Foreign vehicle" means every vehicle of a type required to be registered brought into the City of Alcoa from another city, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in the City of Alcoa;

(29) "Golf cart" means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and equipped with safety belts installed for use in the left front and right front seats and that is not capable of exceeding speeds of twenty miles per hour (20 mph);

(30) "Gross weight" means the weight of a vehicle without load plus the weight of any load thereon;

(31) "Highway," "roads," "streets," "roadway," means the entire width between the boundary lines of every way when any part thereto is open to the use of the public for purposes of vehicular travel.

(32) "Implement of husbandry" means every vehicle that is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of the owner's agricultural operations;

(33) "Intersection" means:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways that join one another at, or approximately at, right angles, or the areas within which vehicles traveling upon different highways joining at any other angle may come in conflict; or

(b) Where a highway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of that divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two (2)

roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

(34) "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;

(35) "License to operate a vehicle" means any operator's or chauffeur's license, including commercial driver's license or any other license or permit to operate a motor vehicle issued under the laws of this state including:

(a) Any temporary license or instruction permit;

(b) The privilege of any person to drive a motor vehicle whether or not that person holds a valid license; and

(c) Any nonresident's operating privilege as defined in this section.

(36) "Local authorities" means every county, municipal and other local board or body having authority to enact ordinances or make regulations relating to traffic under state law and of the City of Alcoa charter or code of ordinances.

(37) "Low speed vehicle" means any four (4) wheeled electric vehicle, excluding golf carts, whose top speed is greater than twenty miles per hour (20 mph) but not greater than twenty-five miles per hour (25 mph), including neighborhood vehicles. Low speed vehicles must comply with the safety standards (49 CFR 571.500);

(38) "Manufacturer" means every person engaged in the business of constructing or assembling vehicles of a type required to be registered at an established place of business in this city;

(39) "Medium speed vehicle" means any four-wheeled electric or gasoline-powered vehicle, excluding golf carts, whose top speed is greater than thirty miles per hour (30 mph), but whose maximum speed allowed is thirty-five miles per hour (35 mph) only on streets with a forty mile per hour (40 mph) or less posted speed limit, and otherwise meets or exceeds the federal safety standards set forth (49 CFR 571.500), except as otherwise provided in the registration requirements (T.C.A. § 55-4-136);

(40) "Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material;

(41) "Minimal risk condition" means a low-risk operating mode in which an ADS-operated vehicle when the ADS is engaged achieves a reasonably safe state upon experiencing a failure of the vehicle's ADS that renders the vehicle unable to perform the entire dynamic driving task;

(42) "Motor vehicle" means every vehicle, including a low speed vehicle or a medium-speed vehicle that is self-propelled, excluding electric bicycles and motorized bicycles, and every vehicle, including a low speed vehicle or a medium speed vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;

(43) "Motorcycle" means every motor vehicle that has a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels

in contact with the ground, including an autocycle and does not include a tractor or motorized bicycle;

(44) "Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor that produces no more than five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred twenty-five cubic centimeters (125cc);

(45) "Motorized bicycle" means a vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters (50cc) which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty miles per hour (30 mph) on level ground. The operator of a motorized bicycle must be in possession of a valid operator's or chauffeur's license, and shall be subject to all applicable and practical rules of the road. A motorized bicycle may not be operated on a highway of the interstate and defense highway system, any similar limited access multilane divided highway, or upon sidewalks;

(46) "Off-highway vehicle" or "off-highway motor vehicle" means any vehicle designed primarily to be operated off public highways, including any Class I off-highway vehicle, Class II off-highway vehicle, all-terrain vehicle, any motorcycle commonly referred to as a dirt bike, or any snowmobile or other vehicle designed to travel exclusively over snow or ice;

(47) "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic;

(48) "One-way street" means any street which has been designated and marked with posted signs indicating traffic shall proceed only in the one (1) indicated direction;

(49) "Operator" means:

(a) For purposes of a conventionally operated vehicle, every person, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle, whether or not licensed as an operator or chauffeur; and

(B) For purposes of an ADS-operated vehicle and when the context requires, the ADS when the ADS is engaged.

(50) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title;

(51) "Park," when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading;

(52) "Pedestrian" means any person afoot or using a motorized or non-motorized wheelchair;

(53) "Person" means a natural person, firm, co-partnership, association, corporation, or an engaged ADS;

(54) "Platoon" means a group of individual motor vehicles that are traveling in a unified manner at electronically coordinated speeds;

(55) "Pneumatic tire" means every tire in which compressed air is designed to support the load;

(56) "Pole trailer" means every vehicle without motive power designed to be driven by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections;

(57) "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

(58) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;

(59) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

(60) "Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(61) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

(62) "Recovered materials" means those materials which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation processing. Such recovered materials are not solid waste;

(63) "Recyclable materials" means those materials which are capable of being reused or returned to use in the form of raw materials or products, whether or not such materials have been diverted or removed from the solid waste stream;

(64) "Recycling vehicle" means any vehicle that is designed and used exclusively for the collection or transportation of recovered materials or recyclable materials;

(65) "Residential district" means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred feet (300') or more is in the main improved with residences;

(66) "Right-of-way" means the privilege of the immediate use of the roadway;

(67) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;

(68) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, "roadway" refers to any such roadway separately, but not to all such roadways collectively;

(69) "Roller skates" has its ordinary meaning and means a pair of shoes mounted either with two (2) sets of wheels or multiple wheels in a line, most often propelled by the user in an upright, standing position;

(70) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone;

(71) "School bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school;

(72) "Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle;

(73) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;

(74) "Skateboard" the term skateboard includes a board of any material with wheels affixed to the underside, customarily ridden by the user in an upright, standing position, and being propelled by gravitational power, human power, electrical motor, or internal combustion engine;

(75) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load;

(76) "Solid waste vehicle" means any vehicle engaged in the collecting and transporting of municipal solid waste (T.C.A. § 68-211-802) or recyclable materials (T.C.A. § 68-211-802);

(77) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus and concrete mixers. The foregoing enumeration shall be deemed partial and shall not operate to exclude other vehicles that are within the general terms of this subdivision;

(78) "Specially constructed vehicle" means every vehicle of a type required to be registered not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction;

(79) "Stop," when required, means complete cessation from movement;

(80) "Stop line" means a white line placed generally in conformance with the Manual on Uniform Traffic Control Devices (MUTCD), as adopted by the department of transportation, denoting the point where an intersection begins;

(81) "Stopping" or "standing," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal;

(82) "Street" means the entire width between boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular travel;

(83) "Streetcar" means a car other than a railroad train for transporting persons or property and operated upon rails principally within the City of Alcoa;

(84) "Through highway" or "through street" means every highway or street, or portion of the highway or street, at the entrance to which vehicular traffic from intersecting highways or streets is required by law to stop before entering or crossing the same and when stop signs are erected;

(85) "Trackless trolley coach" means every motor vehicle that is propelled by electric power obtained from overhead trolley wires but not operated upon rails;

(86) "Tractor" means any self-propelled vehicle designed or used as a traveling power plant or for drawing other vehicles, but having no provision for carrying loads independently;

(87) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel;

(88) "Traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed;

(89) "Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(90) "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property;

(91) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;

(92) "Urban district" means the territory contiguous to and including any street that is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet (100') for a distance of one-quarter (1/4) mile or more;

(93) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. (1971 Code, § 9-102, as replaced by Ord. #15-347, Feb. 2015, amended by Ord. #15-350, April 2015, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-102.--15-130. Deleted. (as added by Ord. #06-085, June 2006, renumbered by Ord. #05-105, Dec. 2006, and deleted by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 2

ENFORCEMENT OF TITLE AND DRIVERS LICENSES

SECTION

- 15-201. Required obedience to laws.
- 15-202. Compliance with lawful orders.
- 15-203. Public officers and employees.
- 15-204. Persons working on highways.
- 15-205. Penalties for violation.
- 15-206. Reexamination.
- 15-207. Parents and guardians.
- 15-208. Director of public safety.
- 15-209. Duties of director of public safety.
- 15-210. Authority and duties of police and fire departments.
- 15-211. Obedience to police and fire department officers.
- 15-212. License required - requirements - exception - applicability to temporary licenses and permits.
- 15-213. Misdemeanor - license.
- 15-214. Learners permit - intermediate license - restrictions.
- 15-215. License to be carried and exhibited on demand.
- 15-216.--15-234. Deleted.

15-201. Required obedience to laws. It is unlawful and it is a civil ordinance violation for any person to do any act forbidden or fail to perform any act required in this title. (1971 Code, § 9-210, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-202. Compliance with lawful orders. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic (reference T.C.A. § 55-8-104). (1971 Code, § 9-214, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-203. Public officers and employees. The provisions of this title applicable to drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, Tennessee, or the City of Alcoa, or any other political subdivision of the City of Alcoa, subject to specific exceptions as are set forth in this title, or otherwise excused, pre-empted or immune under state or federal law (reference T.C.A. § 55-8-106). (1971 Code, § 9-215, as repealed and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-204. Persons working on highways. Unless specifically made applicable, the provisions of this title shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway or the adjacent right-of-way, but shall apply to these persons and vehicles when traveling to or from such work. This section shall not relieve the driver of a motor vehicle or equipment covered by this section from the duty to drive with due regard for the safety of all persons, all as provided by law (reference T.C.A. § 55-8-107). (1971 Code, § 9-216, as repealed and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-205. Penalties for violation. (1) Unless otherwise stated herein, the penalty for violation of any provision of this title is a fine not to exceed fifty (\$50.00) dollars, plus any court costs or administrative fees allowed by local, state or federal laws.

(2) (a) Any person committing a violation of any provision of this title may be required, at the discretion of the court, to attend a driver education course approved by the department of safety in addition to, or in lieu of any portion or other penalty imposed.

(b) Additionally, the court may have authority to suspend or revoke a person's driving privileges as a result of a finding of violation of this title.

(c) Upon certification to the court clerk that a court ordered driver education or improvement course has been completed, the court clerk shall report the completion to the department of safety. The report shall be accomplished on the abstract of record of the court referenced in Tennessee Code Annotated, § 55-10-306.

(3) Subsection (2) shall not apply to any person who holds a Class A, B, or C license and is charged with any violation, except a parking violation, in any type of motor vehicle.

(4) Subsection (2) shall not apply to any person who holds any class of driver license and who is charged with any violation, except a parking violation, while operating a commercial motor vehicle (T.C.A. § 55-10-301). (1971 Code, § 9-217, as repealed and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-206. Reexamination. The City of Alcoa municipal court judge shall have the authority to require any person brought before the judge's court for an alleged violation to submit to a reexamination by the department of safety when the judge has good cause to believe that the person, by reason of physical or mental disability, would not be able to operate a motor vehicle with safety upon the highways, or, in the discretion of the judge, would create a hazard to the driving public. However, the operator's or chauffeur's license of the person shall not be withheld or suspended pending the reexamination (T.C.A. § 55-10-309).

(1971 Code, § 9-218, as renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-207. Parents and guardians. The parent of any child and the guardian of any ward shall not authorize or knowingly permit that child or ward to violate any of the provisions of this title (T.C.A. § 55-8-171(b)). (1971 Code, § 9-219, as renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-208. Director of public safety. The city manager is hereby designated the director of public safety with the authority to appoint a designee to act in such capacity. (1971 Code, § 9-220, as amended and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-209. Duties of director of public safety. The director of public safety is hereby authorized and it shall be his duty:

(1) To implement the provisions of this title and give general supervision over its enforcement.

(2) To issue all permits authorized under this title.

(3) To designate all vehicles which shall be considered emergency vehicles which are not specifically designated as such by this title.

(4) To designate and mark all streets which shall be one-way streets; to designate and mark which streets shall be two (2) laned streets or multiple-laned streets; and to designate and mark which streets shall be truck and/or bus routes.

(5) To design, designate and erect all traffic-control signs, signals, markings and devices and to designate their location.

(6) To designate and mark all no-parking or limited parking areas, pedestrian crosswalks, stop streets, and yield right of way streets, and to close to public traffic any streets or parts of streets upon a temporary basis as may be needed or required.

(7) To designate and mark all streets or street areas with a speed limit for vehicular traffic on said streets and street areas.

(8) To designate and mark all school zones, playground zones and congested area zones. (1971 Code, § 9-221, as repealed and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-210. Authority and duties of police and fire departments.

(1) It shall be the duty of the officers of the police department, or such officers as are assigned by the chief of police, to enforce all street traffic laws of this city, and all the state vehicle laws applicable to street traffic in this city.

(2) Officers of the police department or such officers as are assigned by the chief of police, are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that in the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(3) Officers of the fire department, when at the scene of a fire, may direct, or assist the police in directing traffic thereat or in the immediate vicinity. (1971 Code, § 9-222, as renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-211. Obedience to police and fire department officers. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (1971 Code, § 9-223, as renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #09-213, Oct. 2009, and Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-212. License required - requirements - exception - applicability to temporary licenses and permits. (1) Every person applying for an original or renewal driver license shall be required to comply with and be issued a classified driver license meeting the following requirements:

(a) No person, except those expressly exempted in this section, shall drive any motor vehicle upon a highway in this state unless the person has a valid driver license under this chapter for the type or class of vehicle being driven;

(b) No person, except those expressly exempted in this section, shall steer or, while within the passenger compartment of the vehicle, exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway in this state unless the person has a valid driver license under this chapter for the type or class of vehicle being towed;

(c) No person shall receive a driver license unless and until the person surrenders to the department all valid licenses in the person's possession, issued to that person by this or any other jurisdiction. All surrendered licenses issued by another jurisdiction shall be returned, together with information that the person is licensed in this state. No person shall be permitted to have more than one (1) valid driver license at any time; and

(d) Any person licensed as a driver may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise the privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

(2) This section is applicable to the issuance of temporary driver licenses and permits.

(3) A Class M license shall not be required for the operation of an autocytle (reference T.C.A. § 55-50-301). (1971 Code, § 9-224, as renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-213. Misdemeanor - license. It is a civil ordinance violation for any person to:

(1) Display or cause or permit to be displayed, or have in the person's possession, any cancelled, revoked, suspended, or fraudulently altered driver license, certificate of driving or other government-issued photo identification document;

(2) Lend a driver license, certificate of driving or other government-issued photo identification document to any other person or knowingly permit the use thereof by another;

(3) Display or represent as one's own any driver license, certificate of driving or other government-issued photo identification document not issued to the person;

(4) Fail or refuse to surrender to the department upon its lawful demand any driver license, certificate of driving or other government-issued photo identification document that has been suspended, revoked, or cancelled;

(5) Permit or commit any unlawful use of a driver license, certificate of driving or other government-issued photo identification document issued to the person;

(6) Do any act forbidden or fail to perform any act required by this chapter, notwithstanding any contrary law; or

(7) Display or have in possession any photograph, photostat, duplicate, reproduction or facsimile of any driver license, certificate of driving or other government-issued photo identification document unless authorized by this chapter (T.C.A. § 55-50-601). (1971 Code, § 9-226, as repealed and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-214. Learners permit - intermediate license - restrictions.

(1) (a) A person issued an intermediate driver license shall not operate a motor vehicle from eleven o'clock p.m. (11:00 P.M.) to six o'clock a.m. (6:00 A.M.) unless:

(i) Accompanied by a parent or legal guardian;

(ii) Accompanied by a licensed driver twenty-one (21) years of age or older, designated by the parent or legal guardian;

(iii) Driving to or from scheduled specifically-identified school-sponsored activities and events, if the driver has in the driver's possession written permission from the driver's parent or legal guardian authorizing the driver to go to or from the

specifically-identified scheduled school-sponsored activities and events;

(iv) Driving to or from full, or part-time employment, if the driver possesses written permission from the driver's parent or legal guardian identifying the location of employment and authorizing the driver to go to or from the employment; or

(v) Driving to or from hunting or fishing between the hours of four o'clock A.M. (4:00 A.M.) and six o'clock A.M. (6:00 A.M.) and in possession of a valid hunting or fishing license.

(b) In addition to subsection (1)(a), a person issued an intermediate driver license shall not operate a motor vehicle with more than one (1) passenger in the motor vehicle unless:

(i) One (1) or more of the passengers are twenty-one (21) years of age or older and possess a valid unrestricted driver license; or

(ii) The additional passengers are brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household of the driver, and the driver has in the driver's possession a letter from the driver's parent or legal guardian authorizing the passengers to be in the motor vehicle for the sole purpose of going to or from school (T.C.A. § 55-50-311(e)(1)-(2)).

(2) In addition to any other penalty, a fine of ten dollars (\$10.00) shall be imposed upon conviction for a violation of this section (T.C.A. § 55-50-311(g)). (1971 Code, § 9-227, as renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-215. License to be carried and exhibited on demand. Every licensee shall have the licensee's license in immediate possession at all times when operating a motor vehicle and shall display it upon demand to any officer or agent of the department or any police officer of the City of Alcoa, except that where the licensee has previously deposited the license with the officer or court demanding bail, and has received a receipt from the officer or the court, the receipt is to serve as a substitute for the license until the specified date for court appearance of licensee or the license is otherwise returned to the licensee by the officer or court accepting the license for deposit. Any peace officer, field deputy, or inspector of the department, or any other law enforcement officer of the City of Alcoa thereof, has the right to demand the exhibition of the license of any operator of a motor-driven cycle, and effect the arrest of any person so found to be in violation of this section (T.C.A. § 55-50-351). (1971 Code, § 9-228, as repealed and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-216.--15-234. Deleted. (as added by Ord. # 15-372, Nov. 2015, and deleted by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 3

MISCELLANEOUS

SECTION

- 15-301. Persons riding animals or driving animal drawn vehicles.
- 15-302. Regulations governing nonmotor vehicles and animals.
- 15-303. Reserved for funeral processions.
- 15-304. Obscene or patently offensive bumper stickers, window signs, etc., prohibited.
- 15-305. Street sweeper.
- 15-306. Excessive noise from motor vehicles.
- 15-307. Safety belt requirements - violations.
- 15-308. Child passenger restraint systems.
- 15-309. Use of safety belts in passenger vehicles.
- 15-310. Dealers in secondhand automobile tires and accessories.
- 15-311. Open container law.
- 15-312. Evidence of compliance with financial responsibility law.
- 15-313. Operation of vehicles injurious to highways.
- 15-314. Reduction of maximum weight - notice.
- 15-315. Arrest of violators - reduction of overload before moving vehicle.
- 15-316. Log trucks - improper fastening of load.
- 15-317. Loose material hauled in open bed truck.
- 15-318. Use of engine compression braking devices.
- 15-319. Sale of motor fuel and lubricating oils.
- 15-320. Regulations governing contract passenger carriers.
- 15-321. Operation of off-highway motor vehicles by minors.
- 15-322. Chauffeur using automobile without owner's consent.
- 15-323. School safety patrol.
- 15-324. Damaging pavements, hauling filth, cluttering streets, burning in streets, selling in streets, etc.
- 15-325. Playing in streets.

15-301. Persons riding animals or driving animal drawn vehicles.

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except those provisions of this title that by their very nature can have no application (T.C.A. § 55-8-105). (1971 Code, § 9-201, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-302. Regulations governing nonmotor vehicles and animals.

(1) Every driver or person having charge of any nonmotor vehicle, on any of the public roads in or of this city, on meeting and passing another vehicle,

shall give one-half (1/2) of the road by turning to the right, so as not to interfere in passing.

(2) When nonmotor vehicles on public roads are traveling in the same direction, and the driver of the hindmost desires to pass the foremost, each driver shall give one-half (1/2) of the road, the foremost by turning to the right, and the hindmost to the left.

(3) (a) No driver shall stop a nonmotor vehicle on any of the public roads, for any cause or pretense whatever, without turning so far to the right as to leave at least one-half (1/2) of the road free, open, and unobstructed for other travelers and vehicles.

(b) Subdivision (3)(a) does not apply to a certified police cyclist engaged in the lawful performance of duty relating to traffic control.

(4) Drivers of nonmotor vehicles on public roads shall pass each other in a quiet, orderly, and peaceable manner, and shall not make any noise intended to disturb or frighten the driver or the animals drawing nonmotor vehicles.

(5) No person shall willfully, by noise, gesture or by other means, on or near public roads, disturb or frighten the driver or rider or the animals ridden or drawing vehicles thereon.

(6) An intentional or careless violation of this section constitutes a violation of this ordinance, punishable by a fine up to fifty dollars (\$50.00), plus court costs. More serious violations may be cited as criminal law violations punishable under state law.

(7) (a) All horse-drawn vehicles and/or equipment, whether farm or passenger, shall be equipped with a self-luminous white lamp which shall be visible from the front from a distance of at least five hundred feet (500') and with a self-luminous red lamp on the rear which shall be visible from a distance of at least five hundred feet (500') to the rear.

(b) This subsection (7) applies only if the horse-drawn vehicle is used as the owner's primary mode of personal or farm transportation and is regularly driven upon public roads or highways or the rights-of-way thereof (T.C.A. § 55-8-178). (1971 Code, § 9-202, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-303. Reserved for funeral processions. (1971 Code, § 9-203, as replaced by Ord. #19-483, Oct. 2019 *Ch15_12-10-19*, and Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-304. Obscene or patently offensive bumper stickers, window signs, etc., prohibited. To avoid distracting other drivers and thereby reduce the likelihood of accidents arising from lack of attention or concentration, the display of obscene and patently offensive movies, bumper stickers, window signs or other markings on or in a motor vehicle that are visible to other drivers is prohibited (T.C.A. § 55-8-187).

(1) "Obscene" means: (a) The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;

(b) The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct; and

(c) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(2) "Patently offensive" means that which goes substantially beyond customary limits of candor in describing or representing such matters (T.C.A. § 39-17-901(10)-(11)). (1971 Code, § 9-204, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-305. Street sweeper. (1) For the purpose of this section, "street sweeper" means a vacuum or broom-type vehicle used for routine mechanized street, road, interstate highway, and/or bridge sweeping to clean and remove sand, dirt, soil, paper, glass, cans, and other debris.

(2) If operated in compliance with the national highway traffic safety administration standards, including the National Highway Safety Manual, a street sweeper may make intermittent stops as necessary to collect tree limbs, debris, and other objects the street sweeper cannot automatically collect and travel at a speed below the lawful minimum speed:

(a) On any particular roadway in all non-residential areas at any time except seven o'clock A.M. (7:00 A.M.) to eight thirty A.M. (8:30 A.M.) and four o'clock P.M. (4:00 P.M.) to six o'clock P.M. (6:00 P.M.) on weekdays;

(b) On any particular roadway in all residential areas at any time; or

(c) Notwithstanding subdivisions (2)(a) and (b), at any time on any roadway after an emergency or an event that makes street sweeping necessary or desirable.

(3) Absent non-compliance with this section, operator negligence or an intentional tort by an operator, operation of a street sweeper in compliance with this section shall not be a violation of law, and shall not subject the street sweeper to liability for claims for personal injury, property damage or death (T.C.A. § 55-8-190). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-306. Excessive noise from motor vehicles. (1) No person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway shall operate or permit the operation of any sound amplification system including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty feet (50') or more from the vehicle. For the purpose of this section,

"plainly audible" means any sound that clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty feet (50') or more; however, words or phrases need not be discernible and the sound shall include bass reverberation.

(2) This section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by the City of Alcoa or any utility company, for sound emitted unavoidably during a job-related operation, school or community sponsored activities, auctioneers or auctioning activities, boats or other watercraft operated on waters or any motor vehicle used in an authorized public activity for which a permit has been granted by the City of Alcoa (T.C.A. § 55-8-193). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-307. Safety belt requirements - violations. (1) (a) It is unlawful for any person to buy, sell, lease, trade or transfer from or to Tennessee residents, at retail, an automobile that is manufactured or assembled commencing with the 1964 models, unless the automobile is equipped with safety belts installed for use in the left front and right front seats.

(b) It is unlawful for any person to buy, sell, lease, trade or transfer from or to Tennessee residents, at retail, a passenger motor vehicle that is manufactured or assembled commencing with the 1969 models, unless the passenger motor vehicle is equipped with safety belts installed for use in every designated seating position of the motor vehicle.

(2) All such safety belts shall be of a type and be installed in a manner approved by the department of safety. The department of safety shall establish specifications and requirements of approved types of safety belts and attachments. The department shall accept, as approved, all seat belt installations and the belt and anchor meeting the specifications of the Society of Automotive Engineers.

(3) As used in this section, unless specified otherwise, "passenger car" or "passenger motor vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating of eight thousand five hundred pounds (8,500 lbs.) or less that is not used as a public or livery conveyance for passengers. "Passenger car" or "passenger motor vehicle" does not apply to motor vehicles that are not required by federal law to be equipped with safety belts.

(4) A violation of this section is a civil ordinance violation. No court cost shall be imposed against anyone convicted of a violation of this section (T.C.A. § 55-9-601). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-308. Child passenger restraint systems. (1) (a) Any person transporting any child, under one (1) year of age, or any child, weighing twenty pounds (20 lbs.) or less, in a motor vehicle upon a road, street or highway of this state is responsible for the protection of the child and properly using a child passenger restraint system in a rear facing position, meeting federal motor vehicle safety standards in the rear seat if available or according to the child

safety restraint system or vehicle manufacturer's instructions (T.C.A. § 55-9-602 (a)(1)).

(b) Notwithstanding Tennessee Code Annotated, § 55-9-603, any person transporting any child, one through three (1-3) years of age weighing greater than twenty pounds (20 lbs.), in a motor vehicle upon a road, street or highway is responsible for the protection of the child and properly using a child passenger restraint system in a forward facing position, meeting federal motor vehicle safety standards in the rear seat if available or according to the child safety restraint system or vehicle manufacturer's instructions (T.C.A. § 55-9-602 (a)(2)).

(c) Notwithstanding Tennessee Code Annotated, § 55-9-603, any person transporting any child, four through eight (4-8) years of age and measuring less than four feet nine inches (4' 9") in height, in a passenger motor vehicle upon a highway, or City of Alcoa road or street, is responsible for the protection of the child and properly using a belt positioning booster seat system, meeting federal motor vehicle safety standards in the rear seat if available or according to the child safety restraint system or vehicle manufacturer's instructions (T.C.A. § 55-9-602(a)(3))

(d) (i) If a child is not capable of being safely transported in a conventional child passenger restraint system as provided for in this subsection (1), a specially modified, professionally manufactured restraint system meeting the intent of this subsection (1) shall be in use; provided, however, that this subdivision (1)(d) shall not be satisfied by use of the vehicle's standard lap or shoulder safety belts independent of any other child passenger restraint system. A motor vehicle operator who is transporting a child in a specially modified, professionally manufactured child passenger restraint system shall possess a copy of the physician's signed prescription that authorizes the professional manufacture of the specially modified child passenger restraint system.

(ii) A person shall not be charged with a violation of this subsection (1) if the person presents a copy of the physician's prescription in compliance with this subdivision (1)(d) to the arresting officer at the time of the alleged violation

(iii) A person charged with a violation of this subsection (1) may, on or before the court date, submit a copy of the physician's prescription and evidence of possession of a specially modified, professionally manufactured child passenger restraint system to the court. If the court is satisfied that compliance was in effect at the time of the violation, the charge for violating this subsection (1) may be dismissed (T.C.A. § 55-9-602(a)(4)).

(e) A person who is operating an autocycle shall not carry a child as a passenger if such child is required to be secured in a motor vehicle in a manner in accordance with this section unless:

- (i) The autocycle has an enclosed cab;
- (ii) The autocycle meets the federal motor vehicle safety standards for child restraints found in 49 C.F.R. 571.213 and 49 C.F.R. 571.225;
- (iii) The child is secured in a manner in accordance with this section (T.C.A. § 55-9-602(a)(5)).

(f) With respect to a vehicle equipped with an ADS, responsibility ascribed in this subsection (1) shall belong solely to the parent, guardian, or other human person accompanying the child in the vehicle, and not to the ADS or the owner of the ADS-operated vehicle (T.C.A. § 55-9-602(a)(6)).

(2) A violation of this section is a civil ordinance violation. In addition to or in lieu of the penalty imposed for this civil ordinance violation, persons found guilty of a first offense of violating this section may be required to attend a court approved offenders' class designed to educate offenders on the hazards of not properly transporting children in motor vehicles. A fee may be charged for the classes sufficient to defray all costs of providing the classes (T.C.A. § 55-9-602(c)).

(3) All fines imposed by this section shall be sent by the clerk of the court to the state treasurer (T.C.A. § 55-9-602(f)(2)).

(4) (a) (i) Notwithstanding Tennessee Code Annotated, § 55-9-603, any person transporting any child, nine through twelve (9-12) years of age, or any child through twelve (12) years of age, measuring four feet, nine inches (4' 9") or more in height, in a passenger motor vehicle upon a City of Alcoa road, street or highway is responsible for the protection of the child and properly using a seat belt system meeting federal motor vehicle safety standards. It is recommended that any such child be placed in the rear seat if available (T.C.A. § 55-9-602(g)(1)(A)).

(ii) Notwithstanding Tennessee Code Annotated, § 55-9-603, any person transporting any child, thirteen through fifteen (13-15) years of age, in a passenger motor vehicle upon a road, street or highway of this state is responsible for the protection of the child and properly using a passenger restraint system, including safety belts, meeting federal motor vehicle safety standards.

(b) A person charged with a violation of this subsection (d) may, in lieu of appearance in court, submit a fine of fifty dollars (\$50.00) to the City of Alcoa clerk of the court.

(c) No litigation tax levied pursuant to title 67, chapter 4, part 6, shall be imposed or assessed against anyone convicted of a violation of

this subsection (4), nor shall any clerk's fee or court costs, including but not limited to any statutory fees of officers, be imposed or assessed against anyone convicted of a violation of this subsection (4).

(d) (i) Notwithstanding any law to the contrary, no more than one (1) citation may be issued for a violation of this subsection (4) per vehicle per occasion. If the driver is neither a parent nor legal guardian of the child and the child's parent or legal guardian is present in the vehicle, the parent or legal guardian is responsible for ensuring compliance with this subsection (6).

(ii) (A) If no parent or legal guardian is present at the time of the violation, the driver is solely responsible for compliance with this subsection (4) if the vehicle is operated by conventional means.

(B) If the vehicle is operated by an ADS and:

(1) If no parent or legal guardian is present at the time of the violation, the human person accompanying the child is solely responsible for compliance with this subsection (5).

(2) If no parent or guardian is present at the time of the violation and more than one (1) human person accompanies the child, each person is jointly responsible for compliance with this subsection (4); or

(3) If no human person accompanies the child, the parent or legal guardian of the child is responsible for compliance with this subsection (4) (T.C.A, § 55-9-602(g)(1)(B))

(5) As used in this section, unless specified otherwise, "passenger motor vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating of ten thousand pounds (10,000 lbs.) or less, that is not used as a public or livery conveyance for passengers. "Passenger motor vehicle" does not apply to motor vehicles that are not required by federal law to be equipped with safety belts (T.C.A, § 55-9-602(h)).

(6) A person who has successfully met the minimum required training standards for installation of child restraint devices established by the national highway traffic safety administration of the United States department of transportation, who in good faith installs or inspects the installation of a child restraint device shall not be liable for any damages resulting from any act or omission related to the installation or inspection unless the act or omission was the result of the person's gross negligence or willful misconduct (T.C.A, § 55-9-602(I)) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-309. Use of safety belts in passenger vehicles. (1) (a) No person shall operate a passenger motor vehicle on any highway or city street, as defined in § 15-101, unless the person and all passengers four (4) years

of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

(b) No person four (4) years of age or older shall be a passenger in a passenger motor vehicle on any highway or city street, as defined in § 15-101, unless the person is restrained by a safety belt at all times the vehicle is in forward motion.

(2) (a) This section shall apply only to the operator and all passengers occupying the front seat of a passenger motor vehicle.

(b) If the vehicle is equipped with a rear seat that is capable of folding, this section shall only apply to front seat passengers and the operator if the back seat is in a fold down position.

(3) As used in this section, unless specified otherwise, "passenger car" or "passenger motor vehicle" does not include any motor vehicle that is used as a public or livery conveyance for passengers or any motor vehicles that are not required by federal law to be equipped with safety belts, except autocycles as defined in § 15-101.

(4) (a) A violation of this section is a civil ordinance violation. All proceeds from the fines imposed by this subsection (4), except as otherwise provided by subdivisions (4)(b) and (c), shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in Tennessee Code Annotated, § 49-11-602, who have been severely injured in motor vehicle accidents.

(b) (i) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of thirty dollars (\$30.00) for a first violation, and fifty dollars (\$50.00) for a second or subsequent violation to the City of Alcoa clerk of the court.

(ii) The revenue generated by fifteen dollars (\$15.00) of the thirty-dollar fine in subdivision (4)(b)(i) for a person's first conviction shall be deposited in the state general fund without being designated for any specific purpose. Ten dollars (\$10.00) of the thirty-dollar (\$30.00) fine for the person's first conviction under subdivision (4)(b)(i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in Tennessee Code Annotated, § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the thirty-dollar (\$30.00) fine for the person's first conviction under subdivision (4)(b)(i) shall be retained by the court clerk.

(iii) The revenue generated by thirty dollars (\$30.00) of the fifty dollar fine under subdivision (4)(b)(i) for a person's second or subsequent conviction shall be deposited in the state general fund without being designated for any specific purpose. Twenty

dollars (\$20.00) of the fifty dollar fine (\$50.00) for the person's second or subsequent conviction under subdivision (4)(b)(i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the fifty dollar fine for the person's second or subsequent conviction under subdivision (4)(b)(i) shall be retained by the court clerk.

(5) Except as otherwise provided by subdivisions (4)(b) and (c), no clerk's fee nor court costs, including, but not limited to, any statutory fees of officers, shall be imposed or assessed against anyone convicted of a violation of this section. No litigation tax levied pursuant to Tennessee Code Annotated, title 67, chapter 4, part 6, shall be imposed or assessed against anyone convicted of a violation of this section.

(6) (a) A law enforcement officer observing a violation of this section shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this section.

(b) The department of safety shall not report any convictions under this section except for law enforcement or governmental purposes.

(7) In no event shall a violation of this section be assigned a point value for suspension or revocation of a license by the department of safety, nor shall the violation be construed as any other offense under this title.

(8) This section does not apply to:

(a) A passenger or operator with a physical disability which prevents appropriate restraint in a safety seat or safety belt; provided, that the condition is duly certified in writing by a physician who shall state the nature of the disability, as well as the reason a restraint is inappropriate;

(b) A passenger motor vehicle operated by a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier;

(c) Salespersons or mechanics employed by an automobile dealer who, in the course of their employment, test-drive a motor vehicle, if the dealership customarily test-drives fifty (50) or more motor vehicles a day, and if the test-drives occur within one (1) mile of the location of the dealership;

(d) Water, gas, and electric meter readers, and utility workers, while the meter reader or utility worker is:

(i) Emerging from and reentering a vehicle at frequent intervals; and

(ii) Operating the vehicle at speeds not exceeding forty miles per hour (40 mph);

(e) A newspaper delivery motor carrier service while performing the duties of a newspaper delivery motor carrier service; provided, that this exemption shall only apply from the time of the actual first delivery to the customer until the last actual delivery to the customer;

(f) A vehicle in use in a parade if operated at less than fifteen miles per hour (15 mph);

(g) A vehicle in use in a hayride if operated at less than fifteen miles per hour (15 mph);

(h) A vehicle crossing a highway from one (1) field to another if operated at less than fifteen miles per hour (15 mph); or

(i) An ADS or an ADS-operated vehicle. Except as otherwise provided by Tennessee Code Annotated, § 55-9-606(2), for purposes of an ADS-operated vehicle, a passenger or human operator required to be restrained by a safety belt pursuant to this section is solely responsible for the passenger's or human operator's compliance with such requirement.

(9) (a) Notwithstanding this section to the contrary, no person between sixteen (16) years of age and up to and through the age of seventeen (17) years of age, shall operate a passenger motor vehicle, or be a passenger therein, unless the person is restrained by a safety belt at all times the vehicle is in forward motion.

(b) Notwithstanding subdivision (2)(a), this subsection (9) shall apply to all occupants between sixteen (16) years of age and eighteen (18) years of age occupying any seat in a passenger motor vehicle.

(c) Notwithstanding subdivision (6)(a), a City of Alcoa law enforcement officer observing a violation of this subsection (9) shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this subsection (9).

(10) Notwithstanding subsection (2), no person with a learner permit or an intermediate driver license shall operate a passenger motor vehicle in the City of Alcoa unless the person and all passengers between the ages of four (4) and eighteen (18) years of age are restrained by a safety belt at all times the vehicle is in forward motion (T.C.A. § 55-9-603). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-310. Dealers in secondhand automobile tires and accessories.

(1) Dealers in secondhand automobile tires or secondhand automobile accessories shall be required to make daily reports to the police headquarters of the City of Alcoa where these secondhand dealers transact their business, the reports to give a full description of all such articles that day purchased by the dealers, including numbers, markings, or workings appearing on the articles, and the description and address of the person from whom the articles were purchased by the dealer (T.C.A. § 55-14-101).

(2) No sale of any secondhand automobile tires or secondhand automobile accessories shall be made by any dealer in the articles until they have been in the dealer's possession for a period of three (3) days (T.C.A. § 55-14-102).

(3) All dealers shall keep records of all used automobile parts and/or accessories purchased by them for resale and these records shall contain, but not be limited to, the following:

(a) Name and address of the person from whom the dealer purchased the parts and/or accessories;

(b) A receipt signed by the person from whom the dealer bought the parts and/or accessories, showing the dealer's purchase price;

(c) The license number of the motor vehicle used by the seller, if there is one; and

(d) The person or place where the seller obtained the parts or accessories (T.C.A. § 55-14-105).

(4) The records of all used automobile parts and/or accessories purchased for resale shall be obtained by the dealer before purchasing the articles for resale (T.C.A. § 55-14-105).

(5) All records and information required to be kept by the dealer shall be made available for inspection by any law enforcement officer or official, and the records and information shall be kept by the dealer for a period of two (2) years from the date of purchase by the dealer; provided, that no law enforcement officer or official shall use this information for any purpose other than the enforcement of law (T.C.A. § 55-14-106)

(6) For purposes of this subsection, the word "dealer(s)" means all persons, partnerships or corporations engaged in the used or junk car business who purchase for resale used automobile parts and/or accessories. (T.C.A. § 55-14-104)

(7) A person who violates any provision of this section commits a civil ordinance violation (T.C.A. § 55-14-103). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-311. Open container law. (1) (a) No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in the City of Alcoa.

(b) For purposes of this section:

(i) "Open container" means any container containing alcoholic beverages or beer, the contents of which are immediately capable of being consumed or the seal of which has been broken;

(ii) An open container is in the possession of the driver when it is not in the possession of any passenger and is not located in a closed glove compartment, trunk or other nonpassenger area of the vehicle; and

(iii) A motor vehicle is in operation if its engine is operating, whether or not the motor vehicle is moving.

(2) A violation of this section is a civil ordinance violation (T.C.A. § 55-10-416). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-312. Evidence of compliance with financial responsibility law.

(1) It is a civil ordinance violation to fail to provide evidence of financial responsibility pursuant to Tennessee Code Annotated, § 55-12-139 and, at such time, such person has not been responsible for a motor vehicle accident resulting in bodily injury or death.

(2) For purposes of subsection (1), a person is at fault for an accident if the person acted with criminal negligence in the operation of such person's motor vehicle.

(3) If the driver of a motor vehicle fails to provide evidence of financial responsibility pursuant to this section, a City of Alcoa officer may tow the motor vehicle (T.C.A. § 55-12-139).

(4) The record of conviction of an offense under this ordinance shall be promptly transmitted to the department of safety (T.C.A. § 55-12-140) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-313. Operation of vehicles injurious to highways. It is a civil ordinance violation for a vehicle, truck, engine, or tractor of any kind, whether the vehicle be propelled by steam, gasoline, or otherwise, to operate upon any City of Alcoa street, highway, or other public thoroughfare that, either by reason of its weight or the character of its wheels, will materially injure the surface or foundation of the street, road, highway, public thoroughfare, including the bridges thereon, unless and until the owner or operator of the vehicle of any kind has complied with the rules and regulations that may be prescribed by the departments of transportation and safety relating to the use of the highways by those vehicles (T.C.A. § 55-7-101). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-314. Reduction of maximum weight - notice. (1) From January 15 to April 15 of each year, and at any other time when, by reason of repairs, weather conditions, or recent construction of the road, the maximum weight permitted would damage the road, the department of transportation may specify any lower maximum weight that, in the discretion of the department, is necessary in order to protect the streets, roads, highways, or other public thoroughfares from unnecessary injury or damage.

(2) Notice of a reduction in weight of load shall be given by the department by posters posted at the termini of the road and all detours for one (1) week before the reduction of load becomes effective.

(3) It is a civil ordinance violation for anyone who drives or causes to be driven any vehicle upon any City of Alcoa thoroughfare in violation of this

section (T.C.A. § 55-7-103). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-315. Arrest of violators - reduction of overload before moving vehicle. (1) It is the duty of any City of Alcoa officer authorized by law to make arrests, when that officer detects any person engaged in the violation of §§ 15-313 or 15-314 or regulations issued thereunder, immediately to place in custody and take the person at once before the nearest judge of the court of general sessions for trial, and it is not lawful for any person to move the vehicle overloaded in violation of §§ 15-313 or 15-314 until the load has been reduced so as to comply with the provisions or a special permit has been obtained.

(2) The failure of the driver or the owner of the vehicle promptly to comply with these provisions commits a civil ordinance violation (T.C.A. § 55-7-105). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-316. Log trucks - improper fastening of load. (1) When timber, pulpwood, or logs are hauled upon a truck, tractor-trailer, or tractor-semitrailer combination, with a rated capacity of more than three-fourths (3/4) of a ton, every length of timber, pulpwood, or logs shall be securely fastened with either two (2) chains rated not less than three-eighths inch (3/8") proof coil, or two (2) wire rope cables of not less than three-eighths inch (3/8") diameter or any combination of the minimum size chain or cable, or two (2) nylon straps equivalent in tensile strength to the minimum size chain or cable.

(2) If the length of the timber, pulpwood, or logs hauled exceeds thirty-five feet (35'), every length shall be securely fastened with three (3) chains or cables, as described in subsection (1), or a combination of chains and cables, or three (3) nylon straps equivalent in tensile strength to the minimum size chain or cable (T.C.A. § 55-7-107).

(3) Any owner, operator, or other person having control over the loading of log trucks, who hauls logs or permits the hauling of logs in violation of this section commits a civil ordinance violation (T.C.A. § 55-7-108). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-317. Loose material hauled in open truck bed. (1) Any truck, or other motor vehicle, with an open bed, that is operated on any highway, road, or street open for public use in this state, shall be loaded so that any loose material transported in truck or other motor vehicle remains at least four inches (4") below the walls of the open bed, measured at the front, back and sidewalls; but the load may be piled higher in the center of the open bed. "Loose material" includes any substance that could spill, drop off, or blow away from the open bed when the vehicle is operated. "Loose material" does not include materials such as sand or salt that are purposely discharged from truck beds to clear roadways or improve traction, and does not include water sprayed on streets for purposes of sanitation.

(a) A violation of this section is a civil ordinance violation.

(b) A charge for violation of this section shall be brought against the hauler whose vehicle is found in violation; however, the hauler may recoup one-half (1/2) of the fine from the producer or loader of the material hauled in violation of this section.

(2) As used in this section, "hauler" includes both the owner and the driver of a vehicle, and both parties shall be jointly liable. Only one (1) fine shall be imposed on a hauler, regardless of a difference between ownership and operation, and the party or parties paying the fine shall have a right of recoupment against the producer or loader either in whole or in accordance with the producer's or loader's share of payment.

(3) (a) This section shall not include farm produce going to market.

(b) This section shall not apply to motor vehicles which transport crushed stone, fill dirt and rock, soil, bulk sand, coal, phosphate muck, asphalt, concrete, other building materials, forest products, unfinished lumber, agricultural lime and agricultural products and that are loaded in compliance with the four-inch requirement of this section. The exemption shall not apply to any load if any law enforcement officer sees any part of this material blowing off the vehicle (T.C.A. § 55-7-109). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-318. Use of engine compression braking devices. (1) It is a civil ordinance violation for truck tractors and semitrailers to use an engine compression braking device, unless the engine compression braking device is equipped with an operational, approved muffler. An "approved muffler" means any muffler that complies with Federal Motor Carrier Safety Regulations on noise emissions, compiled in 49 CFR 325.1 (T.C.A. § 55-7-117). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-319. Sale of motor fuel and lubricating oils. (1) It is a civil ordinance violation for any person, firm or corporation to sell or offer for sale at retail, for use or consumption in any motor vehicle, or to deliver into any motor vehicle for actual or apparent use therein, any product for use in supplying, creating or generating motive power to that motor vehicle, or lubricating oil for that motor vehicle, unless the person, firm or corporation conspicuously and plainly posts at the place of the sale or delivery, a sign or placard, stating the price of each such product, and oil, separately, and so that the prices can be readily and easily distinguished by brand or other designation as legible words, letters and figures of uniform size and dimensions. The sign or placard shall be so located and placed that it may easily be seen and read by purchasers or prospective purchasers of the product or oil (T.C.A. § 55-15-101).

(2) It is a civil ordinance violation for any person, firm or corporation to sell or offer for sale at retail, for use or consumption in any motor vehicle, or to deliver into any motor vehicle, for actual apparent use therein, any product

whatsoever for use in supplying, creating or generating motive power to the motor vehicle, or lubricating oil for the motor vehicle, at any price or prices, except the exact price or prices contained on the sign or placard required by this chapter, or to offer, deliver, grant, allow, give or promise, any actual, prospective, contingent, immediate or future benefits, concessions, discounts, refunds, premiums or gratuities of any kind or nature, that, in any degree, manner or extent, shall, or be calculated or intended to, effect or accomplish a sale of the product for other than the posted price or prices (T.C.A. § 55-15-102).

(3) "Motor vehicle," as used in this section, includes all vehicles propelled by any power other than muscular power, except traction engines, road rollers, fire and police vehicles, ambulances, agricultural tractors, tractor cranes, steam shovels, road building machinery, electric trucks with small wheels used in factories, warehouses, and railroad stations and operated principally on private property, and such vehicles run only upon rails or tracks (T.C.A. § 55-15-103). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-320. Regulations governing contract passenger carriers.

(1) (a) Except as provided in subsection (2), all passenger contract carriers regularly transporting passengers within or through the state who operate vehicles with a seating capacity of less than eight (8) passengers, excluding the driver, and employing more than five (5) drivers must comply with the minimum safety standards established by this section.

(b) A violation of any provision of this section or failure to perform any act required by this section is a civil ordinance violation.

(2) This part does not apply to:

(a) A person who makes a single daily round trip to commute to and from work;

(b) A person transporting only school children and teachers;

(c) A person operating an ambulance or funeral service;

(d) A person who, on occasion and not as a regular business enterprise, transports one (1) or more passengers for pay;

(e) A person operating a stretched-sedan type limousine;

(f) A person operating a taxicab service for the general public using vehicles with a seating capacity of fewer than seven (7) passengers;

(g) Any public nonprofit or private nonprofit that provides transportation to the general public or to a specific client group; or

(h) Any entity licensed under Tennessee Code Annotated, chapter 17 of title 55 operating a courtesy van or other motor vehicle (T.C.A. § 55-20-202). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-321. Operation of off-highway motor vehicles by minors.

(1) (a) Except as provided in subsection (1)(b) and (c), it is a civil ordinance violation for any parent or legal guardian of a person under eighteen (18) years of age to permit that person to operate or be a passenger on an off-highway motor vehicle, unless the person is wearing an appropriate helmet for off-highway vehicles. A parent or legal guardian commits an offense under circumstances indicating that the parent or legal guardian of the person under eighteen (18) years of age knew or should have known that the child is or would be operating, or is or would be a passenger on an off-highway motor vehicle.

(b) Subsection (1)(a) does not apply to a parent or legal guardian of a person under eighteen (18) years of age if the off-highway motor vehicle is being operated by a person under eighteen (18) years of age, or the person is a passenger on an off-highway motor vehicle, on the private property of the parent or legal guardian, or the private property of a relative.

(c) Subsection (1)(a) does not apply to a parent or legal guardian of a person under eighteen (18) years of age if the off-highway motor vehicle is being operated by a person under eighteen (18) years of age who is commuting for the purpose of hunting and is in possession of a valid hunting license.

(d) "Relative" means a person or persons in the lineal line of consanguinity to a property owner, a spouse, or person or persons in the lineal line of consanguinity of a spouse, and includes an individual in an adoptive relationship to a property owner or the spouse of the property owner (T.C.A. § 55-52-201).

(2) Except as provided in subsection (3), it is a civil ordinance violation, subject only to imposition of a fine, not to exceed fifty dollars (\$50.00) and court costs, not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers (T.C.A. § 55-52-202(a)).

(3) (a) Upon commission of the first offense, it shall be a defense that the accused has since the date of the commission of the offense purchased or provided an appropriate helmet for the person under eighteen (18) years of age to wear while the person is operating or is a passenger on an off-highway motor vehicle and the parent or legal guardian intends to have the person use, or causes the person to use, or intends to cause the person to use the helmet as the law requires.

(b) On or before the court date indicated on the citation issued pursuant to subsection (5), if the parent or legal guardian presents the information contained in subdivision (2)(a) to the court and if the court is satisfied that the parent or legal guardian is serious about complying with the law, the charge against the parent or legal guardian may be dismissed. No court costs shall be assessed against a parent or legal guardian if the charge is dismissed pursuant to this subsection (3) (T.C.A. § 55-52-202(b)).

(4) In no event shall failure to wear an appropriate helmet for off-highway vehicles be admissible as evidence in trial of any civil action (T.C.A. § 55-52-202(c)).

(5) (a) If a law enforcement officer observes a person under eighteen (18) years of age operating or being a passenger on an off-highway motor vehicle where no person eighteen (18) years of age or older is either the operator or passenger, the law enforcement officer shall obtain the name and address of the parent or legal guardian of the person from the operator of the off-highway motor vehicle for the purpose of issuing and mailing a citation in lieu of arrest pursuant to Tennessee Code Annotated, § 55-10-207 to the parent or legal guardian. It is a violation of Tennessee Code Annotated, § 39-16-502 for the person to knowingly give false information to the law enforcement officer.

(b) If a law enforcement officer observes a person under eighteen (18) years of age as a passenger on an off-highway motor vehicle where the operator is eighteen (18) years of age or older, the law enforcement officer shall issue a citation in lieu of arrest pursuant to Tennessee Code Annotated, § 55-10-207 to the operator if the operator is the parent or legal guardian of the passenger. If the operator is not the parent or legal guardian, the law enforcement officer shall obtain the name and address of the parent from the operator for the purpose of issuing and mailing a citation in lieu of arrest pursuant to Tennessee Code Annotated, § 55-10-207 to the parent or legal guardian. It is a violation of Tennessee Code Annotated, § 39-16-502 for the person to knowingly give false information to the law enforcement officer (T.C.A. § 55-52-202(d)). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-322. Chauffer using automobile without owner's consent. It is a civil ordinance violation for any chauffer or any other person in like capacity to use the automobile of another without the owner's permission or consent (T.C.A. § 55-5-105). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-323. School safety patrol. 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 or giving signals. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-324. Damaging pavements, hauling filth, cluttering streets, burning in streets, selling in streets, etc. (1) No person shall operate 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.

(2) It shall be unlawful for any person to carry or haul any time, dirt, manure, filth, stone, brick or coal on or over any of the streets of the city, unless the vehicle in which the same is being conveyed is in a sufficiently tight and secure condition as to prevent any of the articles or materials being so hauled or conveyed from scattering or falling upon the street.

(3) It shall be unlawful for any person to build a fire or burn any leaves or refuse of any kind of the streets or public places of the city.

(4) It shall be unlawful for any person to place, keep or maintain upon any street, sidewalk, avenue or alley in the city, any tables, stall, booth or vending machine or to exhibit thereon any articles of merchandise or other articles for sale.

(5) It shall be unlawful for any person to park upon a street or highway any vehicle for the primary purpose of displaying advertisement. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-325. Playing in streets. (1) It shall be unlawful for any person to play any game or engage in any sport or amusement or skate on roller skates, ride or coast on kiddie cars, sleds, play wagons or to use vehicles of such character within the streets.

(2) It shall be unlawful for any parent, guardian or other person having charge or control of any child to permit such child to violate the provisions of this section.

(3) In the event any such parent, guardian or other person having charge or control of such child who violates the provisions of this section may prove in defense that he is unable to control such child in the observance of the provisions of this section and such parent, guardian or other person having charge of such child may thereupon be discharged from liability and such child may be proceeded against as a delinquent child under the statutes of the State of Tennessee in such cases provided. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 4**VEHICLE EQUIPMENT****SECTION**

- 15-401. Televisions in motor vehicles.
- 15-402. Tinted motor vehicle windows.
- 15-403. Horn - bells, sirens or exhaust whistles on emergency vehicles
- 15-404. Mufflers.
- 15-405. Windshield wipers.
- 15-406. Brakes.
- 15-407. Performance ability of brakes.
- 15-408. Brake fluid - minimum standards.
- 15-409. Trucks to be equipped with rearview mirror.
- 15-410. Penalty for operating truck without rearview mirror.
- 15-411. Mudguards on trucks.
- 15-412. Maximum length on vehicles.
- 15-413. Maximum width and height.
- 15-414. Maximum weight per axle or group of axles allowed.
- 15-415. Buses - length limitations.
- 15-416. Permits for moving and towing vehicles of excess weight or size.

15-401. Televisions in motor vehicles. (1) A person shall not operate a motor vehicle with, or install in a motor vehicle, a television receiver, a video monitor, or a television video screen capable of displaying a television broadcast or video signal that produces entertainment or business applications, if the receiver, monitor or screen is intended to display images visible to the driver in a normal position when the vehicle is in motion.

- (2) The prohibitions contained in this section shall not apply to:
 - (a) The following equipment when installed in a motor vehicle:
 - (i) A vehicle information display;
 - (ii) A navigation or global positioning display;
 - (iii) A visual display used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle; or
 - (iv) A television receiver, video monitor, television or video screen or any other similar means of visually displaying a television broadcast or video signal, if the equipment is designed to prevent the driver from viewing the entertainment or business application when the motor vehicle is being driven;
 - (b) Television receivers or monitors used in government-owned vehicles by law enforcement officers in the course of their official duties;
 - (c) A wireless telephone or communication device when used for placing or receiving a telephone call or to access a navigation or global positioning display;

(d) Electronic monitors or displays used to monitor livestock being transported;

(e) (i) Computer or other electronic displays or monitors used in utility vehicles by employees of the utility in the course of their official duties; provided, however, that use shall be permitted only while the vehicle is stopped, standing or parked;

(ii) "Utility" means the City of Alcoa and any person, cooperative, board, commission, district, or any entity created or authorized by public act, private act, or general law to provide electricity, natural gas, water, waste water services, telephone service or any combination thereof, for sale to consumers in any City of Alcoa service area; and

(iii) "Cooperative" means any cooperative providing utility services, including, but not limited to, electric or telephone services, or both; or

(f) (i) When a motor vehicle's autonomous technology is engaged, an operator may use an integrated electronic display for communication, information, and other uses enabled by the display; provided, that the display is integrated with the vehicle such that it operates and functions in coordination with such autonomous technology and disables automatically any moving images visible to the motor vehicle operator when the autonomous technology is disengaged;

(iii) "Autonomous technology" means technology installed on a motor vehicle that has the capability to drive the motor vehicle without the active physical control or monitoring by a human operator.

(3) This section does not apply to City of Alcoa law enforcement officers who are engaged in the performance of their official duties (T.C.A. § 55-9-105). (1971 Code, § 9-101, as repealed by Ord. #06-105, Dec. 2006, replaced by Ord. #15-347, Feb. 2015, amended by Ord. #15-350, April 2015, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-402. Tinted motor vehicle windows. (1) (a) It is unlawful for any person to operate, upon a highway or city street, street or road, any motor vehicle in which any window that has a visible light transmittance equal to, but not less than, that specified in the Federal Motor Vehicle Safety Standard (49 C.F.R. 571.205), has been altered, treated, or replaced by the affixing, application or installation of any material that:

(i) Has a visible light transmittance of less than thirty-five percent (35%); or

(ii) With the exception of the manufacturer's standard installed shade band, reduces the visible light transmittance in the windshield below seventy percent (70%).

(b) Any person who installs window tinting materials in the City of Alcoa for profit, barter, or wages or commissions is defined as a "professional installer" for the purposes of this section; and it is unlawful for a professional installer to apply tinting materials to any motor vehicle so as to cause that motor vehicle to be in violation of this section.

(c) All professional installers of window tinting materials shall supply and shall affix to the lower right corner of the driver's window an adhesive label, the size and style of which shall be determined by the City of Alcoa, that includes:

(i) The installer's business name; and

(ii) The legend "Complies with Tennessee Code Annotated, § 55-9-107."

(d) All professional installers of window tinting materials shall supply each customer with a signed receipt for each motor vehicle to which tinting materials have been applied that includes:

(i) Date of installation;

(ii) Make, model, paint color and license plate number and state;

(iii) The legend "Complies with Tennessee Code Annotated, § 55-9-107."

(iv) The legend "This receipt shall be kept with motor vehicle registration documents."

(e) The owner of any vehicle has the burden of proof that the motor vehicle is in compliance with this section.

(f) (i) The restrictions of this subsection do not apply to any of the following motor vehicles:

(A) Any motor vehicle model permitted by federal regulations to be equipped with certain windows tinted;

(B) Any motor vehicle bearing commercial license plates or government service license plates that are used for law enforcement purposes, for those windows rearward of the front doors;

(C) Any motor vehicle that is registered in another state and meets the requirements of the state of registration; and

(D) Any motor vehicle owned or leased by private investigators or licensed investigation companies.

(ii) This subdivision (1)(f) shall not be construed in any way to exempt the front door windows of any motor vehicle of any kind from the specifications of subdivision (1)(a)(i).

(2) Any person with a medical condition that is adversely affected by ultraviolet light may submit a statement to the City of Alcoa commissioner from that person's physician certifying that the person has a medical condition that

requires reduction of light transmission in the windows of the person's vehicle in excess of the standards established in subsection (1).

(3) A City of Alcoa police officer may detain a motor vehicle being operated on the City of Alcoa roads, streets or highways, when the officer has reasonable belief that the motor vehicle is in violation of subdivision (1)(a), for the purpose of conducting a field comparison test.

(4) It is a civil ordinance violation for the operator of a motor vehicle to refuse to submit a field comparison test when directed to do so, or to otherwise violate any provisions of this section (T.C.A. § 55-9-107). (1971 Code, § 9-211, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-403. Horn - bells, sirens or exhaust whistles on emergency vehicles. (1) Every motor vehicle, when operated upon any City of Alcoa road, street or highway, shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200'), and it is unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression or unreasonably loud or harsh sound by means of a horn or other warning device.

(2) Members of regular or volunteer fire departments may equip their privately owned vehicles to be used in responding to a fire alarm or other emergency with warning devices approved by the City of Alcoa Fire Chief, upon written certification to the City of Alcoa Police Chief that the person is a member of the department. In the event the warning devices are abused or used for other than their intended purpose by a member of the fire department, the City of Alcoa Fire Chief shall revoke the member's privilege of using the warning devices and shall notify, in writing, the City of Alcoa Police Chief of the revocation.

(3) (a) Subsection (1) does not apply to any privately-owned motor vehicle that is primarily operated for business purposes by any sales person, service representative, employee, lessee, or duly authorized agent of an emergency equipment company; provided, that the vehicle is marked with the lettering required by (3)(c).

(b) Any person operating a motor vehicle pursuant to this subsection (3) shall carry a copy of the company's business license or the person's or owner of the company's professional or occupational license, certification or registration issued by this state and appropriate identification issued by the owner of the company.

(c) Lettering shall be displayed on the left and right sides of the vehicle identifying the name of the company for which the vehicle is operated and on the front and rear of the vehicle designating it a "Demonstration Vehicle." The lettering shall be painted or affixed on, or

attached to, the vehicle in a permanent manner, and shall be at least three inches (3") in size.

(d) Nothing in this subsection (3) imposes any duty or obligation on a manufacturer of motor vehicles used by or sold to emergency equipment companies to equip the audible warning devices allowed at the time of the manufacture or sale.

(e) Nothing in this subsection (3) shall be construed to permit the operator of an emergency equipment company vehicle from operating any authorized audible warning device while the vehicle is on a City of Alcoa road, whether in motion or stationary.

(f) "Emergency equipment company" or "company" means any entity licensed as required by the City of Alcoa to sell or repair bells, sirens, or exhaust, compression or spark plug whistles, or other audible warning devices or equipment designed for use on motor vehicles that are operated for authorized law enforcement, emergency response, or other public safety activities (T.C.A. § 55-9-201). (1971 Code, § 9-212, as amended by Ord. #15-347, Feb. 2015, and Ord. #15-350, April 2015, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-404. Mufflers. No person shall drive a motor vehicle on any City of Alcoa road, street or highway unless the motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. It is unlawful to use a "muffler cutout" on any motor vehicle upon any City of Alcoa road, street or highway (T.C.A. § 55-9-202). (1971 Code, § 9-213, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-405. Windshield wipers. Every motor vehicle having a windshield shall be equipped with two (2) windshield wipers for cleaning rain, snow or other moisture from the windshield in order to provide clear vision for the driver, unless one (1) windshield wiper cleans to within one inch (1') of each side of the windshield (T.C.A. § 55-9-203). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-406. Brakes. (1) Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying brakes are connected in any way, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.

(2) Every motorcycle, and bicycle with motor attached, when operated upon a highway shall be equipped with at least one (1) brake, which may be operated by hand or foot.

(3) (a) Every trailer or semitrailer of a gross weight of three thousand pounds (3,000 lbs.) or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and the brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle, the brakes shall be automatically applied.

(b) Subsection (3)(a) does not apply to any trailer or semitrailer operating solely within the City of Alcoa with a Gross Vehicle Weight Rating (GVWR) of seven thousand five hundred pounds (7,500 lbs.) or less and equipped with a hydraulic breakaway mechanism that is separate from the hitch itself and utilizes surge breaks.

(4) Every new motor vehicle, trailer, or semitrailer sold in the City of Alcoa and operated upon the city's highways shall be equipped with service brakes upon all wheels of the vehicle, except trucks and truck tractors having three (3) or more axles need not have brakes on the front wheels, unless these vehicles are equipped with at least two (2) steerable axles, the wheels of one (1) such axle need not be equipped with brakes, except any motorcycle, and except that any semitrailer of less than one thousand five hundred pounds (1,500 lbs.) gross weight need not be equipped with brakes.

(4) Subsection (3)(a) and subsection (4) shall not apply to trailers that are not required to be registered and licensed and that are used by or on behalf of farmers:

(a) Transporting farm products or livestock from farm to market:

(b) Transporting products, equipment, materials or supplies used in agricultural pursuits from market to farm or in their transfer from farm to farm or from one (1) part of a farm to another part of the same farm; or

(c) Delivering the trailer to any farm (T.C.A. § 55-9-204). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-407. Performance ability of brakes. (1) The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop the vehicle or vehicles when traveling twenty miles per hour (20 mph) within a distance of thirty feet (30') when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent (1%).

(2) The hand brake shall be adequate to stop the vehicle or vehicles within a distance of fifty-five feet (55') and the hand brake shall be adequate to hold the vehicle or vehicles stationary on any grade upon which operated.

(3) The service brakes upon a motor vehicle equipped with two (2) wheel brakes only, and when permitted, shall be adequate to stop the vehicle within a distance of forty feet (40') and the hand brake adequate to stop the vehicle within a distance of fifty-five feet (55').

(4) All braking distances specified in this section shall apply to all vehicles mentioned, whether the vehicles are not loaded or are loaded to the maximum capacity permitted under this chapter.

(5) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle (T.C.A. § 55-9-205). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-408. Brake fluid - minimum standards. No person shall have for sale, sell or offer for sale for use in motor vehicle brake systems in this state any hydraulic brake fluid unless of a type or brand approved by the commissioner of safety. No hydraulic brake fluid shall be approved that does not meet the minimum standard of the Society of Automotive Engineers for heavy duty grade hydraulic fluid (T.C.A. § 55-9-213). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-409. Trucks to be equipped with rearview mirror. Any motor truck using the City of Alcoa's streets, roads, highways, and other public thoroughfares, which, by reason of its construction, either when loaded or unloaded, prevents the driver's view of the rear, shall be equipped with a mirror arranged in a manner and maintained so that the driver or operator may view the roadway to the rear and note the approach of vehicles from the rear of the motor truck (T.C.A. § 55-9-206). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-410. Penalty for operating truck without rearview mirror. Any person driving a motor truck without a rearview mirror, and the owner of the motor truck, operated upon any public thoroughfare, in violation of Tennessee Code Annotated, § 55-9-206, commits a civil ordinance violation (T.C.A. § 55-9-207). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-411. Mudguards on trucks. (1) No person shall operate upon a highway or city street or street any motor vehicle, including a separate truck tractor, or combination of vehicles having a carrying capacity in excess of three thousand pounds (3,000 lbs.), if the motor vehicle or combination of vehicles is not equipped with rear fenders, mudflaps or mudguards of such size as to substantially prevent the projection of rocks, dirt, water or other substances to the rear. The fenders, flaps or guards shall be of a type approved by the commissioner of safety.

(2) This section shall have no application to farm vehicles, or vehicles used by farmers to haul produce from farm to market, nor shall it apply to vehicles used exclusively for hauling logs (T.C.A. § 55-9-212). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-412. Maximum length of vehicles. (1) For purposes of this section, "truck tractor" means the noncargo carrying power unit that operates in combination with a semitrailer or trailer, except that a truck tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit.

(2) No motor vehicle as defined in Tennessee Code Annotated, § 55-1-103 consisting of a straight truck whose length, including any part of its body or load, exceeds forty-five feet (45') and no straight truck with trailer attached, the total length of which combination, including any part of the body or load, exceeds sixty-five feet (65') shall be operated on any highway or city street.

(3) Motor vehicles consisting of a truck-tractor and semitrailer or trailer combination shall be permitted to operate over the City of Alcoa highways; provided, that the towed vehicle shall not exceed fifty feet (50') in length from the point of attachment to the tractor, except that this length may be increased to fifty-two feet (52') when the load on the vehicle consists of livestock, motor vehicle parts, automobiles and/or motor vehicles. If the towed vehicle exceeds forty-eight feet (48') in length from the point of attachment to the tractor and the load on the vehicle does not consist of livestock, motor vehicle parts, automobiles and/or motor vehicles, the distance between the kingpin and the rearmost axle or a point midway between the two (2) rear axles, if the two (2) rear axles are a tandem axle, shall not exceed forty-one feet (41').

(4) Motor vehicles consisting of a truck-tractor and twin trailer combination shall be permitted to operate on the City of Alcoa highways; provided, that neither of the towed vehicles shall exceed twenty-eight feet six inches (28' 6") in length.

(5) The limitation as to length stated in this section shall not apply to loads of poles, logs or timber in single length pieces; provided, that no motor vehicle, including any part of the body or load, transporting such material shall be in excess of seventy-five feet (75') in length unless a permit has first been obtained as authorized in Tennessee Code Annotated, § 55-7-205.

(6) The length limitations described in this section shall be exclusive of safety and energy conservation devices designated by the commissioner except that no device excluded from the limitations of this section shall have by its design or use the capability to carry cargo.

(7) It is not a violation of the length limits set forth in this section when any otherwise properly titled and registered vehicle, which is in compliance with applicable length requirements, is disabled on the highways and requires a tow or other assistance in proceeding to an exit or a repair or

terminal facility within one hundred (100) miles of the point where the vehicle became disabled, and the combined lengths of the disabled vehicle and the tow vehicle exceed the limits in this section. This exemption shall only apply to vehicles disabled while operating on the highway, and only when authorized by the owner, terminal manager, owner's agent, or law enforcement official (T.C.A. § 55-7-201). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-413. Maximum width and height. (1) (a) No motor vehicle or any trailer or semitrailer, whose width, including any part of the load, exceeds eight feet (8') (that is, four feet (4') on each side of the center line of the vehicle), or whose height, including any part of the load, exceeds thirteen and one-half feet (13 1/2'), shall be operated on any highway or city street; provided, that this section shall not apply to farm tractors or farm machinery temporarily moving on any highway or city street.

(b) Subsection (1)(a) relating to maximum width restrictions on trailers and semitrailers shall not apply to a trailer or semitrailer utilized for transporting seed cotton or rolled hay bales; provided, that the width of any such trailer or semitrailer, including any part of the load, shall not exceed ten feet (10') (that is five feet (5') on each side of the center line of the trailer, or semitrailer), and such movement is performed during daylight hours within a radius of fifty (50) miles of the point of origin, and no part of the movement is upon any highway or city street designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility or other federal-aid highway designated by the commissioner of transportation.

(c) In the event federal law and regulations permit the operation of passenger buses of widths in excess of eight feet (8') on the national systems of interstate and defense highways, then there may be operated on highways with four (4) or more lanes, and such other highways as are designated and approved by the commissioner within the state, passenger buses, the width of which do not exceed eight feet six inches (8' 6"), or such width, not exceeding eight feet six inches (8' 6"), as is permitted under the federal rules and regulations.

(d) It is not a violation of this section to transport a houseboat eighteen feet (18') in width, or less, on the highways, but any houseboat in excess of eight feet (8') shall be subject to the fees provided in Tennessee Code Annotated, § 55-7-205.

(2) Motor vehicles not exceeding eight feet six inches (8'6") in width are permitted to operate over the City of Alcoa highways. Incidental appurtenances and retracted awnings, where the width does not exceed six inches (6"), and safety devices, as designated by the commissioner, shall be excluded from the measurement of width. Within the limitations as provided in this chapter, any such vehicles may use and must confine themselves to the shortest reasonable route to and from the highway or city street system and terminals; or, in the

case of household goods carriers, to and from points of loading and unloading. Access to facilities in interchange areas adjoining these highways for food, fuel, repairs and rest shall not be denied.

(3) Notwithstanding the limitations in subsection (1), a motor vehicle, or a trailer or semitrailer, whose width, including any part of the load, does not exceed eight feet six inches (8' 6") (that is, four feet three inches (4' 3") on each side of the center line of the vehicle), and whose height, including any part of the load does not exceed thirteen feet six inches (13' 6"), may be operated on the City of Alcoa highways. Any such vehicles may use and must confine themselves to the shortest reasonable route to and from the City of Alcoa highways, and terminals; or, in the case of household goods carriers, to and from points of loading and unloading. Access to facilities in interchange areas adjoining these highways for food, fuel, repairs and rest shall not be denied (T.C.A. § 55-7-202). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-414. Maximum weight per axle or group of axles allowed.

(1) Except as otherwise provided by law, no freight motor vehicle shall be operated over, on, or upon public highways where the total weight on a single axle or any group of axles exceeds the weight limitations set forth in subsections (2)(a)-(g).

(2) (a) (i) No axle shall carry a load in excess of twenty thousand pounds (20,000 lbs).

(ii) Axle combinations and fifth wheel placement on the tractor shall ensure equal weight distribution on weight carrying axle combinations, and the axle combinations shall be equipped with brakes having power motivation.

(iii) An axle load as set out herein is defined as the total load transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes, not more than forty inches (40") apart, extending across the full width of the vehicle.

(b) The total gross weight concentrated on the highway surface from any tandem axle group shall not exceed thirty-four thousand pounds (34,000 lbs.) for each tandem axle group. "Tandem axle group" means two (2) or more axles spaced more than forty inches (40") and not more than ninety-six inches (96") apart from center to center having at least one (1) common point of weight suspension.

(c) The total gross weight of a vehicle, freight motor vehicle, truck-tractor, trailer or semitrailer or combinations of these vehicles operated over, on or upon the City of Alcoa public highways shall not exceed eighty thousand pounds (80,000 lbs.); provided, that when operating over or on the interstate system of this state the total gross weight shall not exceed the lesser of eighty thousand pounds (80,000 lbs.)

or the weight produced by application of the formula under Tennessee Code Annotated, § 55-7-203.

(d) "Freight motor vehicle," as used in this section, includes both the tractor or truck and the trailer, semitrailer or trailers, if any, and the weight of any combination shall not exceed the maximum fixed herein; provided, that no freight motor vehicle with motive power shall haul more than one (1) vehicle unless otherwise provided.

(e) No freight motor vehicle shall haul a trailer on any City of Alcoa highway when the trailer (including its load) weighs more than three thousand five hundred pounds (3,500 lbs.). The restrictions on hauling a trailer in excess weight of three thousand five hundred pounds (3,500 lbs.) by a freight motor vehicle, as described in the preceding sentence, shall not be applicable whenever a converter dolly or equivalent fixed connection having the same safety characteristics is appropriately installed or placed under the trailer to be hauled by this freight motor vehicle. For the purposes of this subsection (2)(e), "trailer" means a vehicle without motive power designed or used for carrying freight or property wholly on its own structure; provided, that it is not unlawful for any motor vehicle subject to this part to have a semitrailer, which, for the purposes hereof, is defined as a vehicle for the carrying of property or freight and so designed that some part of the weight of the semitrailer or its load rests upon or is carried by the motor vehicle to which it is attached. The hauling of a trailer (to the extent herein permitted) or a semitrailer shall be subject to the further provisions hereof. This part is not intended to prohibit the movements of spools carrying wire or cable, when used for construction or repair purposes. The weight limitation respecting trailers shall not be applicable to implements designed to distribute fertilizer while such vehicles are being drawn by a freight motor vehicle between the plant and the farm.

(f) If the gross weight of a freight motor vehicle does not exceed the sum obtained by computing the total weight allowable for the number and type of its axles, the driver shall not be cited for violation of an axle weight limitation while transporting crushed stone, fill dirt and rock, soil, bulk sand, coal, clay, shale, phosphate muck, asphalt, concrete, other building materials, solid waste, tankage or animal residues, livestock and agricultural products, or agricultural limestone over the City of Alcoa highways other than the portion designated as the interstate system.

(g) For purposes of enforcement of this section, weight restrictions shall be deemed to have a margin of error of ten percent (10%) of the true gross or axle weight for all logging, sand, coal, clay, shale, phosphate, solid waste, recovered materials, farm trucks and machinery trucks when being operated over the City of Alcoa highways other than the portion designated as the interstate system.

(h) Notwithstanding the maximum weight provisions of this section, in order to promote the reduction of fuel use and emissions, the maximum gross vehicle weight limits and axle weight limits for any motor vehicle subject to subdivision (2)(c) and equipped with idle-reduction technology or other emissions-reduction technology shall be increased by the weight of the idle-reduction technology or emissions-reduction technology; provided, that such weight is not more than five hundred fifty pounds (550 lbs.) or the maximum amount allowed by federal law, whichever is greater. At the request of an authorized representative of the department of safety, the motor vehicle operator shall provide proof by means of documentation or by a physical inspection that the vehicle is equipped with such idle-reduction technology or other emissions-reduction technology.

(3) For nondivisible overweight loads exceeding the maximum gross vehicle weight established in this section, the commissioner may issue a special permit allowing axle weights in excess of the axle weight limits established in subsection (2).

(4) To the extent required by federal law, the vehicle weight limitations set forth in this section do not apply to a covered heavy-duty tow and recovery vehicle operating on the City of Alcoa highways and within reasonable access to and from terminals and facilities for food, fuel, repairs, and rest.

(5) (a) To the extent required by federal law, the vehicle weight limitations otherwise set forth in this section do not apply to an emergency fire suppression vehicle while operating on the City of Alcoa highways within reasonable access to and from terminals and facilities for food, fuel, repairs, and rest. The following weight limitations shall apply instead:

(i) A maximum gross vehicle weight of eighty-six thousand pounds (86,000 lbs.);

(ii) Twenty-four thousand pounds (24,000 lbs.) on a single steering axle;

(iii) Thirty-three thousand five hundred pounds (33,500 lbs.) on a single drive axle;

(iv) Sixty-two thousand pounds (62,000 lbs.) on a tandem axle; and

(v) Fifty-two thousand pounds (52,000 lbs.) on a tandem rear drive steer axle.

(b) As used in this subsection (5), "emergency fire suppression vehicle" means a vehicle designed to be used under emergency conditions:

(i) To transport personnel and equipment; and

(ii) To support the suppression of fires and mitigation of other hazardous situations (T.C.A. § 55-7-203). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-415. Buses - length limitations. (1) A bus with a length of not more than forty-five feet (45') may be operated on a City of Alcoa highway.

(2) (a) No bus with a trailer attached, the total length in combination, including any part of the body or load, exceeds sixty-five feet (65') shall be operated on any City of Alcoa highway.

(b) No school bus transporting children to or from school or for extracurricular activities shall be operated on any City of Alcoa highway with a trailer attached (T.C.A. § 55-7-204). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-416. Permits for moving and towing vehicles of excess weight or size. (1) (a) The commissioner of transportation has the authority to grant special permits for the movements of freight motor vehicles carrying gross weights in excess of the gross weights set forth in § 55-7-203, or dimensions in excess of the dimensions set forth in Tennessee Code Annotated §§ 55-7-201 and 55-7-202, and shall charge a fee in accordance with the fee schedules contained in subsection (h) for the issuance of a permit for each movement.

(b) The fee provisions shall not apply to farm tractors or farm machinery moving on any highway.

(c) It is not necessary to obtain a permit, nor is it lawful to move any vehicle or machinery in excess of the maximum width and height prescribed in Tennessee Code Annotated, § 55-7-202, used for normal farm purposes only where the vehicle or machinery is hauled on a farm truck, or the vehicle or machinery is being transported by a farm machinery equipment dealer or repair person in making a delivery of new or used equipment or machinery to the farm of the purchaser, or in making a pickup and delivery of the farm machinery or equipment from the farm to a shop of a farm equipment dealer or repair person for repairs and return to the farm, and the movement is performed during daylight hours within a radius of fifty (50) miles of the point of origin, and no part of such movement is upon any highway designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility.

(d) It is not necessary to obtain a permit nor is it unlawful to move any trailer or semitrailer utilized for transporting rolled hay bales; provided, that the width of the trailer or semitrailer, including any part of the load, does not exceed ten feet (10') (that is five feet (5') on each side of the centerline of the trailer or semitrailer), and the movement is performed during daylight hours within a radius of fifty (50) miles of the point of origin and no part of the movement is upon any highway designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility or other federal-aid highway designated by the commissioner.

(e) No fee authorized by this section shall be charge for the issuance or renewal of such special permits to any retail electric service owned by the City of Alcoa or electric cooperative corporation, or to any telephone company or to contractors when they are moving utility poles doing work for such facilities.

(f) Upon compliance with the appropriate rules and regulations, such electric services, telephone companies, and their contractors, when they are moving utility poles, may be issued special permits for stated periods not exceeding one (1) year.

(g) All fees received shall be paid into the state treasury and placed in the highway fund for the administration of this section.

(h) The commissioner has the authority to reduce the maximum gross weight of freight motor vehicles operating over lateral highways and secondary roads where, through weakness of structure in either the surface of or the bridges over the lateral highways or secondary roads, the maximum loads provided by law, in the opinion of the commissioner, injure or damage the roads or bridges.

(2) (a) The commissioner has the authority to grant a special permit with a duration of one (1) year for the movement of a single motor vehicle, that has the width greater than one hundred two inches (102") but not exceeding one hundred eight inches (108"), and that is used exclusively to transport seed cotton modules.

(b) This special permit will allow the vehicle to travel upon the interstate system of highways and other federal-aid highways designated by the commissioner.

(c) The cost of this special annual permit shall be one hundred dollars (\$100.00).

(d) Solely during the harvest season for cotton, the movement of the vehicle operating under a special annual permit shall be unrestricted with respect to day of the week, time or holiday observation. At other times, the movement of the vehicle shall be subject to the rules and regulations which the commissioner has prescribed pursuant to subsection (e) (T.C.A. § 55-7-205). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 5

EMERGENCY VEHICLES

SECTION

- 15-501. Authorized emergency vehicles.
- 15-502. Following fire apparatus.
- 15-503. Crossing fire hose.
- 15-504. Following emergency vehicles.

15-501. Authorized emergency vehicles. (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, but subject to the conditions stated in this section.

(2) (a) A driver of an authorized emergency vehicle operating the vehicle in accordance with subsection (1) may:

(i) Park or stand, notwithstanding other provisions of this title that regulate parking or standing;

(ii) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(iii) Exceed the speed limits so long as life or property is not thereby endangered; and

(iv) Disregard regulations governing direction of movement or turning in specified directions.

(b) Subdivision (2)(a) 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 subdivision (2)(a) protect the driver from the consequences of the driver's own reckless disregard for the safety of others.

(3) (a) The exemptions granted under subsection (2) to a driver of an authorized emergency vehicle shall only apply when the vehicle is making use of audible and visual signals meeting the requirements of the applicable laws of this city, except that while parked or standing, an authorized emergency vehicle shall only be required to make use of visual signals meeting the requirements of the applicable laws of this city.

(b) Nothing in this section shall be construed to prohibit the driver of an authorized emergency vehicle, while parked or standing, from making use of both audible and visual signals meeting the requirements of the applicable laws of this city, in the discretion of the driver.

(4) An authorized emergency vehicle operated as a police vehicle may be equipped with or display a red light only in combination with a blue light visible from in front of the vehicle.

(5) Notwithstanding the requirement of this section that drivers of authorized emergency vehicles exercise due regard for the safety of all persons, the City of Alcoa, nor their officers or employees, shall be liable for any injury proximately or indirectly caused to an actual or suspected violator of a law or ordinance who is fleeing pursuit by law enforcement personnel. The fact that law enforcement personnel pursue an actual or suspected violator of a law or ordinance who flees from pursuit shall not render the law enforcement personnel, or the employers of the law enforcement personnel, liable for injuries to a third party proximately caused by the fleeing party unless the conduct of the law enforcement personnel was negligent and that negligence was a proximate cause of the injuries to the third party (T.C.A. § 55-8-108). (1971 Code, § 9-301, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-502. Following fire apparatus. The driver of any vehicle, other than one on official business, shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet (500') or park the vehicle within the block where fire apparatus has stopped in answer to a fire alarm (T.C.A. § 55-8-168(a)). (as added by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-503. Crossing fire hose. No streetcar or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command (T.C.A. § 55-8-169(a)). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-504. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire department vehicle has stopped in answer to a fire alarm. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 6

TRAFFIC CONTROL SIGNALS AND DEVICES

SECTION

- 15-601. Obedience to traffic control devices.
- 15-602. Traffic control signals - inoperative signals.
- 15-603. Pedestrian-control signals.
- 15-604. Flashing signals.
- 15-605. Unauthorized signs, signals, or markings.
- 15-606. Interference with traffic control devices or RR signs or signals.
- 15-607. Traffic control signs, signals, markers or devices; indication of ownership.

15-601. Obedience to traffic control devices. (1) The driver of any vehicle and the operator of any streetcar shall obey the instructions of any official traffic control device applicable thereto, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

(2) (a) No provision of this title for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(b) Whenever a particular section does not state that signs are required, that section shall be effective even though no signs are erected or in place.

(3) For purposes of this section, "traffic or police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations or a person licensed under Tennessee Code Annotated, title 62, chapter 35, who is retired in good standing from being a commissioned, post-certified law enforcement officer and who has notified the chief law enforcement officer in the jurisdiction where the retired officer will be directing or regulating traffic at least twenty-four (24) hours in advance, or as soon as possible in the event of an emergency, prior to performing traffic control functions in such jurisdiction (T.C.A. § 55-8-109). (1971 Code, § 9-401, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-602. Traffic control signals - inoperative signals. (1) Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) at a time, or with arrows, the following colors only shall be used and the terms and lights shall indicate and apply to drivers or vehicles and pedestrians as follows:

- (a) Green alone or "Go":
 - (i) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either 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 the signal is exhibited; and
 - (ii) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk;
- (b) Yellow alone or "Caution," when shown following the green or "Go" signal:
 - (i) Vehicular traffic facing the signal is warned that the red or "Stop" signal will be exhibited immediately thereafter and that vehicular traffic shall not enter or cross the intersection when the red or "Stop" signal is exhibited; and
 - (ii) Pedestrians facing the signal are advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles;
- (c) Red alone or "Stop":
 - (i) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or if there is a clearly marked stop line preceding the crosswalk, then before such stop line, but if there is neither a crosswalk nor a stop line, then before entering the intersection, and the vehicular traffic shall remain standing until green or "Go" is shown alone. A right turn on a red signal shall be permitted at all intersections within the City of Alcoa; provided, that the prospective turning car shall come to a full and complete stop before turning and that the turning car shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal; provided further, that such turn will not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at all intersections, except those that are clearly marked by a "No Turns On Red" sign, which may be erected by the City of Alcoa at intersections which they decide to require no right turns on red in the interest of traffic safety;
 - (ii) No pedestrian facing such signal shall enter the roadway unless entry can be made safely and without interfering with any vehicular traffic; and
 - (iii) A left turn on a red or stop signal shall be permitted at all intersections within the City of Alcoa where a one-way street intersects with another one-way street moving in the same direction into which the left turn would be made from the original one-way street. Before making such a turn, the prospective turning

car shall come to a full and complete stop and shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with the traffic signal so as not to endanger traffic lawfully using the intersection. A left turn on red shall be permitted at any applicable intersection except those clearly marked by a "No Turn on Red" sign, which may be erected by the City of Alcoa at intersections that these governments decide to require no left turns on red in the interest of traffic safety;

(d) Red with green arrow:

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

(ii) No pedestrian facing the signal shall enter the roadway unless entry can be made safely and without interfering with any vehicular traffic;

(e) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, 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 before the stop line, but in the absence of any sign or stop line the stop shall be made at the signal;

(f) The operator of any streetcar shall obey the signals in subdivisions (1)(a)-(e) as applicable to vehicles;

(g) All electric highway, street and road vehicular traffic-control signals in Tennessee shall have a uniform arrangement of the colored lenses in the various signal faces of the signals, as follows: In each signal face, all red lenses in vertical signals shall be located above all yellow and green lenses, and in horizontal signals, to the left of all yellow and green lenses. Yellow lenses shall be located between any red lens or lenses and all other lenses; and

(h) Whenever in the City of Alcoa three (3) light traffic-control signals are used displaying successively green, yellow, and red lights for the direction of motorists and pedestrians, the minimum time exposure of the yellow light shall be three (3) seconds. Any city agency or any political subdivision of the City of Alcoa that installs, owns, operates, or maintains any such traffic-control signal light shall set or cause to be set the timing-control device for the signal light in compliance with this subdivision (1)(h). No city agency or any political subdivision of the City of Alcoa that installs, owns, operates, or maintains a traffic-control signal light in an intersection that employs a surveillance camera for the enforcement or monitoring of traffic violations shall reduce the time

exposure of the yellow light at the intersection with the intended purpose of increasing the number of traffic violations.

(2) Notwithstanding any law to the contrary, the driver of a motorcycle approaching an intersection that is controlled by a traffic-control signal utilizing a vehicle detection device that is inoperative due to the size of the motorcycle shall come to a full and complete stop at the intersection and, after exercising due care as provided by law, may proceed with due caution when it is safe to do so. It is not a defense to a violation that the driver of a motorcycle proceeded under the belief that a traffic-control signal utilized a vehicle detection device or was inoperative due to the size of the motorcycle when the signal did not utilize a vehicle detection device or that the device was not in fact inoperative due to the size of the motorcycle.

(3) The driver of any vehicle approaching an intersection that is controlled by a traffic-control signal that is inoperative because of mechanical failure or accident shall come to a full and complete stop at the intersection, and may proceed with due caution when it is safe to do so; provided, that if two (2) or more vehicles enter such an intersection from different directions at approximately the same time, after having come to full and complete stops, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. A traffic-control signal shall not be considered inoperative if the signal is operating in flashing mode. If a signal is operating in flashing mode, it shall require obedience by vehicular traffic.

(4) Notwithstanding any law to the contrary, the rider of a bicycle approaching an intersection that is controlled by a traffic-control signal utilizing a vehicle detection device that is inoperative due to the size of the bicycle shall come to a full and complete stop at the intersection and, after exercising due care as provided by law, may proceed with due caution when it is safe to do so. It is not a defense to a violation that the rider of a bicycle proceeded under the belief that a traffic-control signal utilized a vehicle detection device or was inoperative due to the size of the bicycle when the signal did not utilize a vehicle detection device or that the device was not in fact inoperative due to the size of the bicycle.

(5) It is not a violation of subdivision (1)(c), unless the front tires of a vehicle cross the stop line after the signal is red (T.C.A. § 55-8-110). (1971 Code, § 9-402, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-603. Pedestrian-control signals. Whenever special pedestrian-control signals exhibiting the words or pictures depicting "Walk" or "Wait" or "Don't Walk" are in place, these signals shall indicate as follows:

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

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing (T.C.A. § 55-8-111). (1971 Code, § 9-403, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-604. Flashing signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, and the light is clearly visible for a sufficient distance ahead to permit stopping, 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; and

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the 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 this title (T.C.A. § 55-8-112). (1971 Code, § 9-404, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-605. Unauthorized signs, signals, or markings. (1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device that purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or that attempts to direct the movement of traffic, or that hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(2) No person shall sell or offer for sale any traffic control signal or device for use on any street, road, or highway in this city unless the device conforms to the requirements of this title.

(3) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing any commercial advertising.

(4) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(5) Every prohibited sign, signal or marking is declared to be a public nuisance and the authority having jurisdiction over the highway is empowered

to remove the sign, signal or marking or cause it to be removed without notice (T.C.A. § 55-8-113). (1971 Code, § 9-405, and replaced by by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-606. Interference with traffic control devices or RR signs or signals. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia or other part of the device, sign or signal (T.C.A. § 55-8-114). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-607. Traffic control signs, signals, markers or devices; indication of ownership. The City of Alcoa is authorized to indicate the ownership of its sign, signal, marker and device in letters on the back of those items in letters not less than one-fourth inch (1/4") nor more than three-fourths inch (3/4") in height by use of a metal stamp, etching, or other permanent marking. Unlawful possession of any such sign, signal, marker, or device is a civil ordinance violation (T.C.A. § 55-8-184). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 7

VEHICLE OPERATION - GENERAL RULES OF THE ROAD

SECTION

- 15-701. Driving on right side of roadway.
- 15-702. Overtaking and passing vehicles.
- 15-703. Passing vehicles proceeding in opposite direction.
- 15-704. When overtaking on right permitted.
- 15-705. Limitations on overtaking and passing on left.
- 15-706. Further limitations on driving to left of center on roadway.
- 15-707. Improper passing/no passing zones.
- 15-708. One-way roads and rotary islands.
- 15-709. Driving on roadways laned for traffic/Improper lane usage.
- 15-710. Following too closely.
- 15-711. Divided highway.
- 15-712. Controlled access roadways.
- 15-713. Restrictions on use of controlled access roadway.
- 15-714. Improper backing.
- 15-715. Obstruction to driver's view of driving mechanism.
- 15-716. Driving on mountain highways.
- 15-717. Coasting prohibited.
- 15-718. Glass, nails, and substances on highway.
- 15-719. Transporting child in truck bed.
- 15-720. Operation of a platoon.
- 15-721. Rules and regulations directing truck tractors and semitrailers to specific lanes on certain highways.
- 15-722. Driving on streets closed for repairs.
- 15-723. Prohibited use of off-roadway accesses.
- 15-724. Truck and/or bus streets or routes.
- 15-725. Motor vehicles in or on public parks.
- 15-726. Use of hand-held mobile device by person with learners permit or intermediate license.
- 15-727. Use of hand-held mobile telephone or personal digital assistant to transmit or read a written message prohibited while driving.

15-701. Driving on right side of roadway. (1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (b) When the right half of a roadway is closed to traffic while under construction or repair;

(c) Upon a roadway divided into three (3) marked lanes for traffic under the applicable rules thereon; or

(d) Upon a roadway designated and signposted for one-way traffic.

(2) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or 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 at an intersection or into a private road or driveway (T.C.A. § 55-8-115). (1971 Code, § 9-501, as repealed by Ord. #06-105, Dec. 2006, and replaced by Ord. #09-213, Oct. 2009, and Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-702. Overtaking and passing vehicles. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking 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 roadway until safely clear of the overtaken vehicle; and

(2) Except when overtaking and passing on the right is permitted; the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle (T.C.A. § 55-8-117). (1971 Code, § 9-503, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-703. Passing vehicles proceeding in opposite direction. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one (1) line of traffic in each direction, each driver shall give to the other at least one half (1/2) of the main-traveled portion of the roadway as nearly as possible (T.C.A. § 55-8-116) (1971 Code, § 9-504, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-704. When overtaking on right permitted. (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn, subject to subsection (2);

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction; and

(c) Upon a one-way street, or upon any roadway on which traffic is restricted to one (1) direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting that movement in safety. In no event shall the movement be made by driving off the pavement or main-traveled portion of the roadway, or onto the shoulder.

(3) When overtaking or passing upon the right of another motor vehicle pursuant to this section or other law, the person shall not operate the motor vehicle within a bicycle lane.

(4) Notwithstanding this section, the driver of a bus operated by or for a publicly owned transit agency, not including a school bus, may overtake and pass a vehicle upon the right when operating on the shoulder or right-of-way of any City of Alcoa highway. Except for authorized emergency vehicles, the operation of a vehicle on the shoulder or right-of-way of a City of Alcoa highway, other than a bus authorized by the department, is an offense punishable as a civil ordinance violation (T.C.A. § 55-8-118). (1971 Code, § 9-505, as repealed by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*).

15-705. Limitations on overtaking and passing on left. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction, unless the left side is clearly visible and is free from oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet (100') of any vehicle approaching from the opposite direction (T.C.A. § 55-8-119). (1971 Code, § 9-506, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-706. Further limitations on driving to left of center on roadway. (1) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within three hundred feet (300') or such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet (100') of or traversing any intersection or railroad grade crossing; or

(c) When the view is obstructed upon approaching within one hundred feet (100') of any bridge, viaduct or tunnel.

(2) The limitations of subsection (1) shall not apply upon a one-way roadway (T.C.A. § 55-8-120). (1971 Code, § 9-507, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-707. Improper passing/no passing zones. It is a civil ordinance violation to overtake and pass or drive to the left of the roadway where signage or markings on the roadway prohibit such. When these signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof (T.C.A. § 55-8-121). (1971 Code, § 9-508, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-708. One-way roads and rotary islands. (1) It is a civil ordinance violation to drive in a direction other than as designated for signage directing one-way traffic.

(2) It is a civil ordinance violation to pass around a rotary traffic island other than to the right of the island (T.C.A. § 55-8-122). (1971 Code, § 9-509, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-709. Driving on roadways laned for traffic/improper lane usage. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to all others consistent with this section, shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety;

(2) Upon a roadway that is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of this allocation;

(3) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign; and

(4) (a) Where passing is unsafe because of traffic in the opposite direction or other conditions, a slow-moving vehicle, including a passenger vehicle, behind which five (5) or more vehicles are formed in line, shall turn or pull off the roadway wherever sufficient area exists to do so safely, in order to permit vehicles following it to proceed. As used in this subdivision (d), a slow-moving vehicle is one which is proceeding at

a rate of speed that is ten miles per hour (10 mph) or more below the lawful maximum speed for that particular roadway at that time.

(b) Any person failing to conform with subdivision (4)(a) shall receive a warning citation on first offense and be liable for a fine of twenty dollars (\$20.00) on second offense, and fifty dollars (\$50.00) on third and subsequent offenses.

(c) Subdivision (4)(a) shall not apply to funeral processions nor to school buses (T.C.A. § 55-8-123). (1971 Code, § 9-510, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-710. Following too closely. (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle towing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle towing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy that space without danger, except that this shall not prevent a motor truck or motor vehicle towing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy the space without danger. This subsection (3) does not apply to funeral processions.

(4) Except for a motor vehicle in a platoon, no motor truck of more than one and one-half (1/2) ton rated capacity shall approach any other motor truck of like or greater capacity proceeding in the same direction on any of the highways of this city without the corporate limits of any municipality at a distance nearer than three hundred feet (300'), except in overtaking and passing such other trucks, or unless one (1) or both of these trucks have come to a stop or except in rendering assistance to a disabled or partly disabled truck (T.C.A. § 55-8-124). (1971 Code, § 9-511, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-711. Divided highway. Whenever any highway has been divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any dividing space, barrier or section, except through an opening in the physical barrier or dividing section or

space or at a cross-over or intersection established by public authority (T.C.A. § 55-8-125). (1971 Code, § 9-502, as repealed by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-712. Controlled access roadways. No person shall drive a vehicle onto or from any controlled access roadway except at entrances and exits that are established by public authority (T.C.A. § 55-8-126). (1971 Code, § 9-512, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-713. Restrictions on use of controlled access roadway. (1) The city may, with respect to any controlled-access roadway under its respective jurisdiction, prohibit the use of that roadway by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motor-driven cycle.

(2) The city shall erect and maintain official signs on the controlled access roadway on which the regulations are applicable, and when the signs are erected, a person who disobeys the restrictions stated on the signs commits a civil ordinance violation (T.C.A. § 55-8-127). (1971 Code, § 9-513, as repealed and replaced by Ord. #06-105, Dec. 2006, amended by Ord. #15-347, Feb. 2015, and Ord. #15-350, April 2015, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-714. Improper backing. The driver of a vehicle shall not back the vehicle unless that movement can be made with reasonable safety and without interfering with other traffic (T.C.A. § 55-8-163). (1971 Code, § 9-514, repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-715. Obstruction to driver's view of driving mechanism. (1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding four (4), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No passenger in a vehicle or streetcar shall ride in a position that interferes with the driver's or operator's view ahead or to the sides, or that interferes with the driver's or operator's control over the driving mechanism of the vehicle or streetcar (T.C.A. § 55-8-165). (as added by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-716. Driving on mountain highways. The driver of a motor vehicle traveling on mountain highways shall hold that motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of two hundred feet (200') along the highway, shall give audible warning with the horn

of the motor vehicle (T.C.A. § 55-8-166) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-717. Coasting prohibited. (1) The driver of any motor vehicle, when traveling upon a down grade, shall not coast with the gears of the vehicle in neutral.

(2) The driver of a commercial motor vehicle, when traveling upon a down grade, shall not coast with the clutch disengaged (T.C.A. § 55-8-167). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-718. Glass, nails, and substances on highway. (1) No person shall throw or deposit upon any highway, street or roadway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon the highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle (T.C.A. § 55-8-170). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-719. Transporting child in truck bed. (1) A person commits an offense who, on the streets, roads, or the highways of the City of Alcoa, transports a child under six (6) years of age in the bed of a truck with a manufacturer's ton rating not exceeding three-quarter (3/4) ton and having a pickup body style.

(2) (a) A person commits an offense who, on any street, roads, or the highways of the City of Alcoa, transports a child between six (6) years of age and under twelve (12) years of age in the bed of a truck with a manufacturer's ton rating not exceeding three-quarter (3/4) ton and having a pickup body style.

(b) A person is prohibited from transporting a child between six (6) years of age and under twelve (12) years of age in the bed of a truck with a manufacturer's ton rating not exceeding three-quarter (3/4) ton and having a pickup body style on city roads or highways.

(3) This section does not apply to a person transporting a child in the bed of such vehicle when that vehicle is being used as part of an organized parade, procession, or other ceremonial event, and when that vehicle is not exceeding the speed of twenty miles per hour (20 mph).

(4) This section does not apply when the child being transported is involved in agricultural activities (T.C.A. § 55-8-189). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-720. Operation of a platoon. (1) A person may operate a platoon on the City of Alcoa highway and streets upon permit issued by the City of Alcoa. The permit application provided pursuant to this subsection (1) must include a plan for general platoon operations.

(2) If the application and the plan submitted pursuant to subsection (1) are not rejected by the City of Alcoa within thirty (30) days after receipt, the person may operate the platoon.

(3) For purposes of a platoon operating pursuant to this section:

(a) The lead vehicle in the platoon is not drawing any subsequent vehicle in the platoon; and

(b) If the platoon includes a commercial motor vehicle, an appropriately endorsed driver who holds a valid commercial driver license must be present behind the wheel of each commercial motor vehicle in the platoon (T.C.A. § 55-8-201). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-721. Rules and regulations directing truck tractors and semitrailers to specific lanes on certain highways. It is a violation for truck tractors and semitrailers, as defined in § 15-101, to travel outside of lanes restricted by appropriate signage except when passing other motor vehicles (T.C.A. § 55-8-195). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-722. Driving on streets closed for repairs. 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. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-723. Prohibited use of off-roadway accesses. Operators of motor vehicles are prohibited from leaving the roadway and traveling across private property, or public property devoted to use other than as a street or highway, in the following circumstances:

(1) To avoid compliance with a traffic control signal;

(2) To avoid compliance with a traffic control device;

(3) To avoid compliance with the lawful directions of a police officer;

(4) To avoid compliance with any traffic regulation or ordinance; or

(5) To travel from one roadway to another, using the non-roadway access as a cut through or shorter route. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-724. Truck and/or bus streets or routes. The director of public safety shall by order determine and designate such streets as shall be used as truck and/or bus streets or routes through the city or from point to point within the city as may in his judgment be necessary and proper for the systematic, orderly and convenient flow of traffic within the city and when such streets

and/or routes shall have been determined and designated, the same shall be plainly marked by appropriate signs and after which it shall be unlawful for any operator to operate buses and/or trucks other than in accordance with such designation. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-725. Motor vehicles in or on public parks. It shall be unlawful for any person or persons to operate any type of motor driven vehicle upon or in a public park within the municipal limits except that motorized wheelchairs, other person conveyances specially designed for the handicapped, and public service vehicles shall be allowed. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-726. Use of hand-held mobile device by person with learners permit or intermediate license. (1) No driver possessing a learner permit or intermediate driver license shall operate a motor vehicle in motion on any highway or city street while using a hand-held cellular telephone, cellular car telephone, or other mobile telephone.

(2) A violation of this section is a civil ordinance violation, punishable with as a fine of fifty dollars (\$50.00) and the driver shall be ineligible to apply for intermediate or unrestricted driver license for an additional ninety (90) days from the time the driver would otherwise be eligible to obtain the license type.

(3) It is an affirmative defense to prosecution under this section, which must be proven by a preponderance of the evidence, that the driver's use of a hand-held cellular or cellular car telephone was necessitated by a bona fide emergency. The use of a mobile phone while operating a vehicle by any driver who is eighteen (18) years of age or less to communicate with the person's custodial parents shall be deemed a bona fide emergency and shall not be a violation of this section (T.C.A. § 55-50-311(n)). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-727. Use of hand-held mobile telephone or personal digital assistant to transmit or read a written message prohibited while driving. (1) As used in this section:

(a) "Stand-alone electronic device" means a portable device other than a wireless telecommunications device that stores audio or video data files to be retrieved on demand by a user;

(b) "Utility services" means electric, natural gas, water, waste-water, cable, telephone, or telecommunications services or the repair, location, relocation, improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers, cables, easements, rights of way, or associated infrastructure; and

(c) "Wireless telecommunications device" means a cellular telephone, a portable telephone, a text-messaging device, a personal digital assistant, a stand-alone computer, a global positioning system receiver, or substantially similar portable wireless device that is used to

initiate or receive communication, information, or data. "Wireless telecommunications device" does not include a radio, citizens band radio, citizens band radio hybrid, commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device, prescribed medical device, amateur or ham radio device, or in-vehicle security, navigation, autonomous technology, or remote diagnostics system.

(2) (a) A person, while operating a motor vehicle on any road or highway in this state, shall not:

(i) Physically hold or support, with any part of the person's body, a:

(A) Wireless telecommunications device. This subdivision (2)(a)(i)(A) does not prohibit a person eighteen (18) years of age or older from:

(1) Using an earpiece, headphone device, or device worn on a wrist to conduct a voice-based communication; or

(2) Using only one (1) button on a wireless telecommunications device to initiate or terminate a voice communication; or

(B) Stand-alone electronic device;

(ii) Write, send, or read any text-based communication, including, but not limited to, a text message, instant message, email, or internet data on a wireless telecommunications device or stand-alone electronic device. This subdivision (2)(a)(ii) does not apply to any person eighteen (18) years of age or older who uses such devices:

(A) To automatically convert a voice-based communication to be sent as a message in a written form; or

(B) For navigation of the motor vehicle through use of a device's global positioning system;

(iii) Reach for a wireless telecommunications device or stand-alone electronic device in a manner that requires the driver to no longer be:

(A) In a seated driving position; or

(B) Properly restrained by a safety belt;

(iv) Watch a video or movie on a wireless telecommunications device or stand-alone electronic device other than viewing data related to the navigation of the motor vehicle; or

(v) Record or broadcast video on a wireless telecommunications device or stand-alone electronic device. This subdivision (2)(a) does not apply to electronic devices used for the

sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle.

(b) Notwithstanding subdivisions (2)(a)(i) and (ii), and in addition to the exceptions described in those subdivisions, a function or feature of a wireless telecommunications device or stand-alone electronic device may be activated or deactivated in a manner requiring the physical use of the driver's hand while the driver is operating a motor vehicle if:

(i) The wireless telecommunications device or stand-alone electronic device is mounted on the vehicle's windshield, dashboard, or center console in a manner that does not hinder the driver's view of the road; and

(ii) The driver's hand is used to activate or deactivate a feature or function of the wireless telecommunications device or stand-alone electronic device with the motion of one (1) swipe or tap of the driver's finger, and does not activate camera, video, or gaming features or functions for viewing, recording, amusement, or other non-navigational functions, other than features or functions related to the transportation of persons or property for compensation or payment of a fee.

(3) (a) A violation of this section is a Class C misdemeanor, subject only to imposition of a fine not to exceed fifty dollars (\$50.00). However, if the violation is the person's third or subsequent offense or if the violation results in an accident, the fine is one hundred dollars (\$100.00); or if the violation occurs in a work zone when employees of the department of transportation or construction workers are present or in a marked school zone when a warning flasher or flashers are in operation, the fine is two hundred dollars (\$200.00). Any person violating this section is subject to the imposition of court costs not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. State and local litigation taxes are not applicable to a case prosecuted under this section.

(b) In lieu of any fine imposed under subdivision (3)(a), a person who violates this section as a first offense may attend and complete a driver education course pursuant to § 55-10-301.

(c) Each violation of this section constitutes a separate offense.

(4) This section does not apply to the following persons:

(a) Officers of this state or of any county, city, or town charged with the enforcement of the laws of this state, or federal law enforcement officers when in the actual discharge of their official duties;

(b) Campus police officers and public safety officers, as defined by § 49-7-118, when in the actual discharge of their official duties;

(c) Emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and career, when in the actual discharge of their official duties;

(d) Emergency management agency officers of this state or of any county, city, or town, when in the actual discharge of their official duties;

(e) Persons using a wireless telecommunications device to communicate with law enforcement agencies, medical providers, fire departments, or other emergency service agencies while driving a motor vehicle, if the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property;

(f) Employees or contractors of utility services providers acting within the scope of their employment; and

(g) Persons who are lawfully stopped or parked in their motor vehicles or who lawfully leave standing their motor vehicles.

(5) A traffic citation that is based solely upon a violation of this section is considered a moving traffic violation (T.C.A. § 55-8-199). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 8

VEHICLE OPERATIONS - YIELDING AND TURNING

SECTION

- 15-801. Failure to yield right of way at intersections.
- 15-802. Left turn at intersection.
- 15-803. Vehicle entering through highway or stop intersection.
- 15-804. Vehicle entering highway from private road or driveway.
- 15-805. Emerging from alley, driveway or building.
- 15-806. Turning at intersections.
- 15-807. Turning on curve or crest of grade.
- 15-808. U-turns.
- 15-809. Turning movements - signal for stop or decrease in speed.
- 15-810. Signals for turns/failure to signal.
- 15-811. Signals by hand and arm or signal device.
- 15-812. Failure to exercise due care.

15-801. Failure to yield right-of-way at intersections. (1) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway or drive.

(2) When two (2) vehicles enter an intersection from different highways or drives at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(3) The right-of-way rules declared in subsections (1) and (2) are modified at through highways and otherwise as stated in this title.

(4) As used in this section:

(a) "Drive" means any way that is open to the use of the public for purposes of vehicular travel and that leads into or from premises that are generally frequented by the public at large; and

(b) "Intersection" includes the area within which vehicles traveling upon a highway and a drive that join one another at any angle may come in conflict (T.C.A. § 55-8-128). (1971 Code, § 9-601, as amended by Ord. #01-011, June 2001, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-802. Left turn at intersection. (1) The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but the driver, having so yielded and having given a signal when and as required by this title, may make the left turn, and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.

(2) As used in this section, "drive" means any way that is open to the use of the public for purposes of vehicular travel and that leads into or from premises that are generally frequented by the public at large and "intersection" includes the area within which vehicle traveling upon a highway and a drive that join one another at any angle may come in conflict (T.C.A. § 55-8-129). (1971 Code, § 9-602, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-803. Vehicle entering through highway or stop intersection.

(1) The driver of a vehicle shall stop as required by signals or devices at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard, but the driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

(2) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one (1) or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

(3) (a) The driver of a vehicle who is faced with a yield sign at the entrance to a through highway, drive, or other public roadway is not necessarily required to stop, but is required to exercise caution in entering the highway, drive, or other roadway and to yield the right-of-way to other vehicles which have entered the intersection from the highway, drive, or other roadway, or which are approaching so closely on the highway, drive, or other roadway as to constitute an immediate hazard, and the driver having so yielded may proceed when the way is clear.

(b) Where there is provided more than one (1) lane for vehicular traffic entering a through highway, drive, or other public roadway, if one (1) or more lanes at the entrance are designated a yield lane by an appropriate marker, this subsection (3) shall control the movement of traffic in any lane so marked with a yield sign, even though traffic in other lanes may be controlled by an electrical signal device or other signs, signals, markings or controls (T.C.A. § 55-8-130). (1971 Code, § 9-603, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-804. Vehicle entering highway from private road or driveway.

The driver of a vehicle about to enter or cross a highway, street or roadway from a drive, private road, or private driveway shall yield the right-of-way to all

vehicles approaching on the highway, street or roadway (T.C.A. § 55-8-131). (1971 Code, § 9-604, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-805. Emerging from alley, driveway or building. The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway (T.C.A. § 55-8-150). (1971 Code, § 9-605, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-806. Turning at intersections. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) 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;

(2) Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the center line where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection;

(3) 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 the driver's 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 that direction upon the roadway being entered;

(4) Local instructions. Local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by those markers, buttons or signs; and

(5) Two-way left turn lanes. Where a special lane for making left turns by drivers proceeding in opposite directions has been established:

- (a) A left turn shall not be made from any other lane unless a vehicle cannot safely enter the turn lane;
- (b) A vehicle shall not be driven in the left turn lane except when preparing for or making a left turn from or into the roadway;
- (c) A vehicle shall not use the left turn lane solely for the purpose of passing another vehicle;
- (d) A vehicle shall not enter a left turn lane more than a safe distance from the point of the intended turn;
- (e) When any vehicle enters the turn lane, no other vehicle proceeding in an opposite direction shall enter that turn lane if that entrance would prohibit the vehicle already in the lane from making the intended turn; and
- (f) When vehicles enter the turn lane proceeding in opposite directions, the first vehicle to enter the lane shall have the right-of-way (T.C.A. § 55-8-140). (1971 Code, § 9-606, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-807. Turning on curve or crest of grade. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet (500') (T.C.A. § 55-8-141). (as added by Ord. #01-008, April 2001, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-808. U-turns. U-turns are prohibited, except in four (4) or more lane highways divided by curbs or grass plots and then only at designated crossovers. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-809. Turning movements - signal for stop or decrease in speed.

(1) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway, unless and until this movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner provided in this title in the event any other traffic may be affected by this movement.

(2) No person shall stop or suddenly decrease the speed, or "break check," without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give this signal (T.C.A. § 55-8-142 and § 55-8-140). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-810. Signals for turns/failure to signal. (1) Every driver who intends to start, stop, turn or partly turn, from a direct line, shall first see that

that movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal required in this section, plainly visible to the driver of the other vehicle of the intention to make such movement.

(2) The signal required in this section shall be given by means of the hand and arm, or by some mechanical or electrical device approved by the department of safety, in the manner specified in this section. Whenever the signal is given by means of the hand and arm, the driver shall indicate the intention to start, stop, or turn, or partly turn, by extending the hand and arm from and beyond the left side of the vehicle, in the following manner:

(a) For left turn, or to pull to the left, the arm shall be extended in a horizontal position straight from and level with the shoulder;

(b) For right turn, or pull to the right, the arm shall be extended upward; and

(c) For slowing down or to stop, the arm shall be extended downward.

(3) These signals shall be given continuously for a distance of at least fifty feet (50') before stopping, turning, partly turning, or materially altering the course of the vehicle.

(4) Drivers having once given a hand, electrical or mechanical device signal, must continue the course thus indicated, unless they alter the original signal and take care that drivers of vehicles and pedestrians have seen and are aware of the change.

(5) Drivers receiving a signal from another driver shall keep their vehicles under complete control and shall be able to avoid an accident resulting from a misunderstanding of the signal.

(6) Drivers of vehicles, standing or stopped at the curb or edge before moving these vehicles, shall give signals of their intention to move into traffic, as provided in this section, before turning in the direction the vehicle shall proceed from the curb (T.C.A. § 55-8-143). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-811. Signals by hand and arm or signal device. (1) Any stop or turn signal required by this title shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device approved by the department of safety as provided in this title, except as otherwise provided in subsection (2).

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device approved by the department when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the motor vehicle exceeds twenty-four inches (24"), or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet (14'). The latter measurement shall apply to any single vehicle,

also to any combination of vehicles (T.C.A. § 55-8-144). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-812. Failure to exercise due care. (1) Notwithstanding the foregoing provisions of this title, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

(2) Notwithstanding any speed limit or zone in effect at the time, or right-of-way rules that may be applicable, every driver of a vehicle shall exercise due care by operating the vehicle at a safe speed, by maintaining a safe lookout, by keeping the vehicle under proper control and by devoting full time and attention to operating the vehicle, under the existing circumstances as necessary in order to be able to see and to avoid endangering life, limb or property and to see and avoid colliding with any other vehicle or person, or any road sign, guard rail or any fixed object either legally using or legally parked or legally placed, upon any roadway, within or beside the roadway right-of-way including, but not limited to, any adjacent sidewalk, bicycle lane, shoulder or berm (T.C.A § 55-8-136). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 9

PEDESTRIANS

SECTION

- 15-901. Pedestrian subject to traffic regulations.
- 15-902. Pedestrian right-of-way in crosswalks.
- 15-903. Crossing other than crosswalks.
- 15-904. Pedestrians to use right half of crosswalks.
- 15-905. Pedestrians on roadway.
- 15-906. Limitations on where person may stand along roadway.
- 15-907. Blind persons; Deaf person.
- 15-908. Blind pedestrian right-of-way.
- 15-909. Deleted.

15-901. Pedestrian subject to traffic regulations. (1) Pedestrians shall be subject to traffic-control signals at intersections, and at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this title.

(2) Pedestrians shall strictly comply with the directions of any official traffic-control signal and are prohibited from crossing any roadway in a business district or any designated highways except in a crosswalk (T.C.A. § 55-8-133). (1971 Code, § 9-702, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-902. Pedestrian right-of-way in crosswalks. (1)(a) Unless in a marked school zone when a warning flasher or flashers are in operation, when traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) When in a marked school zone when a warning flasher or flashers are in operation, the driver of a vehicle shall stop to yield the right-of-way to a pedestrian crossing the roadway within a marked crosswalk or at an intersection with no marked crosswalk. The driver shall remain stopped until the pedestrian has crossed the roadway on which the vehicle is stopped.

(c) This does not apply to § 15-903(2).

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(3) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the

roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle (T.C.A. § 55-8-134). (1971 Code, § 9-703, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-903. Crossing other than crosswalks. (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk (T.C.A. § 55-8-135). (1971 Code, § 9-704, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-904. Pedestrians to use right half of crosswalks. Pedestrians shall move, whenever practicable, upon the right half of crosswalks (T.C.A. § 55-8-137). (1971 Code, § 9-705, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-905. Pedestrians on roadways. (1) Except as provided in this section, where sidewalks are provided, it is unlawful for any pedestrian to walk or use a wheelchair along and upon an adjacent roadway.

(2) Where sidewalks are not provided or are obstructed, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction.

(3) Where sidewalks are not provided, are obstructed, or are not wheelchair accessible, any person using a wheelchair along and upon a highway shall, when practicable, use the wheelchair on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction; provided, that a person using a wheelchair along and upon a highway may use the wheelchair on the right side of the roadway or its shoulder if it is convenient or reasonably necessary for travel by the person (T.C.A. § 55-8-138). (1971 Code, § 9-706, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-906. Limitations on where person may stand along roadway.

(1) No person shall stand in a roadway for the purpose of soliciting a ride or employment from the occupant of any vehicle.

(2) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(3) No person shall loiter or conduct any commercial activity in, or in proximity to, the median of a City of Alcoa highway.

(4) Subsection (3) does not apply to:

(a) Employees of, or agents, contractors, or other persons under contract with, or acting on behalf of, the department of transportation; and

(b) Employees of, or agents, contractors, or other persons who are under contract with, or acting on behalf of the City of Alcoa, or a political subdivision of the state, or a utility, and who are permitted by the department of transportation to stand or conduct any activity in, or in proximity to, the median of a state highway.

(5) A violation of this section is a civil ordinance violation; except, that a person who violates subsection (3) shall receive a warning citation for a first offense (T.C.A. § 55-8-139). (1971 Code, § 9-707, as replaced by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

15-907. Blind persons; deaf person. (1) No person, unless totally or partially blind or otherwise incapacitated, while on any public street or thoroughfare shall carry in any raised or extended position any cane or similar walking stick colored white or white tipped with red.

(2) No person, unless totally or partially deaf, shall carry, hold, or use on any street, highway, or in any other public place, a leash blaze orange in color on any dog accompanying that person (T.C.A. § 55-8-179). (1971 Code, § 9-708, as replaced by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

15-908. Blind pedestrian right-of-way. Whenever any pedestrian guided by a guide dog or dog on a blaze orange leash, or carrying in any raised or extended position a cane or similar stick white in color or white tipped with red, shall undertake to cross any public street or thoroughfare in the City of Alcoa, the driver of each and every vehicle approaching that pedestrian carrying the cane or stick or conducted by such dog shall bring such vehicle to a complete stop and before proceeding shall take all precautions necessary to avoid injuring the pedestrian; provided, that nothing in this section shall be construed as making any person totally or partially blind or otherwise incapacitated guilty of contributory negligence in undertaking to cross any street or thoroughfare without being guided by a trained dog or carrying a cane or stick of the type specified herein (T.C.A. § 55-8-180). (1971 Code, § 9-709, as replaced by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

15-909. Deleted. (1971 Code, § 9-710, as deleted by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

CHAPTER 10**MOTORCYCLES, BICYCLES, AND OTHER VEHICLES****SECTIONS**

- 15-1001. Operation of bicycles, electric bicycles and play vehicles.
- 15-1002. Traffic laws apply to persons riding bicycles.
- 15-1003. Bicycles riding on, use of play vehicles.
- 15-1004. Clinging to vehicles.
- 15-1005. Bicycles - carrying articles.
- 15-1006. Bicycles - lamps and brakes.
- 15-1007. Requirements and laws applicable to electric bicycles.
- 15-1008. Unlawful modification of electric bicycle.
- 15-1009. Electric bicycle equipment requirements.
- 15-1010. Electric bicycle helmet requirements.
- 15-1011. Operation of electric bicycle on street or highway or path or trail.
- 15-1012. Motorcycles; Rights and duties.
- 15-1013. Motorcycles; Lanes.
- 15-1014. Riding on motorcycles.
- 15-1015. Helmet required.
- 15-1016. Seat for passenger.
- 15-1017. Windshields - safety goggles, face shields or glasses.
- 15-1018. Rearview mirrors and footrests.
- 15-1019. Parent or guardian knowingly permitting minor to violate this section.
- 15-1020. Headlamps on motorcycles.
- 15-1021. Motor driven cycles speed and equipment.
- 15-1022. Riding on roadways and bicycle paths.
- 15-1023. Roller skates and skateboarding.
- 15-1024. Use of off-highway motor vehicle.
- 15-1025. Off-highway vehicles - Class I or Class II.

15-1001. Operation of bicycles, electric bicycles and play vehicles.

(1) This chapter is applicable to electric bicycles and play vehicles whenever technically applicable.

(2) It is a civil ordinance violation for any person to do any act forbidden or fail to perform any act required in this chapter.

(3) The regulations applicable to bicycles, electric bicycles and play vehicles shall apply whenever a bicycle, electric bicycle or play vehicle is operated upon any highway, street, roadway, sidewalk, or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein (T.C.A. § 55-8-171). (1971 Code, § 9-801, as replaced by Ord. #03-014, April 2003, and Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1002. Traffic laws apply to persons riding bicycles. (1) Every person riding a bicycle or electric bicycle upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle under this title, except as to those provisions of this title that by their nature can have no application.

(2) Every person riding a bicycle or electric bicycle, is subject to the special regulations in this title applicable to bicycles or electric bicycles. (T.C.A. § 55-8-172). (1971 Code, § 9-802, as replaced by Ord. #03-014, April 2003, and Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1003. Bicycles riding on, use of play vehicles. (1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, except for a certified police cyclist who is performing duties that require riding in a side dismounting position.

(2) No bicycle shall be used to carry more persons at one (1) time than the number for which it is designed or equipped.

(3) No person shall play on a highway or street, other than upon the sidewalk thereof, within the City of Alcoa, or use thereon roller skates, skateboards, coasters or any similar vehicle or toy or article on wheels or a runner, except in those areas as may be specially designated for that purpose by local authorities (T.C.A. § 55-8-173). (1971 Code, § 9-803, as replaced by Ord. #09-189, April 2009, and Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1004. Clinging to vehicles. (1) No person riding upon any bicycle, roller skates, skateboard, sled or toy vehicle shall attach the bicycle, roller skates, skateboard, sled or toy vehicle, or that person's own body, to any streetcar or vehicle upon a roadway.

(2) This section shall not be construed to prohibit the attachment of a bicycle trailer or bicycle semitrailer to a bicycle if the trailer or semitrailer is designed specifically for that purpose (T.C.A. § 55-8-174). (1971 Code, § 9-804, as replaced by Ord. #03-014, April 2003, Ord. #R04-035, Oct. 2004, renumbered by Ord. #09-189, April 2009, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1005. Bicycles - carrying articles. No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one (1) hand upon the handlebars (T.C.A. § 55-8-176). (1971 Code, § 9-805, as renumbered by Ord. #09-189, April 2009, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1006. Bicycles - lamps and brakes. (1) Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front, which shall emit a white light visible from a distance of at least five hundred feet (500') to the front, and either a red reflector or a lamp emitting a red light, which shall be visible

from a distance of at least five hundred feet (500') to the rear, when directly in front of lawful upper beams of head lamps on a motor vehicle.

(2) Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within twenty-five feet (25') from a speed of ten miles per hour (10 mph) on dry, level, clean pavement (T.C.A. § 55-8-177). (1971 Code, § 9-806, as replaced by Ord. #R04-035, renumbered by Ord. #09-189, April 2009, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1007. Requirements and laws applicable to electric bicycles.

Except as otherwise provided in this chapter, the requirements and laws applicable to bicycles shall apply to electric bicycles (T.C.A. § 55-8-302). (1971 Code, § 9-807, as renumbered by Ord. #09-189, April 2009, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1008. Unlawful modification of electric bicycle. It is an offense for a person to knowingly modify an electric bicycle so as to change the speed capability of the electric bicycle and not appropriately replace, or cause to be replaced, the label indicating the classification required in this chapter (T.C.A. § 55-8-304). (1971 Code, § 9-808, as renumbered by Ord. #09-189, April 2009, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1009. Electric bicycle equipment requirements. (1) No electric bicycle shall be operated upon any street or highway unless the electric bicycle:

(a) Complies with applicable equipment and manufacturing requirements for electric bicycles established by state and federal law, including federal standards adopted by the United States Consumer Product Safety Commission and compiled in 16 CFR part 1512; and

(b) Is equipped in such a manner that the electric motor is disengaged or ceases to function when the brakes are applied, or that the electric motor is engaged through a switch or mechanism that, when released or activated, will cause the electric motor to disengage or cease to function.

(2) No class 3 electric bicycle shall be operated upon any City of Alcoa street or highway unless it is equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour (T.C.A. § 55-8-305) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1010. Electric bicycle helmet requirements. (1) A person under fourteen (14) years of age is prohibited from operating a class 3 electric bicycle upon any street or highway; provided, that the person may ride as a passenger on a class 3 bicycle that is designed to accommodate passengers.

(2) The operator and all passengers of a class 3 electric bicycle, regardless of age, shall wear a properly fitted and fastened bicycle helmet meeting federal standards established by the United States consumer product

safety commission or the American Society for Testing and Materials. A label on the helmet shall be affixed signifying the helmet complies with this subsection (2) (T.C.A. § 55-8-307). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1011. Operation of electric bicycle on street or highway or path or trail. (1) (a) No class 3 bicycle shall be operated on any part of a path or trail where bicycles are authorized to travel, unless the path or trail is within or adjacent to the street or highway, or the City of Alcoa permits the operation of a class 3 electric bicycle on that path or trail.

(b) No electric bicycle shall be operated on any sidewalk unless the use of bicycles on sidewalks is authorized by resolution or ordinance by the City of Alcoa, and the electric motor is disabled.

(2) On any roadway, highway, or street, electric bicycles shall be restricted, or excluded by local resolutions and ordinances to the same extent as bicycles are restricted, limited, or excluded (T.C.A. § 55-8-306). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1012. Motorcycles; rights and duties. Every person operating a motorcycle or autocycle is granted all of the rights and is subject to all of the duties applicable to the driver of any other vehicle under this title, except as to special regulations in this title and except as to those provisions of this title that by their nature can have no application (T.C.A. § 55-8-181). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1013. Motorcycles; lanes. (1) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in a manner that deprives any motorcycle of the full use of a lane. This subsection (1) shall not apply to motorcycles operated two (2) abreast in a single lane.

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles and autocycles shall not be operated more than two (2) abreast in a single lane.

(5) Subsections (2) and (3) shall not apply to police officers in the performance of their official duties (2019, Reference T.C.A. § 55-8-182). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1014. Riding on motorcycles. (1) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person, nor shall any other person ride on a motorcycle, unless the motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if

designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

(2) A person shall ride upon a motorcycle only while sitting astride the seat, headlamp illuminated, facing forward, with one (1) leg on each side of the motorcycle.

(3) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents the person from keeping both hands on the handlebars.

(4) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

(5) (a) An operator commits an offense who, on the streets, roads, or the highways of the City of Alcoa, carries a child as a passenger on a motorcycle whose feet are not on foot pegs; provided, that this subsection (5) shall not apply to persons riding in a motorcycle sidecar.

(b) (i) No litigation tax levied shall be imposed or assessed against anyone convicted of a violation of this subsection (5), nor shall any clerk's fee or court costs, including, but not limited to, any statutory fees of officers, be imposed or assessed against anyone convicted of a violation of this subsection (5).

(ii) (A) The revenue generated by ten dollars (\$10.00) of the fifty-dollar (\$50.00) fine for a person's first conviction under this subsection (5), shall be deposited in the city general fund without being designated for any specific purpose. The remaining forty dollars (\$40.00) of the fifty-dollar (\$50.00) fine for a person's first conviction under this subsection (5) shall be deposited to the child safety fund;

(B) The revenue generated from a person's second or subsequent conviction under this subsection (5) shall be deposited to the child safety fund (T.C.A. § 55-8-164). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1015. Helmet required. (1) The driver of a motorcycle, motorized bicycle, or motor-driven cycle, and any passenger on any of these, shall be required to wear either a crash helmet meeting the federal motor vehicle safety standards specified in 49 C.F.R. 571.218, or, if the driver or passenger is twenty-one (21) years of age or older, a helmet meeting the following requirements:

(a) The helmet shall meet the federal motor vehicle safety standards specified in 49 C.F.R. 571.218;

(b) Notwithstanding any provision in 49 C.F.R. 571.218, ventilation airways may penetrate through the entire shell of the helmet;

provided, that no ventilation airway shall exceed one and one-half inches (1 1/2") in diameter;

(c) Notwithstanding any provision in 49 C.F.R. 571.218, the protective surface shall not be required to be a continuous contour; and

(d) Notwithstanding any provision in 49 C.F.R. 571.218, a label on the helmet shall be affixed signifying that the helmet complies with the American Society for Testing Materials (ASTM), the Consumer Product Safety Commission (CPSC), the Southern Impact Research Center (SIRC), or the Snell Foundation.

(2) This section does not apply to persons riding:

(a) Within an enclosed cab;

(b) Autocycles that are fully enclosed;

(c) Golf carts;

(d) In a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years of age or older; or

(e) In a funeral procession, memorial ride, or body escort detail; provided that

(i) The driver travels at a speed not to exceed thirty (30) miles per hour;

(ii) The driver or passenger is twenty-one (21) years of age or older; and

(iii) The funeral procession, memorial ride, or body escort detail does not exceed a distance of fifty (50) miles (T.C.A. § 55-9-302). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1016. Seat for passenger. No person shall ride as a passenger upon a motorcycle or motor-driven cycle unless a proper seat for a passenger is installed thereon (T.C.A. § 55-9-303). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1017. Windshields - safety goggles, face shields or glasses. Every motorcycle or motor-driven cycle operated upon any highway or city street or road shall be equipped with a windshield, or, in the alternative, the operator and any passenger on that motorcycle or motor-driven cycle shall be required to wear safety goggles, face shields, or glasses containing impact resistance lenses (T.C.A. § 55-9-304). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1018. Rearview mirrors and footrests. All motorcycles and motor-driven cycles operated upon any highway or city street or road shall be equipped with a rearview mirror and securely attached footrests for the operators and passengers on all motorcycles and motor-driven cycles (T.C.A. § 55-9-305). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1019. Parent or guardian knowingly permitting minor to violate this section. Any parent or guardian who knowingly permits a minor to operate a motorcycle or motor-driven cycle in violation of the following commits a civil ordinance violation:

- (1) Tennessee Code Annotated, § 55-9-302 crash helmet required for driver and passenger -- exceptions.
- (2) Tennessee Code Annotated, § 55-9-303 seat for passenger.
- (3) Tennessee Code Annotated, § 55-9-304 windshields - safety goggles, face shields or glasses.
- (4) Tennessee Code Annotated, § 55-9-305 rearview mirrors and footrests (T.C.A. § 55-9-307). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1020. Headlamps on motorcycles. Every motorcycle shall be equipped with at least one (1) and not more than two (2) headlamps (T.C.A. § 55-9-403). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1021. Motor driven cycles speed and equipment. No person shall operate any motor-driven cycle at any time at a speed greater than thirty-five miles per hour (35 mph) unless the motor-driven cycle is equipped with a head lamp or lamps that are adequate to reveal a person or vehicle at a distance of three hundred feet (300') ahead (T.C.A. § 55-8-155). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1022. Riding on roadways and bicycle paths. (1) (a) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway, except under any of the following situations:

- (i) When overtaking and passing another vehicle proceeding in the same direction;
- (ii) When preparing for a left turn at an intersection or into a private road or driveway; or
- (iii) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, "substandard width lane" means a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(b) This subsection (1) does not apply to a certified police cyclist engaged in the lawful performance of duty relating to traffic control.

(2) (a) Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside

for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(b) Subdivision (2)(a) does not apply to a certified police cyclist engaged in the lawful performance of duty relating to traffic control or in pursuit of an actual or suspected violator of the law.

(3) The operator of a motor vehicle, when overtaking and passing a bicycle proceeding in the same direction on the roadway, shall leave a safe distance between the motor vehicle and the bicycle of not less than three feet (3') and shall maintain the clearance until safely past the overtaken bicycle (T.C.A. § 55-8-175) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1023. Roller skates and skateboarding. (1) It shall be unlawful for any person to use or ride roller skates, skateboard or other similar devices on or about any public street, alley, public park, parking lot, public building or other public place, except in such areas and/or times as may be specially designated for such purposes by the city commission.

(2) In any area designated by the city commission as allowable for the use of roller skates, skateboard or other similar devices, all riders and operators of roller skates, skateboards or other similar devices shall wear proper safety gear including a safety helmet, and no person shall ride or use roller skates and skateboards in a negligent, careless or reckless manner.

(3) It shall be unlawful for any person to use or ride roller skates, skateboards or other similar devices on or about private property, regardless of whether or not such property is open to the public, if "No Skateboarding" signs are posted in locations reasonably likely to provide notice to possible violators of this ordinance.

(4) Upon a violation of this section, the police officer citing the offender may take possession of the roller skates, skateboard or other similar device and secure it until the ordinance violation is resolved. If the offender is a minor, the equipment shall be secured until the section violation is resolved or the parent or guardian of the minor appears at police headquarters and requests its return, whichever occurs first. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1024. Use of off-highway motor vehicles. (1) No off-highway motor vehicle shall be operated or driven upon a highway unless the vehicle is registered as a medium speed vehicle; is registered as a Class I or Class II off-highway vehicle pursuant to this title, and operated on county roads; or is operated or driven for the purpose of crossing a highway as follows:

(a) On a two-lane highway, only to cross the highway at an angle of approximately ninety degrees (90°) to the direction of the roadway and at a place where a quick and safe crossing may be made;

(b) With respect to the crossing of a highway having more than two (2) lanes, or a highway having limited access, off-highway motor

vehicles may cross these highways, but only at a place designated by the department of transportation or local government authorities with respect to highways under their respective jurisdictions as a place where such motor vehicles, or specified types of such motor vehicles, may cross the highways, and these vehicles shall cross these highways only at those designated places and only in a quick and safe manner; and

(c) The City of Alcoa may designate, by the erection of appropriate signs of a type approved by the department, places where these motor vehicles, or specified types of these motor vehicles, may cross any highway having more than two (2) lanes or having limited access.

(2) Off-highway motor-driven cycles may be moved, by nonmechanical means only, adjacent to a roadway, in a manner so as to not interfere with traffic upon the highway, only for the purpose of gaining access to, or returning from, areas designed for the operation of off-highway vehicles, when no other route is available. The City of Alcoa may designate access routes leading to off-highway parks as suitable for the operation of off-highway vehicles, if such access routes are available to the general public only for pedestrian and off-highway motor vehicle travel (T.C.A. §55-8-185(a)-(b)). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1025. Off-highway vehicles - Class I or Class II. (1) Any Class I or Class II off-highway vehicle operated on City of Alcoa roads, for the purpose of crossing from one (1) road, field, or area of operation to another, be operated upon a highway or city street or other road, except upon the interstate and national defense highway system, if:

(a) The crossing is made at an angle approximately ninety degrees (90°) to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(b) The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(c) The operator yields the operator's right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and

(d) Both the headlights and taillights are illuminated when the crossing is made.

(2) A Class I or Class II off-highway vehicle may be operated if, while on the City of Alcoa roads:

(a) The vehicle is equipped with:

(i) Brakes;

(ii) At least two (2) taillights, stoplights, and headlights;

(iii) Two (2) turn signal lamps or other devices under

Tennessee Code Annotated, § 55-8-144;

(iv) A horn under Tennessee Code Annotated, § 55-9-201;

(v) A roll bar;

(vi) Seat belts for each seat;

(vii) A manufacture-installed or equivalent spark arrester;
(viii) A manufacture-installed or equivalent muffler in proper working order and properly connected to the vehicle's exhaust system; and

(ix) A windshield, with or without wipers; except, that if the vehicle is not equipped with a windshield, then the operator and each passenger shall wear glasses containing impact resistant lenses, safety goggles, or a transparent face shield; and

(b) The operator shall be at least sixteen (16) years of age and possess a valid drivers license from this state or an equivalent license from another state.

(3) Every person operating a Class I or Class II off-highway vehicle upon a City of Alcoa road shall obey all of the duties applicable to the driver of a motor vehicle under this title, except as to those provisions that by their nature can have no application.

(4) Operation of the following off-highway vehicles shall be exempt from the registration requirements, and equipment and safety requirements of this title:

(a) An off-highway vehicle operated on any private or public recreational trail or area;

(b) An off-highway vehicle operated on an affiliated trail or area operated by a person or entity which has in place a safety program;

(c) Off-highway vehicles operated for agricultural purposes;

(d) Publicly-owned and operated off-highway vehicles that are used for wildlife management, law enforcement, emergency services, and other such purposes; and

(e) Off-highway motor vehicles operated pursuant to § 55-8-185, except as those registered as a Class I or Class II off-highway vehicle, and operated on a City of Alcoa road pursuant to this title (T.C.A. § 55-8-203). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 11

RAILROADS AND RAIL CROSSINGS

SECTIONS

- 15-1101. Obedience to signal indicating approach of train.
- 15-1102. All vehicles must stop at certain railroad crossings.
- 15-1103. Moving heavy equipment at railroad crossings.
- 15-1104. Railroad locomotive engineers.
- 15-1105. Approaching and driving over a railroad highway grade crossing.
- 15-1106. Trains not to block street.
- 15-1107. Duty of railroad as to gates.
- 15-1108. Trespass - generally.
- 15-1109. Trespass - on railroad bridge.
- 15-1110. Getting on or off moving engines or trains.
- 15-1111.--15-1117. Deleted.

15-1101. Obedience to signal indicating approach of train.

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of the railroad, and shall not proceed until that driver can do so safely. These requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment, which shall mean any self-propelled machinery or vehicle traveling on a railroad track;

(b) A crossing gate is lowered or when a human flagger gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment;

(c) A railroad train or other on-track equipment approaching within approximately one thousand five hundred feet (1,500') of the highway crossing emits a signal audible from such distance and the railroad train or other on-track equipment, by reason of its speed or nearness to the crossing, is an immediate hazard; or

(d) An approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to the crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed, being closed, or is being opened (T.C.A. § 55-8-145). (1971 Code, § 9-901, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1102. All vehicles must stop at certain railroad crossings.

(1) When stop signs are erected, the driver of any vehicle shall stop

within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of the railroad and shall proceed only upon exercising due care.

(2) None of the sections of this chapter shall be construed as abridging or in any way affecting the common law right of recovery of litigants in damage suits that may be pending or brought against any railroad company or other common carrier (T.C.A. § 55-8-146). (1971 Code, § 9-902, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1103. Moving heavy equipment at railroad crossings. (1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than one-half inch (1/2") per foot of the distance between any two (2) adjacent axles or in any event of less than nine inches (9"), measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Before making any such crossing, the person operating or moving the vehicle or equipment described in subsection (1) shall first stop the same not less than fifteen feet (15') nor more than fifty feet (50') from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(3) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagger or otherwise of the immediate approach of a railroad train or car. If a flagger is provided by the railroad, movement over the crossing shall be made under the flagger's direction (T.C.A. § 55-8-148). (1971 Code, § 9-903, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1104. Railroad locomotive engineers. Notwithstanding any law to the contrary, whenever an engineer of a railroad locomotive is required to show proof of identity under this title, in connection with operation of the locomotive, to any law enforcement officer, the engineer shall not be required to display an operator's or chauffeur's license, or driver license, but shall display an engineer's operator permit instead (T.C.A. § 55-10-116). (1971 Code, § 9-904, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1105. Approaching and driving over a railroad highway grade crossing. It is unlawful for the operator of a commercial motor vehicle to fail to:

(1) Slow down and check that the railroad highway grade crossing is clear of an approaching train, if the driver is not required by Tennessee Code Annotated, § 55-8-147 to always stop at the crossing;

(2) Stop before reaching the railroad highway grade crossing, if the tracks are not clear, if the driver is not required to always stop, pursuant to Tennessee Code Annotated, § 55-8-147;

(3) Have sufficient space to drive completely through the railroad highway grade crossing without stopping; or

(4) Negotiate a railroad highway grade crossing because of insufficient undercarriage clearance (T.C.A. § 55-50-412). (1971 Code, § 9-905, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1106. Trains not to block street. It shall be unlawful for any railroad or railroad company or its officers, agents, or servants to operate any train, engine, car or other equipment, or to cause any bell, gong, light, signal, gate or other warning device to operate, in such manner as to prevent or prohibit the use of any street for purposes of vehicular travel for a continuous period of time longer than ten (10) minutes, except that this provision shall not apply to trains or cars in continuous motion other than those engaged in switching. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1107. Duty of railroad as to gates. (1) It shall be unlawful for any railroad company to keep the gates at crossing shut down for any unreasonable time, so as to obstruct travel.

(2) It shall be unlawful for the railroads' employees to shut down the gates while persons are between the gates, so as to keep them on the track.

(3) It shall be unlawful for any engineer or person in charge of an engine or train to move his engine or cars over a crossing unless the warning, as provided in this chapter, has been given. (as added by Ord. #13-303, Feb. 2013, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1108. Trespass - generally. It shall be unlawful for any person, not an employee, to walk or be upon the tracks of any railroad within the corporate limits, except where it is necessary to cross the same at regular and established street crossings, or to play or loiter about or upon the tracks, or within or upon the cars or engines of any railroad within the corporate limits. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1109. Trespass - on railroad bridge. It shall be unlawful for any person, not an employee of a railroad company in the necessary discharge of his duty, to get upon or walk upon, or get inside of any railroad bridge. (as added by Ord. #09-213, Oct. 2009, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1110. Getting on or off moving engines or trains. It shall be unlawful for any person not a bona fide passenger or employee of a railroad company in the discharge of his duty, to jump, step or otherwise get upon or

from or swing to or in any manner attach himself to, any moving engine, car or train within the corporate limits. (as added by Ord. #09-213, Oct. 2009, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1111.--15-1117. Deleted. (as added by Ord. #09-213, Oct. 2009, and deleted by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 12

SPEED LIMITS AND SPEEDING

SECTION

- 15-1201. Speed zones established.
- 15-1202. Speed limits.
- 15-1203. Minimum speed regulation.
- 15-1204. "Slow poke law."
- 15-1205. Special speed limits.
- 15-1206. Operation of low and medium speed vehicles; prohibitions.

15-1201. Speed zones established. (1) The City of Alcoa Board of Commissioners possesses the power to prescribe lower speed limits on highways designated as state highways in the city's respective jurisdiction when, on the basis of an engineering and traffic investigation, it is shown that the public safety requires a lower speed limit.

(a) Engineering and traffic investigations used to establish special speed zone locations and speed limits by the City of Alcoa on state highways shall be made in accordance with established traffic engineering practices and in a manner that conforms to the Tennessee manual on uniform traffic control devices (MUTCD). The investigations shall be documented and documentation shall be maintained by the City of Alcoa.

(b) All signs, signals and other forms of public notification of the speed limits, road hazards and other traffic conditions shall comply with the MUTCD.

(2) The City of Alcoa Board of Commissioners has the authority to prescribe lower speed limits within certain areas or zones, or on designated highways, avenues or streets that are not designated as state highways in its respective jurisdiction, and to erect appropriate signs and traffic signals (2019, § 55-8-153).

(3) It shall be unlawful for any person to operate or drive a motor vehicle in the City of Alcoa upon the highways, streets or roadways, or portions thereof, in excess of the speed posted for said highway, street or roadway or such parts thereof.

(4) It shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty (30) miles per hour upon any street or portions of the street in the City of Alcoa where the speed limit has not been posted. (as added by Ord. #03-015, April 2003, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1202. Speed limits. (1) Except as provided in subsection (3), or elsewhere within this title, it is unlawful for any person to operate or drive a

motor vehicle upon any highway or public road of the City of Alcoa in excess of sixty-five miles per hour (65 mph).

(2) "Truck," as used in this section, means any motor vehicle of one and one-half (1 1/2) ton rated capacity or more.

(3) Unless otherwise posted with a lower speed limit, on all controlled-access highways with four (4) or more lanes, which are designated as being on the state system of highways or the state system of interstate highways, it is unlawful for any person to operate or drive a motor vehicle or a truck at a rate of speed in excess of seventy miles per hour (70 mph). In the left-hand lane of all controlled-access highways with four (4) or more lanes, which are designated as being on the state system of highways or the state system of interstate highways, it is unlawful for any person to operate or drive a motor vehicle at a rate of speed less than fifty-five miles per hour (55 mph) (T.C.A. § 55-8-152). (as added by Ord. #03-015, April 2003, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1203. Minimum speed regulation. (1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.

(2) Whenever the department of transportation or the City of Alcoa within its respective jurisdiction determines on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the department or the City of Alcoa may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

(3) Wherever there exists, at or near the top of any hill or grade, a turnout, passing bay or parking area adjacent to and to the right of any traffic lane of any state or federal highway within the City of Alcoa, any person driving or operating a truck or other slow-moving vehicle upon such traffic lane shall drive the truck or other slow-moving vehicle into and stop the same upon the turnout, passing bay or parking area and permit faster-moving vehicles following the truck or other slow-moving vehicle whose progress is being retarded to pass; provided, that the turnout, passing bay or parking area is marked by a traffic sign (T.C.A. § 55-8-154). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1204. "Slow poke law." (1) On interstate and multilane divided highways that are three (3) or more lanes in each direction, a person shall not operate a vehicle in the passing lane, except when overtaking or passing a vehicle that is in a nonpassing lane.

(2) This section shall not apply:

- (a) When the volume of traffic does not permit the vehicle to safely merge into a nonpassing lane;
 - (b) When inclement weather or an official traffic control device makes it necessary to drive in the passing lane;
 - (c) When obstructions or hazards exist in a nonpassing lane;
 - (d) When avoiding traffic moving onto the highway from an acceleration or merging lane;
 - (e) When highway design makes it necessary to drive in the passing lane to exit or turn left;
 - (f) To authorized emergency vehicles engaged in official duties;
- or
- (g) To vehicles engaged in highway maintenance and construction operations.
- (3) As used in this section:
- (a) "Nonpassing lane" means any lane that is to the right of the passing lane; and
 - (b) "Passing lane" means:
 - (i) The furthestmost left lane; and
 - (ii) The lane immediately to the right of the furthestmost left lane, during the specified hours of specified days of the week when the furthestmost left lane is reserved for the exclusion use of high occupancy vehicles (T.C.A. § 55-8-204). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1205. Special speed limits. (1) No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten miles per hour (10 mph).

(2) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when the structure is signposted as provided in this section.

(3) Proof of the determination of the maximum posted speed and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure (T.C.A. § 55-8-156). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1206. Operation of low and medium speed vehicles; prohibitions. (1) (a) A low speed vehicle may be operated only on streets where the posted speed limit is thirty-five miles per hour (35 mph) or less. This subdivision (1)(a) does not prohibit a low speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than thirty-five miles per hour (35 mph).

(b) The City of Alcoa may prohibit the operation of low speed vehicles on any road under its jurisdiction if the City of Alcoa determines that the prohibition is necessary in the interest of safety.

(2) (a) A medium speed vehicle may be operated at a rate not to exceed thirty-five miles per hour (35 mph) only on streets where the posted speed limit is forty miles per hour (40 mph) or less. This subsection (2) does not prohibit a medium speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than forty miles per hour (40 mph).

(3) The City of Alcoa may prohibit the operation of medium speed vehicles on any road under its jurisdiction if the City of Alcoa determines that the prohibition is necessary in the interest of safety.

(4) Any person operating a low speed vehicle or medium speed vehicle must have in possession a valid Class D driver license (T.C.A. §55-8-191). (as added by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

CHAPTER 13

LIGHTING

SECTION

- 15-1301. Lights on vehicles other than motor vehicles.
- 15-1302. Lights required on motor vehicles.
- 15-1303. Lamp at end of train of vehicles.
- 15-1304. Lighting devices and reflectors on vehicles having width in excess of eighty inches, truck tractors, and trailers.
- 15-1305. Headlights on motor vehicles - operation during inclement weather.
- 15-1306. Inspecting and testing lamps emitting glare.
- 15-1307. Blue flashing emergency lights on motor vehicles.
- 15-1308.--15-1312. Deleted.

15-1301. Lights on vehicles other than motor vehicles. (1) Every vehicle other than a motor vehicle, when traveling upon a highway or city street, street or road thereof, dedicated, appropriated or open to the public use or travel, shall be equipped with a light attached to and on the upper left side of the vehicle, capable of displaying a light visible five hundred feet (500') to the front and five hundred feet (500') to the rear of the vehicle under ordinary atmospheric conditions, and the light shall be displayed during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise and at all other times when there is not sufficient light to render clearly discernible any person on the road or highway at a distance of two hundred feet (200') ahead of the vehicle.

(2) Cotton wagons used exclusively to transport cotton shall not be required to display the light described in subsection (1), but shall display:

(a) A red tail lamp on the lower left corner of the rear of the wagon; and

(b) A triangle shaped slow-moving vehicle identification emblem meeting standard S276.8 of the American Society of Agricultural Engineers. The emblem shall be placed on the lower left corner of the rear of the wagon. The user of a cotton wagon shall be responsible for the proper function of the symbol or light, except for any malfunction resulting from the act or omission of another person.

(3) Horse drawn vehicles that are used on the highway or city streets primarily as means of transportation shall:

(a) Be equipped on the top with a battery powered white strobe light of a type approved for rural mail carriers under Tennessee Code Annotated, § 55-9-413 and shall have at least one hundred square inches (100 sq. in.) of reflector tape placed on the rear of the vehicle; or

(b) Be equipped with two (2) reflective type lanterns, one (1) to be placed on the left side of the vehicle and one (1) to be placed on the

right side of the vehicle with the lantern on the right side to be placed at least twelve inches (12") higher than the lantern on the left, and shall also have a minimum of one hundred square inches (100 sq. in.) of reflector tape placed on the rear of the vehicle, thirty-six inches (36") of reflector tape placed on each side of the vehicle, and twenty-four inches (24") of reflector tape placed at the highest point of the left front of the vehicle.

(4) During the period of time from one-half (1/2) hour before sunset until one-half (1/2) hour after sunrise, any implement of husbandry as defined in Tennessee Code Annotated, § 55-1-108 having a width of more than ninety-six inches (96"), which is towed behind a farm tractor or other motor vehicle, and the lighting of the farm tractor or other motor vehicle is concealed by the implement of husbandry, shall be equipped with two (2) red or amber flashing lamps, one (1) on each side, attached at the rear, or accompanied by a rear escort utilizing its emergency flashers (T.C.A. § 55-9-401). (as added by Ord. #04-015, April 2004 and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1302. Lights required on motor vehicles. (1)(a) Every motor vehicle other than a motorcycle, road roller, road machinery or farm tractor shall be equipped with at least two (2) and not more than four (4) headlights, with at least one (1) on each side of the front of the motor vehicle. No nonemergency vehicle shall operate or install emergency flashing light systems, such as strobe, wig-wag, or other flashing lights within the headlight assembly or grill area of the vehicle; provided, however, that a school bus may operate a flashing, wig-wag lighting system within the headlight assembly of the vehicle when the vehicle's visual stop signs are actuated for receiving or discharging school children.

(b) Auxiliary road lighting lamps may be used, but not more than two (2) of the lamps shall be lighted at any one (1) time in addition to the two (2) required headlights.

(c) No spotlight or auxiliary lamp shall be so aimed upon approaching another vehicle that any part of the high intensity portion of the beam therefrom is directed beyond the left side of the motor vehicle upon which the spotlight or auxiliary lamp is mounted, nor more than one hundred feet (100') ahead of the motor vehicle.

(2) (a) Every motor vehicle shall be equipped with two (2) red tail lamps and two (2) red stoplights on the rear of the vehicle, and one (1) tail lamp and one (1) stoplight shall be on each side, except that passenger cars manufactured or assembled prior to January 1, 1939, trucks manufactured or assembled prior to January 1, 1968, and motorcycles and motor-driven cycles shall have at least one (1) red tail lamp and one (1) red stoplight. No nonemergency vehicle shall operate or install emergency flashing light systems such as strobe, wig-wag, or other flashing lights in tail light lamp, stoplight area, or factory installed

emergency flasher and backup light area; provided, however, that the foregoing prohibition shall not apply to the utilization of a continuously flashing light system. For the purposes of this part, "continuously flashing light system" means a brake light system in which the brake lamp pulses rapidly for no more than five (5) seconds when the brake is applied, and then converts to a continuous light as a normal brake lamp until the time that the brake is released.

(b) The stoplight shall be so arranged as to be actuated by the application of the service or foot brake and shall be capable of being seen and distinguished from a distance of one hundred feet (100') to the rear of a motor vehicle in normal daylight, but shall not project a glaring or dazzling light.

(c) The stoplight may be incorporated with the tail lamp.

(d) Motor vehicle tail light lamps may operate as following:

(i) A white backup light operates when the motor vehicle is in reverse;

(ii) When the driver is in a panic stop condition going forward, the backup lamp pulses or flashes red; and

(iii) Upon normal stops of the motor vehicle, there is no action by the backup light.

(3) Each lamp and stoplight required in this section shall be in good condition and operational.

(4) (a) No vehicle operated in this state shall be equipped with any flashing lights in any color or combination of colors that display to the front of the vehicle, other than factory installed emergency flashers, except as providing in this section and for the following vehicles:

(i) Motorcycle escorts of properly identified funeral processions authorized by Tennessee Code Annotated, § 55-8-183 to display green strobe flashing lights;

(ii) Vehicles owned by or leased to licensed public or private security services but not personally owned vehicles of security guards may display flashing lights in any color other than red, white, or blue, or in any combination of colors other than red, white, or blue; provided, that the flashing lights authorized by this subsection (4)(a)(ii) for security services vehicles shall not be operated or illuminated while the vehicle is on a City of Alcoa road, in motion or stationary, and shall only be illuminated when patrolling a shopping center or mall parking lot or other private premises or if stopped in a hazardous location for the purposes of warning;

(iii) A highway maintenance or utility vehicle or recovery vehicle may display flashing white or amber lights or any combination of flashing white and amber lights pursuant to subsection (5);

(iv) A motor vehicle operated for purposes of an emergency equipment company pursuant to subsection (7) may display flashing red, white, blue, or amber lights or any combination of flashing red, white, blue, and amber lights; provided, that emergency equipment company vehicles shall not display or illuminate the lights authorized by this section while the vehicle is on a public road, whether in motion or stationary;

(v) A passenger motor vehicle operated by an organ procurement organization or a person under an agreement with an organ procurement organization may display flashing white or amber lights or flashing white and amber lights in combination when transporting an organ for human transplantation;

(vi) A school bus, a passenger motor vehicle operated by a rural mail carrier of the United States postal service while performing the duties of a rural mail carrier, or an emergency vehicle used in firefighting, including ambulances, emergency vehicles used in firefighting that are owned or operated by the division of forestry, firefighting vehicles, rescue vehicles, privately owned vehicles of regular or volunteer firefighters certified in Tennessee Code Annotated, § 55-9-201(c), or other emergency vehicles used in firefighting owned, operated, or subsidized by the City of Alcoa may display flashing red or white lights or flashing red and white lights in combination; and

(vii) Authorized law enforcement vehicles and other vehicles authorized by Tennessee Code Annotated, § 55-9-414 to display flashing red, white, and blue lights in combination.

(b) Any emergency rescue vehicle owned, titled and operated by a state chartered rescue squad, a member of the Tennessee Association of Rescue Squads, privately owned vehicles of regular or volunteer firefighters certified in Tennessee Code Annotated, § 55-9-201(c), and marked with lettering at least three inches (3") in size and displayed on the left and right sides of the vehicle designating it an "Emergency Rescue Vehicle," any authorized civil defense emergency vehicle displaying the appropriate civil defense agency markings of at least three inches (3"), any ambulance or vehicle equipped to provide emergency medical services properly licensed as required in the state and displaying the proper markings, and any motor vehicle operated for purposes of an emergency equipment company pursuant to subsection (7); provided, that lights authorized by this subdivision (4)(b) for such emergency equipment company vehicle shall not be operated or illuminated while the vehicle is on a public road, whether in motion or stationary, shall also be authorized to be lighted in one (1) or more of the following manners:

(i) A red or red/white visibar type with public address system;

- (ii) A red or red/white oscillating type light; and
 - (iii) Blinking red or red/white lights, front and rear.
- (c) No vehicle operated in this state shall be equipped with any steady-burning lights that display to the front of the vehicle in any color other than white or amber or in any combination of colors other than white and amber, except for the following vehicles:
- (i) A vehicle equipped with headlamps, daytime running lamps, or other similar devices in any color or combination of colors between white and amber authorized by the Federal Motor Vehicle Safety Standard No. 108, as adopted by the National Highway Traffic Safety Administration and compiled in 49 CFR 571.108;
 - (ii) A motor vehicle operated for purposes of an emergency equipment company may display steady-burning red, white, blue, or amber lights, or any combination of steady-burning red, white, blue, and amber lights pursuant to subsection (7); provided, that emergency equipment company vehicles shall not display or illuminate the lights authorized by this section while the vehicle is on a public road, whether in motion or stationary;
 - (iii) A school bus, a passenger motor vehicle operated by a rural mail carrier of the United States postal service while performing the duties of a rural mail carrier, or an emergency vehicle used in firefighting, including ambulances, emergency vehicles used in firefighting that are owned or operated by the division of forestry, firefighting vehicles, rescue vehicles, privately owned vehicles of regular or volunteer firefighters certified in Tennessee Code Annotated, § 55-9-201(c), or other emergency vehicles used in firefighting owned, operated, or subsidized by the City of Alcoa may display flashing red or white lights or flashing red and white lights in combination;
 - (iv) Authorized law enforcement vehicles and other vehicles listed in Tennessee Code Annotated, § 55-9-414 may display steady-burning red, white, and blue lights in combination; and
 - (v) A personal vehicle operated by a transportation network company driver may display one (1) or more removable, illuminated, interior trade dress devices in any color other than red or blue, or in any combination of colors other than red or blue, that is issued by a transportation network company and that assists passengers in identifying and communicating with transportation network company drivers. The illuminated display on such a device shall not exceed five (5) candlepower.
- (5) (a) (i) Notwithstanding any law to the contrary, nothing in this section shall prohibit a highway maintenance or utility vehicle, or any other type vehicle or equipment participating, in

any fashion, with highway or utility construction, maintenance, or inspection, from operating a white, amber, or white and amber light system on any location on the vehicle or equipment while the vehicle or equipment is parked upon, entering or leaving any highway or utility construction, maintenance, repair or inspection site.

(ii) Notwithstanding any law to the contrary, a recovery vehicle designed for towing a disabled vehicle, as defined in § 15-101, while in the performance of duties involved with towing an abandoned, immobile, disabled or unattended motor vehicle is authorized to display an amber light that is a strobe, flashing, oscillating or revolving system or any combination of white and amber lights. Such authorized light or lights may be displayed on any location on the vehicle or equipment, other than within the headlight assembly or grill area of the vehicle, in the tail light lamp or stoplight area, or factory installed emergency flasher and backup light area.

(iii) Notwithstanding any law to the contrary, an implement of husbandry, as defined in § 15-101, and a vehicle used to escort an implement of husbandry is authorized to display a white, amber, or white and amber light system on any location on the implement of husbandry or escort vehicle while the implement or vehicle is on a public road, whether in motion or stationary.

(b) As used in this subsection (5), "utility" means any person, municipality, county, metropolitan government, cooperative, board, commission, district, or any entity created or authorized by public act, private act, or general law to provide electricity, natural gas, water, waste water services, telephone service, or any combination thereof, for sale to consumers in the City of Alcoa.

(c) As used in subsection (5)(b), "cooperative" means any cooperative providing utility services including, but not limited to, electric or telephone services, or both.

(d) Nothing in this subsection (5) imposes any duty or obligation to install or utilize the lighting systems allowed in this section.

(6) Notwithstanding any law to the contrary, nothing in this section shall prohibit a motor vehicle used for the driver education and training course for Class D vehicles as provided by Tennessee Code Annotated, § 55-50-322(f) from operating an amber Light-Emitting Diode (LED) light system on the front and rear of such vehicle other than in the taillight lamp, stoplight area, or factory-installed emergency flasher and backup light area. The amber light-emitting diode light system shall not be placed in the driver's line of sight. Nothing in this subsection (6) imposes any duty or obligation to install or utilize the lighting system allowed in this subsection (6).

(7) (a) The prohibitions in subdivisions (1)(a) and (2)(a), and subsection (5) do not apply to any privately-owned motor vehicle that is primarily operated for business purposes by any salesperson, service representative, employee, lessee, or duly authorized agent of an emergency equipment company; provided, that the vehicle is marked with the lettering required by subdivision (7)(c).

(b) Any person operating a motor vehicle pursuant to this subsection (g) shall carry a copy of the company's business license or the person's or owner of the company's professional or occupational license, certification or registration issued by the City of Alcoa and appropriate identification issued by the owner of the company.

(c) Lettering shall be displayed on the left and right sides of the vehicle identifying the name of the company for which the vehicle is operated and on the front and rear of the vehicle designating it a "Demonstration Vehicle." The lettering shall be painted or affixed on, or attached to, the vehicle in a permanent manner, and shall be at least three inches (3") in size.

(d) Nothing in this subsection (7) imposes any duty or obligation on a manufacturer of motor vehicles used by or sold to emergency equipment companies to install, maintain or exhibit the lighting system allowed in this subsection (7) at the time of manufacture or sale.

(e) Nothing in this subsection (7) shall be construed to permit the operator of an emergency equipment company vehicle from operating any lighting equipment authorized by this subsection (7) while the vehicle is on a City of Alcoa road, whether in motion or stationary.

(f) As used in this section, "emergency equipment company" or "company" means any entity licensed as required by this state to sell or repair lighting equipment designed for use on motor vehicles that are operated for authorized law enforcement, emergency response, or other public safety activities (T.C.A. § 55-9-402). (as added by Ord. #04-015, April 2004, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1303. Lamp at end of train of vehicles. (1) Of time from one-half (1/2) hour before sunset until one-half (1/2) hour after sunrise, any implement of husbandry as defined in § 15-101 having a width of more than ninety-six inches (96"), which is towed behind a farm tractor or other motor vehicle, and the lighting of the farm tractor or other motor vehicle is concealed by the implement of husbandry, shall be equipped with two (2) red or amber flashing lamps, one (1) on each side, attached at the rear, or accompanied by a rear escort utilizing its emergency flashers.

(2) This section shall not apply to a single motor vehicle as is required in § 15-1302, but shall only apply to the last motor vehicle being drawn at the end of a train or group of motor vehicles (T.C.A. § 55-9-404). (as added by Ord. #04-015, April 2004, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1304. Lighting devices and reflectors on vehicles having width in excess of eighty inches, truck tractors, and trailers. (1) Every motor vehicle other than any passenger car, any road roller, road machinery or farm tractor having a width of eighty inches (80") or more shall be equipped with at least the following lighting devices and reflectors:

(a) On the front, at least two (2) headlamps, an equal number at each side; two (2) turn signals, one (1) at each side; two (2) clearance lamps, one (1) at each side; three (3) identification lamps, mounted on the vertical centerline of the vehicle, or the vertical centerline of the cab where different from the centerline of the vehicle, except that where the cab is not more than forty-two inches (42") wide at the front roofline, a single lamp at the center of the cab shall be deemed to comply with the requirements for identification lamps. No part of the identification lamps or their mountings may extend below the top of the vehicle windshield;

(b) On the rear, two (2) tail lamps, one (1) at each side; two (2) stop lamps, one (1) at each side; two (2) turn signals, one (1) at each side; two (2) clearance lamps, one (1) at each side; two (2) reflectors, one (1) at each side; and three (3) identification lamps, mounted on the vertical center line of the vehicle; provided, that the identification lamps need not be lighted if obscured by a vehicle towed by the truck; and

(c) On each side, one (1) side-marker lamp at or near the front, one (1) side-marker lamp at or near the rear; one (1) reflector at or near the front, and one (1) reflector at or near the rear.

(2) Every truck tractor shall be equipped as follows:

(a) On the front, at least two (2) headlamps, an equal number at each side; two (2) turn signals, one (1) at each side; two (2) clearance lamps, one (1) at each side; and three (3) identification lamps, mounted on the vertical centerline of the vehicle, or the vertical centerline of the cab where different from the centerline of the vehicle, except that where the cab is not more than forty-two inches (42") wide at the front roofline, a single lamp at the center of the cab shall be deemed to comply with the requirement for identification lamps. No part of the identification lamps or their mountings may extend below the top of the vehicle windshield; and

(b) On the rear, one (1) tail lamp; one (1) stop lamp; two (2) reflectors, one (1) at each side; and, unless the turn signals on the front are so constructed (double faced) and located as to be visible to passing drivers, two (2) turn signals on the rear of the cab, one (1) at each side.

(3) Every semitrailer or full trailer eighty inches (80") or more in overall width, except converter dollies, shall be equipped as follows:

(a) On the front, two (2) clearance lamps, one (1) at each side;

(b) On the rear, two (2) tail lamps, one (1) at each side; two (2) stop lamps, one (1) at each side; two (2) turn signals, one (1) at each side; two (2) clearance lamps, one (1) at each side; two (2) reflectors, one (1) at

each side; and three (3) identification lamps, mounted on the vertical centerline of the vehicle; provided, that the identification lamps need not be lighted if obscured by another vehicle in the same combination;

(c) On each side, one (1) side-marker lamp at or near the front; one (1) side-marker lamp at or near the rear; one (1) reflector at or near the front; one (1) reflector at or near the rear; and, in case of semitrailers and full trailers thirty feet (30') or more in length, at least one (1) additional side-marker lamp at optional height and at least one (1) additional reflector, the additional side-marker lamp or lamps and reflector or reflectors to be at or near the center or at approximately uniform spacing in the length of the vehicle; and

(d) For the purposes of these regulations, "converter dolly" is a motor vehicle with a fifth wheel lower half or equivalent mechanism, the attachment of which vehicle converts a semitrailer to a full trailer. Each dolly, when towed singly by another vehicle, and not as part of a full trailer, shall be equipped with one (1) stop lamp, one (1) tail lamp, and two (2) reflectors on the rear. No lighting devices or reflectors are required on the front or sides of any dolly.

(4) (a) Except as provided in subdivision (4)(b), from one-half (1/2) hour before sunset to one-half (1/2) hour after sunrise and at all other times when lights are required to be displayed, there shall be attached to the rearmost extremity of any load that projects four feet (4') or more beyond the rear of the body of the motor vehicle, or at any tailboard or tailgate so projecting, or to the rearmost extremity of any load, carried on a pole trailer, at least one (1) red lamp, securely fastened thereto, which shall be visible from a distance of five hundred feet (500') to the sides and rear under normal atmospheric conditions. At all other times one (1) red flag, at least eighteen inches (18") square, made of cloth, synthetic or man-made material, shall be so displayed.

(b) This subsection (4) shall only apply to:

(i) Any noncommercial motor vehicle transporting property intrastate; and

(ii) Any commercial motor vehicle having a gross vehicle weight rating (GVWR) or a gross combination weight rating (GCWR) of twenty six thousand pounds (26,000 lbs.) or less when such motor vehicle is transporting property intrastate.

(c) Tennessee Code Annotated, title 65, chapter 15, and all applicable federal rules shall apply to all commercial vehicles having a GVWR or a GCWR of more than twenty six thousand pounds (26,000 lbs.).

(5) From one-half (1/2) hour before sunset to one-half (1/2) hour after sunrise and at all other times when lights are required to be displayed, any motor vehicle or trailer transporting intrastate a load of logs, long pulpwood, poles, or posts that projects four feet (4') or more beyond the rear of the body or

bed of such vehicle, when the vehicle is operated on any highway or city street or parked on the shoulder or immediately adjacent to the traveled portions of such highway, shall have securely affixed as close as practical to the end of any such projecting load either:

(a) One (1) amber strobe-type lamp, complying with SAE J595, equipped with a multidirectional type lens so mounted as to be visible from the rear and both sides of the projecting load. If the mounting of one (1) amber strobe lamp cannot be accomplished so that it is visible from the rear and both sides of the projecting load, multiple amber strobe lights, complying with SAE J595, shall be utilized so as to meet the visibility requirements of this subdivision (5)(a). The amber strobe lamp shall flash at a rate of at least sixty (60) flashes per minute and shall be plainly visible from a distance of at least five hundred feet (500') to the rear and sides at a radius of one hundred eighty degrees (180°) of the projecting load. At all other times one (1) red flag, at least eighteen inches (18") square, made of cloth, synthetic or man-made material, shall be so displayed; or

(b) One (1) amber Light-Emitting Diode (LED) light, complying with SAE J595, equipped with a multidirectional type lens, mounted so as to be visible from the rear and from both sides of the projecting load. If the mounting of one (1) amber LED light cannot be accomplished so that it is visible from the rear and from both sides of the projecting load, multiple amber LED lights, complying with SAE J595, shall be utilized so as to meet the visibility requirements of this subdivision (5)(b). The amber LED light shall flash at a rate of at least sixty (60) flashes per minute and shall be plainly visible from a distance of at least five hundred feet (500') from the rear and sides at a radius of one hundred eighty degrees (180°) of the projecting load. Any LED light shall be constructed of durable, weather resistant material and may be powered by the vehicle's electrical system or by an independent battery system, or both. If the LED light is powered by an independent battery system, the driver of the vehicle shall have in the driver's immediate possession charged, spare batteries for use in case of battery failure. Any solid state LED lighting that consists of multiple LED lights shall not have less than eighty-five percent (85%) of the LED lights in operable condition. At all other times one (1) red flag, at least eighteen inches (18") square, made of cloth, synthetic or man-made material, shall be so displayed (T.C.A. § 55-9-405). (as added by Ord. #04-015, April 2004, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1305. Headlights on motor vehicles - operating during inclement weather. (1) The headlights of every motor vehicle shall be so constructed, equipped, arranged, focused, aimed, and adjusted, that they will at all times mentioned in § 15-1301, and under normal atmospheric conditions and

on a level road produce a driving light sufficient to render clearly discernible a person two hundred feet (200') ahead, but shall not project a glaring or dazzling light to persons in front of the headlights. The headlights shall be displayed during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, during fog, smoke, or rain and at all other times when there is not sufficient light to render clearly discernible any person on the road at a distance of two hundred feet (200') ahead of the vehicle.

(2) Operation of headlights during periods of rain, as required in this section, shall be made during any time when rain, mist, or other precipitation, including snow, necessitates the constant use of windshield wipers by motorists (T.C.A. § 55-9-406). (as added by Ord. #04-015, April 2004, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1306. Inspecting and testing lamps emitting glare. (1) Any law enforcement officer having reasonable ground to believe that any headlamp or auxiliary driving or fog lamp or any device upon a vehicle emits a glaring light, or otherwise fails to comply with the requirements of this section, may require the driver of the vehicle to stop and submit the lamp to an inspection or test. The officer making the inspection shall require the driver of the vehicle to remove the illegal lamp within twenty-four (24) hours, and may arrest the driver and give the driver a notice to appear, and may further require the driver or the owner of the vehicle to produce in court satisfactory evidence of the removal of the illegal lamp (T.C.A. § 55-9-409(a)).

(2) In the event any headlight or auxiliary driving or fog light, by reason of faulty adjustment or otherwise, emits a glaring light or otherwise fails to comply with this part, the officer making the inspection shall direct the driver to make the light or lights conform to the requirements of this part within forty-eight (48) hours. The officer may also arrest the driver and give the driver a notice to appear, and further require the driver or the owner of the vehicle to produce in court satisfactory evidence that the light or lights have been made to conform with the requirements of this part (T.C.A. § 55-9-409(b)).

(3) Whenever the driver of a vehicle is directed by a law enforcement officer to stop and submit the lights upon the vehicle to an inspection or test under the conditions stated in subsections (2) and (3), it is the duty of the driver to stop and submit to the inspection or test, and a failure or refusal to do so is a civil ordinance violation (T.C.A. § 55-9-410). (as added by Ord. #04-015, April 2004, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1307. Blue flashing emergency lights on motor vehicles. It is an offense for anyone to install, maintain or exhibit blue flashing emergency lights or blue flashing emergency lights in combination with red flashing emergency lights, except full-time, salaried, uniformed law enforcement officers of the state, county, or city and municipal governments of the state, and commissioned members of the Tennessee Bureau of Investigation when their official duties so

require as defined by Tennessee Code Annotated, §§ 38-8-106 and 38-8-107, except as authorized in Tennessee Code Annotated, § 55-9-414(b)-(f) (T.C.A. § 55-9-414). (as added by Ord. #04-015, April 2004, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1308.--15-1312. Deleted. (as added by Ord. #04-015, April 2004, and deleted by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 14

STOPPING AND PARKING

SECTION

- 15-1401. Parking, generally.
- 15-1402. Vehicles and streetcars must stop at stop signs.
- 15-1403. Passing school, church or youth bus.
- 15-1404. Stopping and parking on roadways.
- 15-1405. Officer authorized to remove illegally stopped vehicles.
- 15-1406. Stopping, standing or parking prohibited in specific areas --
Exceptions.
- 15-1407. Unattended motor vehicle.
- 15-1408. Illegal parking; rented or leased vehicles.
- 15-1409. Angle parking.
- 15-1410. Occupancy of more than one space.
- 15-1411. Loading and unloading zones.
- 15-1412. Heavy vehicle parking prohibited.
- 15-1413. Presumption with respect to illegal parking.
- 15-1414. Towing firms.
- 15-1415. Written authorization required for towing or storage of motor vehicle.
- 15-1416. Impoundment of vehicles.
- 15-1417. Notice of impoundment and repossession.
- 15-1418. Disposition of unclaimed vehicles.

15-1401. Parking, generally. (1) Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen inches (18") of the right edge or curb of the roadway.

(2) On one-way roadways, where the city has not placed signs prohibiting same, parking of vehicles is permitted with the left-hand wheels adjacent to and within eighteen inches (18") of the left edge or curb; provided also that if lanes are designated by painted lines for parking, all parking vehicles shall be within such lines.

(3) 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 City of Alcoa street (T.C.A. § 55-8-161). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1402. Vehicles and streetcars must stop at stop signs. Every driver of a vehicle and every operator of a streetcar approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, shall stop at a clearly marked stop line, but

if none, then at the point nearest the intersecting roadway where the driver or operator has a view of approaching traffic on the intersecting roadway before entering the intersection, except when directed to proceed by a police officer or traffic control signal (T.C.A. § 55-8-149). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1403. Passing school, church or youth bus.

(1) (a) (i) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus that is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

(ii) For the purpose of this section, "separate roadways" means roadways divided by an intervening space that is not suitable to vehicular traffic.

(b) The school bus driver is required to stop the school bus on the right-hand side of the road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated, until all school children who should be discharged from the bus have been so discharged and until all children whose destination causes them to cross the road or highway at that place have negotiated the crossing.

(2) (a) (i) The driver of a vehicle on a highway upon meeting or overtaking from either direction any church bus which has stopped on the highway for the purpose of receiving or discharging passengers shall stop the vehicle before reaching the church bus, and the driver shall not proceed until the church bus resumes motion or is signaled by the church bus driver to proceed or the visual signals on the bus are no longer actuated.

(ii) This subsection (2) shall not apply unless the church bus has the same type of safety equipment indicating the bus has stopped as is required for school buses.

(b) All motor vehicles used in transporting passengers to and from churches in this city are required to be distinctly marked "Church Bus" on the front and rear thereof in letters of not less than six inches (6") in height and so plainly written or printed and so arranged as to be legible to persons approaching the church bus, whether traveling in the same or the opposite direction.

(c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus which is on a different roadway or when upon a controlled access highway and the church bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

(d) Except as otherwise provided by this subsection (2), the church bus driver is required to stop the church bus on the right-hand side of the road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated until all passengers who should be discharged from the bus have been so discharged and until all passengers whose destination causes them to cross the road or highway at that place have negotiated the crossing.

(3) (a) (i) The driver of a vehicle on a highway upon meeting or overtaking from either direction any youth bus that has stopped on the highway for the purpose of receiving or discharging passengers shall stop the vehicle before reaching the youth bus, and the driver shall not proceed until the youth bus resumes motion or is signaled by the youth bus driver to proceed or the visual signals on the bus are no longer actuated.

(ii) Subdivision (3)(a)(i) shall not apply unless the youth bus has the same type of safety equipment indicating the bus has stopped as is required for school buses.

(b) All motor vehicles owned by corporations or organizations used in transporting child passengers to and from child care centers in this city or to and from the activities of religious, charitable, scientific, educational, youth service or athletic institutions or organizations are required to be distinctly marked "youth bus" on the front and rear thereof in letters of not less than six inches (6") in height and so plainly written or printed and so arranged as to be legible to persons approaching such youth bus, whether traveling in the same or the opposite direction.

(c) (i) The driver of a vehicle upon a highway with separate roadways needs not stop upon meeting or passing a youth bus that is on a different roadway or when upon a controlled access highway and the youth bus is stopped in a loading zone that is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(ii) For the purpose of subdivision (3)(c)(i), "separate roadways" means roadways divided by an intervening space that is not suitable to vehicular traffic.

(d) Except as otherwise provided by this subsection (3), the youth bus driver is required to stop the youth bus on the right-hand side of the road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated until all passengers who should be discharged from the bus have been so discharged and until all passengers whose destination causes them to cross the road or highway at that place have negotiated the crossing.

(e) For purposes of this subsection (3), a "youth bus" means a motor vehicle designed for carrying not less than fifteen (15) passengers

and used for the transportation of persons (T.C.A. § 55-8-151). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1404. Stopping and parking on roadways. (1) Upon any highway outside of a business or residential district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave the vehicle off such part of the highway, but in every event an unobstructed width of the highway opposite a standing vehicle of not less than eighteen feet (18') shall be left for the free passage of other vehicles, and a clear view of the stopped vehicle shall be available from a distance of two hundred feet (200') in each direction upon such highway.

(2) (a) This section shall not apply to the driver of any vehicle that is disabled while on the paved or main-traveled portion of a highway in a manner and to an extent that it is impossible to avoid stopping and temporarily leaving that disabled vehicle in such position.

(b) This section shall not apply to the driver of any vehicle operating as a carrier of passengers for hire and holding a certificate of convenience and necessity, or interstate permit issued by the department of safety or any local regulatory transit authority of the state authorizing the operation of that vehicle upon the roads, streets or highways in Tennessee, while taking passengers on that vehicle, or discharging passengers therefrom; provided, that in every event an unobstructed lane of travel of the highway opposite the standing vehicle shall be left for free passage of other vehicles and a clear view of that stopped vehicles shall be available from a distance of two hundred feet (200') in either direction upon the highway.

(c) This section does not apply to a solid waste vehicle while on the paved or improved main traveled portion of a road, street or highway in a manner and to an extent as is necessary for the sole purpose of collecting municipal solid waste (Tennessee Code Annotated, § 68-211-802); provided, that such vehicle shall maintain flashing hazard lights at all times while it is stopping or standing; and provided further, that the vehicle is stopped so that a clear view of the stopped vehicle is available from a distance of two hundred feet (200') in either direction upon the highway. In addition to flashing hazard lights, these vehicles shall be required to maintain special lights visible from both the front and the rear indicating that the truck is stopped. The department of safety is authorized to promulgate rules and regulations regarding special lighting required by this subdivision (2)(c). This subdivision (2)(c) does not preclude any claimant from pursuing a common law claim for recovery pursuant to common law negligence.

(d) Subsection (1) does not apply to a recycling vehicle while on the paved or improved main traveled portion of a road, street, or highway

in a manner and to an extent as is necessary for the sole purpose of collecting or transporting recovered materials or recyclable materials; provided, that the vehicle shall maintain flashing hazard lights at all times while it is stopping or standing; provided, further, that the vehicle is stopped or standing so that a clear view of the vehicle shall be available from a distance of two hundred feet (200') in either direction upon the highway. This subdivision (2)(d) does not preclude any claimant from pursuing a common law claim for recovery pursuant to common law negligence.

(3) Notwithstanding subsection (1), no person shall stop, park or leave any motor vehicle, whether attended or unattended, upon the paved or unpaved portions of any entrance or exit ramp of any highway; provided, that a driver of a motor vehicle that has become disabled may leave the vehicle on an entrance or exit ramp until such time as the disabled motor vehicle can be repaired or towed, as long as the vehicle is not obstructing the passage of other motor vehicles. Furthermore, the department may take into consideration an emergency situation or compliance with federal laws (T.C.A. § 55-8-158). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1405. Officer authorized to remove illegally stopped vehicles.

(1) Whenever any police officer finds a vehicle in violation of § 15-1404, the officer is authorized to move the vehicle, or to require the driver or other person in charge of the vehicle to move it, to a position off the paved or main-traveled part of the highway.

(2) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel, or on any highway, where the vehicle constitutes an obstruction to traffic, the officer is authorized to provide for the removal of that vehicle to the nearest garage or other place of safety, at the expense of the owner (T.C.A. § 55-8-159). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1406. Stopping, standing or parking prohibited in specific areas - exceptions. (1) No person shall stop, stand or park a vehicle outside of the limits of an incorporated municipality, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (a) On a sidewalk; provided, that a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic, or such parking is not prohibited by ordinance;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within seven and one-half feet (7 1/2') to fifteen feet (15') of a fire hydrant. An incorporated municipality shall determine and shall appropriately identify the distance from a fire hydrant to stop, stand or

park a vehicle; provided, that this distance conforms to this subdivision (1)(d);

- (e) On a crosswalk;
- (f) Within twenty feet (20') of a crosswalk at an intersection;
- (g) Within thirty feet (30') upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (h) Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless the department of transportation or local traffic authority indicates a different length by signs or markings;
- (i) Within fifty feet (50') of the nearest rail of a railroad crossing;
- (j) Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet (75') of that entrance when properly signposted;
- (k) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (m) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (n) At any place where official signs prohibit stopping; and
- (o) In a parking space clearly identified by an official sign as being reserved for persons with physical disabilities, unless, however, the person driving the vehicle has a physical disability or is parking the vehicle for the benefit of a person with a physical disability. A vehicle parking in such a space shall display a certificate or placard as set forth in this title, or an issued disabled veteran's license plate.

(2) Subsection (1) does not apply to a certified police cyclist engaged in the lawful performance of duty using a police bicycle as a barrier or traffic-control device at the scene of an emergency or in response to other calls for police service.

(3) No person shall move a vehicle not lawfully under that person's control into any such prohibited area or away from a curb such distance as is unlawful.

(4) (a) This section shall not apply to the driver of any vehicle that is disabled while on the paved or improved or main traveled portion of a road, street or highway in a manner and to an extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position.

(b) This section shall not apply to the driver of any vehicle operating as a carrier of passengers for hire who is authorized to operate such vehicle upon the roads, streets or highways in Tennessee, while taking passengers on the vehicle, or discharging passengers from that vehicle; provided, that the vehicle is stopped so that a clear view of the

vehicle shall be obtained from a distance of two hundred feet (200') in each direction, upon the roads, streets or highways.

(c) This section does not apply to a solid waste vehicle while on the paved or improved main traveled portion of a road, street or highway in a manner and to an extent as is necessary for the sole purpose of collecting municipal solid waste, as defined by Tennessee Code Annotated, § 68-211-802; provided, that the vehicle shall maintain flashing hazard lights at all times while it is stopping or standing; provided further, that the vehicle is stopped so that a clear view of the stopped vehicle shall be available from a distance of two hundred feet (200') in either direction upon the highway. This subdivision (4)(c) does not preclude any claimant from pursuing a common law claim for recovery pursuant to common law negligence.

(d) This section does not apply to a recycling vehicle while on the paved or improved main traveled portion of a road, street, or highway in a manner and to an extent as is necessary for the sole purpose of collecting or transporting recovered materials or recyclable materials; provided, that the vehicle shall maintain flashing hazard lights at all times while it is stopping or standing; provided further, that the vehicle is stopped or standing so that a clear view of the vehicle shall be available from a distance of two hundred feet (200') in either direction upon the highway. This subdivision (4)(d) does not preclude any claimant from pursuing a common law claim for recovery pursuant to common law negligence (T.C.A. § 55-8-160). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1407. Unattended motor vehicle. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway (T.C.A. § 55-8-162(a)). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1408. Illegal Parking; rented or leased vehicles. (1) The responsibility for illegally parking on any road, highway, or street in this city in any restricted zone or space to include, but not limited to:

- (a) An unauthorized parking space designated for persons with disabilities;
- (b) Specifically prohibited places;
- (c) No parking zones;
- (d) Overtime zones or metered parking spaces; or
- (e) Fire lanes;

(2) Subsection (1) shall not apply to the registered owner of a rented or leased vehicle parked in violation of law when that owner can furnish sworn

evidence that the vehicle was, at the time of the parking violation, leased or rented to another person.

(3) In such instances, the owner of the vehicle shall, within thirty (30) days after notification of the parking violation, furnish to the appropriate court or law enforcement agency, the name, address, and driver license number of the person or company who leased or rented the vehicle. If the owner fails to provide the information within the thirty (30) day period, then the owner shall become personally liable for the violation (T.C.A. § 55-8-186). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1409. Angle parking. On those streets which have been signed or marked by the municipality 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'). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1410. 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. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1411. 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 municipality as a loading and unloading zone. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1412. Heavy vehicle parking prohibited. (1) It shall be unlawful for any person, firm or corporation owning, operating or having control of any semi-tractor trailer (defined as a trailer with four (4) or more wheels, supported in front by a truck tractor/towing vehicle of ten (10) wheels) or truck tractor/towing vehicle, to park the same upon any street, avenue, alley, public way or yard in any residential area of the city.

(2) The provisions of this section shall not be deemed to prohibit the lawful parking of such vehicles or equipment upon any street, avenue, alley, public way or yard in any residential area of the city for the actual loading or unloading of goods, wares, or merchandise, provided, however, that loading and unloading as used in this section shall be limited to the actual time consumed in such operation.

(3) Any owner or operator or other person having control of such vehicle or equipment parked upon any street, avenue, alley, unpaved grassy,

public way or yard in any residential area of the city in violation of this section may be cited by the police department to appear in the Alcoa City Court, and the court costs shall be charged to the owner or operator or other person having control of such vehicle or equipment. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1413. 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. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1414. Towing firms. (1) It is a civil ordinance violation for a towing firm to make, confer or offer any payment or any other pecuniary benefit to an owner or manager of property from which the firm has towed a vehicle with the intent of rewarding the owner or manager for referring the vehicle for towing.

(2) An owner or manager of property from which a towing firm has towed a vehicle may not solicit or receive any payment or other pecuniary benefit from a towing firm in exchange for referring a vehicle for towing to the firm (T.C.A. § 55-16-113). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1415. Written authorization required for towing or storage of motor vehicle. It is a civil ordinance violation for a garagekeeper or towing firm to tow or to store a vehicle without obtaining an express written authorization for towing and storage of each vehicle from a law enforcement officer, or from the owner of the vehicle, or from the owner, or the authorized agent of the owner, of the private property from which the vehicle is to be towed (T.C.A. § 55-16-112). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1416. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be five dollars (\$5.00) and a storage cost of one dollar (\$1.00) per day shall also be charged, or such charges as may be made by privately operated agencies providing this service. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1417. Notice of impoundment and repossession. Prior to the removal of any vehicle under authority of this title, the vehicle will be tagged with notice specifying the date and time after which the vehicle will be removed, and the owner of the property will be given ten (10) days notice (by certified mail, return receipt requested) of the impending action of the city and the necessary steps to avoid removal of the vehicle, and subsequent impoundment. After a vehicle is towed, the owner may, within thirty (30) days of the date the vehicle is towed, present to the city sufficient evidence of ownership and the ability to comply with all conditions otherwise violative of this title. Upon payment of costs to the towing company for the removal and storage of such vehicle, the same shall be released to the owner thereof. The City of Alcoa will not be responsible for any damage resulting from the storage or removal of said vehicles. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1418. Disposition of unclaimed vehicles. In the event a vehicle is removed from public property under this title is not claimed during the period of thirty (30) days from date of removal, the city shall proceed to sell such vehicle at public auction for cash to the highest bidder and out of the proceeds of the sale, he shall first defray the expense of the sale, the expense of removal and storage of the vehicle and the remainder, if any, shall be paid in the general fund in the city. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 15

ACCIDENTS

SECTION

- 15-1501. Duty to give information and render aid.
- 15-1502. Duty upon striking unattended vehicles.
- 15-1503. Duty upon striking fixtures - ADS-operated vehicle.
- 15-1504. Immediate notice of accident.
- 15-1505. Written report of an accident.
- 15-1506. When driver unable to report.
- 15-1507. False reports.
- 15-1508. Garages to report.
- 15-1509. Removal of vehicles from accident scene where no personal injury has occurred.
- 15-1510. Multiple drivers involved in an accident.
- 15-1511. Parties to a crime.
- 15-1512. Offenses by persons owning or controlling vehicles.
- 15-1513. Illegal cancellation of traffic citation.
- 15-1514. Off-road vehicles.

15-1501. Duty to give information and render aid. (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle that is driven or attended by any person shall give the driver's name, address and the registration number of the vehicle the driver is driving, and shall, upon request and if available, exhibit that driver's operator's or chauffeur's license, or driver license, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in the accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if carrying is requested by the injured person.

(2) The requirements in subsection (1) shall apply to accidents occurring upon highways and the premises of any shopping center, trailer park or any apartment house complex, or any other premises that are generally frequented by the public at large.

(3) With respect to an ADS-operated vehicle, as defined by § 15-101, the requirements of subsection (1) are satisfied if the motor vehicle's owner, or a person on behalf of the motor vehicle's owner, promptly contacts a law enforcement officer or agency to report the accident and the ADS-operated vehicle remains on the scene of the accident as otherwise required by law (T.C.A. § 55-10-103). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1502. Duty upon striking unattended vehicles. (1) The driver of any vehicle that collides with any unattended vehicle shall immediately stop and shall then and there either locate and notify the operator or owner of that vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. Written notices prepared pursuant to this section shall include information pertaining to the insurance policy, including the name of the insurer, of the driver and of the owner of the vehicle. If the driver and the owner have a certificate of compliance with the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12 of title 55, issued by the commissioner of safety, a copy of the certificate shall be included in the written notice.

(2) The requirements in subsection (1) shall apply to accidents occurring upon highways and the premises of any shopping center, trailer park or any apartment house complex, or any other premises that are generally frequented by the public at large.

(3) With respect to an ADS-operated vehicle, as defined by § 15-101, the requirements of subsection (1) are satisfied if the motor vehicle's owner, or a person on behalf of the motor vehicle's owner, promptly contacts a law enforcement officer or agency to report the accident and the ADS-operated vehicle remains on the scene of the accident as otherwise required by law (T.C.A. § 55-10-104) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1503. Duty upon striking fixtures - ADS-operated vehicle.

(1) The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway or city street or on the premises of any shopping center, trailer park or any apartment house complex, or any other premises that are generally frequented by the public at large, shall take reasonable steps to locate and notify the owner or person in charge of the property of that fact, the driver's name, address, and the registration number of the vehicle that the driver was driving, and shall, upon request and if available, exhibit the driver's operator's or chauffeur's license, or driver license, and shall make report of the accident when and as required in 15-1505.

(2) With respect to an ADS-operated vehicle, as defined by § 15-101, the requirements of subsection (1) are satisfied if the motor vehicle's owner, or a person on behalf of the motor vehicle's owner, promptly contacts a law enforcement officer or agency to report the accident and the ADS-operated vehicle remains on the scene of the accident as otherwise required by law (T.C.A. § 55-10-105). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1504. Immediate notice of an accident. (1) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of fifty dollars (\$50.00) or more shall immediately, by the quickest means of communication, give notice of the accident to the City of Alcoa police department if the accident occurs within the City of Alcoa.

(2) The requirements in subsection (1) shall apply to accidents occurring upon highways and the premises of any shopping center, trailer park or any apartment house complex, or any other premises that are generally frequented by the public at large.

(3) With respect to an ADS-operated vehicle, as defined by § 15-101, the requirements of subsection (1) are satisfied if the motor vehicle's owner, or a person on behalf of the motor vehicle's owner, promptly contacts a law enforcement officer or agency to report the accident and the ADS-operated vehicle remains on the scene of the accident as otherwise required by law (T.C.A. § 55-10-106). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1505. Written report of an accident. (1)(a) The driver of a vehicle that is in any manner involved in an accident resulting in bodily injury to or death to any person, or in which damage to the property of any one (1) person, including the driver's, in excess of one thousand five hundred dollars (\$1,500.00) is sustained, shall within twenty (20) days after the accident, forward a written report of the accident to the department of safety; provided, that persons making written reports to the department pursuant to § 15-1502 shall not be required to make any additional report pursuant to this section, § 15-1506, or Tennessee Code Annotated, § 55-10-111.

(b) If an accident results in damage to City of Alcoa property in excess of four hundred dollars (\$400.00), then the driver of the vehicle involved in the accident shall file a written report in accordance with subsection (1)(a).

(2) The requirements in subsection (1) shall apply to accidents occurring upon highways and the premises of any shopping center, trailer park or any apartment house complex, or any other premises that are generally frequented by the public at large.

(3) Written reports prepared pursuant to this section shall include information pertaining to the insurance policy, including the name of the insurer, of the driver and of the owner of the vehicle. If the driver and the owner have a certificate of compliance with the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, issued by the commissioner of safety, a copy of the certificate shall be included in the written notice.

(4) With respect to an ADS-operated vehicle, the written reports required under subsection (1) must be completed by the vehicle's owner (T.C.A. § 55-10-107). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1506. When driver unable to report. (1) An accident report is not required under this part from any person who is physically incapable of making a report during the period of incapacity.

(2) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in § 15-1504, and there was another occupant in the vehicle at the time of the accident capable of doing so, the occupant shall make or cause to be given the notice not given by the driver.

(3) Whenever the driver is physically incapable of making a written report of an accident as required in § 15-1505, and the driver is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall within twenty (20) days after learning of the accident make the report not made by the driver (T.C.A. § 55-10-109). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1507. False reports. Any person who gives information as required in §§ 15-1505 or 15-1506, knowing or having reason to believe that the information is false, commits a civil ordinance violation (T.C.A. § 55-10-110). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1508. Garages to report. The person in charge of any garage or repair shop, to which is brought any motor vehicle that shows evidence of having been involved in an accident of which report must be made as provided in § 15-1505, or of having been struck by any bullet, shall report to the department within twenty-four (24) hours after the motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of the vehicle (T.C.A. § 55-10-113).

15-1509. Removal of vehicles from accident scene where no personal injury has occurred. (1) Notwithstanding any law to the contrary, a motor vehicle involved in a traffic accident and the driver of the motor vehicle shall be subject to this section.

(2) This section shall apply to any motor vehicle traffic accident that occurs on a highway, street, or roadway within the City of Alcoa.

(3) When a motor vehicle traffic accident occurs with no apparent serious personal injury or death, the driver of each motor vehicle involved in the traffic accident, or any other occupant of any such motor vehicle who possesses a valid driver license, should remove the vehicle from the immediate confines of the roadway into a safe refuge on the shoulder, emergency lane, or median, or to a place otherwise removed from the roadway whenever, in the judgment of the driver, the moving of a vehicle may be done safely and the vehicle is capable of being normally and safely driven, does not require towing, and may be operated under its own power in its customary manner without further damage or hazard to itself, to the traffic elements, or to the roadway. The driver of the motor vehicle may request any person who possesses a valid driver license to

remove the motor vehicle as provided in this section, and that person may comply with the request.

(4) The driver or any other person who has removed a motor vehicle from the main traveled way of the road as provided in subsection (3) before the arrival of a law enforcement officer shall not be considered liable or at fault regarding the cause of the accident solely by reason of moving the vehicle pursuant to this section.

(5) This section does not abrogate or affect a driver's duty to file any written report that may be required by law, but compliance with the requirements of this section does not allow a driver to be prosecuted for the failure to stop and immediately report a traffic accident.

(6) This section does not abrogate or affect a driver's duty to stop and give information in accordance with law, nor does it relieve a law enforcement officer of the officer's duty to render a report in accordance with law (T.C.A. § 55-10-117). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1510. Multiple drivers in vehicle involved in accident. If a motor vehicle is involved in an accident and there is more than one (1) driver of the motor vehicle, only the driver contributing to the accident shall be charged with a violation of the rules of the road complied within this title (T.C.A. § 55-10-118). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1511. Parties to a crime. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared in this title to be a crime, whether individually or in connection with one (1) or more other persons, or as a principal, agent or accessory, is guilty of the offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this title is likewise guilty of the offense (T.C.A. § 55-10-201). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1512. Offenses by persons owning or controlling vehicles. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of the vehicle upon a highway in any manner contrary to law (T.C.A. § 55-10-202). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1513. Illegal cancellation of traffic citation. Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than provided in this title, commits a civil ordinance violation (T.C.A. § 55-10-204). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1514. Off-road vehicles. (1) For the purposes of this section, "motor vehicle" means any motor vehicle as defined in § 15-101, which possesses a

four-wheel drive capability and that is designed and suitable for operation off the highway on the natural terrain.

(2) It is unlawful for any person to operate a motor vehicle on private property for the purposes of testing or demonstrating driving skills or ascertaining certain vehicle endurance factors, unless the consent of the owner or person in control of the property has been granted for the activities. The driving skills and vehicle endurance factors include, but are not limited to, cross-country driving, drag racing or testing the motor vehicle's capabilities over natural, rough or muddy terrain.

(3) Any person found guilty of a violation of this section shall be fined not less than fifty dollars (\$50.00) and in the discretion of the court, the person's driver license shall be subject to suspension for six (6) months (T.C.A. § 55-10-206). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 16**MOTOR VEHICLE TITLE AND REGISTRATION****SECTION**

- 15-1601. Driving or moving unregistered vehicle upon highway.
- 15-1602. Certificates, liens, transferees, impoundment or abandoned vehicles, change in ownership.
- 15-1603. Renewal certificates and registration plates.
- 15-1604. Registration certificate to be carried in vehicle or on driver's person.
- 15-1605. Display of registration plates.
- 15-1606. Temporary operation permits.
- 15-1607. Notice of change of address.
- 15-1608. Required posting of placard on mobile home.
- 15-1609. Theft or embezzlement and recovery of registered vehicle.
- 15-1610. Permanent records of transactions.
- 15-1611. Penalties for sale, shipment, or manufacture of passenger cars or components not bearing identification numbers.
- 15-1612. Fraudulent statements in registration or title application.
- 15-1613. Misuse of evidences of registration.
- 15-1614. Moving any motor vehicle located on private property.
- 15-1615. Use of stolen plates.

15-1601. Driving or moving unregistered vehicle upon highway.

- (1) (a) It is a civil ordinance violation to:
 - (i) Drive or move or for any owner knowingly to permit to be driven or moved on any highway any vehicle of a type required to be registered under Tennessee Code Annotated, chapters 1-6 of title 55 that is not registered or for which the appropriate fee has not been paid when and as required under Tennessee Code Annotated, chapters 1-6 of title 55; or
 - (ii) Operate or for any owner knowingly to permit to be operated on lands, other than a highway, an off-motor vehicle for which certificate of title has not been issued or for which the appropriate fee has not been paid when as required under Tennessee Code Annotated, chapters 1-6 of title 55.
- (b) Notwithstanding subsections (1)(a)(i) and (ii), when application accompanied by proper fee has been made for a certificate of title for a vehicle, the vehicle may be operated temporarily pending issuance of a certificate of title upon displaying a duplicate application for the certificate of title, duly verified by the county clerk of the county in which the vehicle has been registered, which shall be prepared by the county clerk, upon request, without the payment of an additional fee.

(2) (a) It is a civil ordinance violation for any person to occupy or for any owner knowingly to permit to be occupied any mobile home or house trailer required to be registered under Tennessee Code Annotated, chapters 1-6 of title 55, that is not registered, for which certificate of title has not been issued or for which the appropriate fee has not been paid when and as required under Tennessee Code Annotated, chapters 1-6 of title 55.

(b) Notwithstanding subsection (2)(a), when an application accompanied by proper fee has been made for a certificate of title for a mobile home or house trailer, the mobile home or house trailer may be occupied temporarily pending issuance of a certificate of title upon the displaying of a duplicate application for the certificate of title, duly verified by the county clerk of the county in which the house trailer has been registered, which shall be prepared by the county clerk, upon request, without the payment of an additional fee.

(3) A duly authorized City of Alcoa agent, employee, or representative shall be expressly authorized without necessity of a search warrant to go upon the premises, land or real property of any person for the purpose of inspection or examination of any mobile home or house trailer, located on the property, for the purposes of carrying out this chapter (T.C.A. § 55-3-102). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1602. Certificates, liens, transferees, impoundment or abandoned vehicles, change in ownership. (1) It is a civil ordinance violation for any person to fail or neglect to properly endorse or deliver any certificate of title to the department, a transferee, or other person lawfully entitled to the certificate of title.

(2) It is a civil ordinance violation for any lienor, including a mortgagee or a vendor, to fail or neglect upon the discharge of the lien, mortgage or encumbrance, to properly discharge the lien in the manner provided for in this part and, if the certificate of title be in the lienor's possession, to fail to deliver the certificate to the person entitled to the certificate.

(3) It is a civil ordinance violation for any lienor whose lien has been discharged to fail to report the discharge to the department within seventy-two (72) hours from the date of discharge by registered mail, return receipt demanded.

(4) It is a civil ordinance violation for any transfer to fail or neglect to enter the transferee name on a properly endorsed certificate of title before delivery to the transferee.

(5) It is a civil ordinance violation for any person to possess an executed certificate of title without the name of the transferee appearing on the certificate of title.

(6) Any person found to be in violation of subsection (4) or (5) shall be liable for the sales or use tax on the fair market value of the vehicle as is

determined by reference to the most recent issue of an authoritative automotive pricing manual, such as the NADA Official Used Car Guide, Southeastern Edition, or by an appraisal by a duly licensed motor vehicle dealer in the state, plus a twenty-five percent (25%) penalty.

(7) Any person found to be in possession of a vehicle with an improperly assigned title which fails to identify the transferee must immediately establish ownership of the vehicle, register the vehicle and pay the required tax and penalty. The vehicle will be impounded by state or City of Alcoa law enforcement officials until the person in possession can prove ownership or until the rightful owner is located. In the event the rightful owner cannot be established within thirty (30) days, the vehicle will be deemed abandoned and will be disposed of by the commissioner of safety.

(8) Insurance companies authorized to underwrite policies on motor vehicles as a result of a paid claim are authorized to endorse change in ownership on the certificate of title or registration without obtaining a new certificate of title or registration or registering with the department for sales and use tax purposes (T.C.A. § 55-3-127). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1603. Renewal certificates and registration plates. (1) The holder of a valid and outstanding certificate of registration for a noncommercial vehicle shall apply for its renewal through the office of the clerk of the county of the owner's residence. The registration issued for a commercial vehicle may be renewed through the office of the clerk of the county of the owner's principal place of business within the state, or of the county of incorporation in the case of a corporate owner or of any other county in which the owner or corporate owner maintains an office or place of business. Any applicant for the renewal of a registration under which the fee is to be prorated or apportioned and any nonresident applicant for renewal shall, within the discretion of the commissioner, make application directly to the division.

(2) For the purposes of this subsection, "commercial vehicle" means any vehicle that is operated in the furtherance of any commercial enterprise; provided, that vehicles registered with Tennessee Association of Realtors new specialty earmarked license plates shall be deemed not to be commercial vehicles.

(3) This subsection is not applicable to a county wheel tax or like local fee due and owing to local government for the use of the vehicle (T.C.A. § 55-4-105). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1604. Registration certificate to be carried in vehicle or on driver's person. (1) Every certificate of registration shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving, or in control of the vehicle, who shall display the certificate upon demand of any officer or employee of the department. The owner may, in order to ensure its

safekeeping, provide a duplicate or facsimile of the certificate of registration to be kept in the vehicle for display by any person who may legally operate the vehicle under the owner's registration.

(2) The provision of subsection (1) requiring that a certificate of registration be carried in the vehicle to which it refers, or by the person driving the vehicle, shall not apply when the certificate of registration is used for the purpose of making application for renewal of registration or upon a transfer of the vehicle.

(3) For purposes of any vehicle operating as part of a platoon, as defined by § 15-101, the requirements of subsection (1) are satisfied if the certificate of registration is at all times carried in the first or lead vehicle in the platoon.

(4) For purposes of an ADS-operated vehicle, as defined by § 15-101, the requirements of subsection (1) are satisfied if the certificate of registration is at all times carried in or available electronically through, the vehicle to which it refers (T.C.A. § 55-4-108). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1605. Display of registration plates. (1) The registration plate issued for passenger motor vehicles shall be attached on the rear of the vehicle. The registration plate issued for those trucks with a manufacturer's ton rating not exceeding three-quarter (3/4) ton and having a panel or pickup body style, and also those issued for all motor homes, regardless of ton rating or body style thereof, shall be attached to the rear of the vehicle. The registration plate issued for all other truck tractors shall be attached to the front of the vehicle. All dealers' plates, as provided in Tennessee Code Annotated, § 55-4-226, and those registration plates issued for motorcycles, trailers or semitrailers shall be attached to the rear of the vehicle.

(2) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so to prevent the plate from swinging and at a height of not less than twelve inches (12") from the ground, measuring from the bottom of the plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible; provided, if a motorcycle is equipped with vertically mounted license plate brackets, its license plate shall be mounted vertically with the top of such license plate fastened along the right vertical edge. No tinted materials may be placed over a license plate even if the information upon the license plate is not concealed.

(3) (a) Except as provided in subsection (3)(b), for all motor vehicles that are factory-equipped to illuminate the registration plate, the registration plate shall be illuminated at all times that headlights are illuminated.

(b) Subsection (3)(a) shall not apply to any antique motor vehicle as defined in Tennessee Code Annotated, § 55-4-111(b).

(4) (a) As used in this subsection (4), "historic military vehicle" means a vehicle, including a trailer, that is at least twenty-five (25) years old at the time of making application for registration, was manufactured for use in any country's military forces, and is maintained to represent the vehicle's military design and markings, regardless of the vehicle's size or weight.

(b) An owner or operator of a historic military vehicle is not required to display the vehicle's registration plate on the vehicle in accordance with this section. In lieu of such display, the owner or operator shall maintain the vehicle's registration plate in the vehicle and produce the plate for inspection upon the request of any law enforcement officer.

(5) (a) A violation of this section is a civil ordinance violation. All proceeds from the fines imposed by this subsection (5) shall be deposited in the state general fund.

(b) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of ten dollars (\$10.00) for a first violation, and twenty dollars (\$20.00) on second and subsequent violations to the clerk of the court that has jurisdiction of the offense within the county in which the offense charged is alleged to have been committed.

(c) If the violation of this section results solely from the failure to illuminate the registration plate at all times headlights are required to be displayed, the fine set out in subsection (5) shall be the only amount if the person is assessed. No litigation tax levied pursuant to Tennessee Code Annotated, title 67, chapter 4, part 6 shall be imposed or assessed against anyone convicted of a violation of this section nor shall any clerk's fee or court costs, including, but not limited to, any statutory fees of officers, be imposed or assessed against anyone convicted of a violation of this section. Further, the lighting violation described in subsection (5)(c) shall be considered a nonmoving traffic violation and no points shall be added to a driver's record for such violation (T.C.A. § 55-4-110). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1606. Temporary operation permits. Any person operating a motor vehicle on a temporary operation permit which has expired or in violation of the terms thereof commits a civil ordinance violation and, in addition, shall be required to register the vehicle concerned with the department, and the arresting officer shall not permit the vehicle to leave the officer's charge or custody until the proper registration thereof has been effected (T.C.A. § 55-4-115) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1607. Notice of change of address. Whenever any person, after applying for or receiving a title or registration, moves from the address named

in the application or title or registration, or when the name of an applicant is changed for any reason, the person shall within ten (10) days thereafter, notify the department of the change or changes. Failure to do so is a civil ordinance violation (T.C.A. § 55-4-131). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1608. Required posting of placard on mobile home. (1) The department of transportation shall issue to all annual permit holders a placard bearing the applicable permit number and a telephone number to be used to report unsafe or erratic driving to the department of transportation. This placard shall be designed by the department of transportation in consultation with the department of safety. The transporter of a manufactured home under an annual permit shall prominently display this placard on the rear of the manufactured home being moved. Replacement placards shall be issued after a sufficient showing of loss or destruction of the original placard and payment of a fifty-dollar (\$50.00) replacement fee.

(2) Failure to properly display a placard pursuant to subsection (1) is a civil ordinance violation (T.C.A. § 55-4-411). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1609. Theft or embezzlement and recovery of registered vehicle. (1) The owner, lienholder or insurer of the owner of a registered vehicle that has been stolen or embezzled shall notify the Tennessee Highway Patrol or the Blount County Sheriff's Office or Alcoa Police Department of the theft or embezzlement, but in the event of an embezzlement, the person shall make the report only after having procured the issuance of a warrant for the arrest of the person charged with the embezzlement.

(2) Every owner or other person who has given any notice under subsection (1) must notify the law enforcement department of a recovery of the vehicle.

(3) In the event the owner is notified by any law enforcement officer or by a garage or wrecker operator of the recovery of the stolen vehicle, it is the duty of the owner to immediately notify the owner's theft insurer of the vehicle's recovery and its location.

(4) Any person, firm or corporation violating this section commits a civil ordinance violation (T.C.A. § 55-5-102). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1610. Permanent records of transactions. (1) Any person, firm, or corporation engaged in the business of buying or selling used automobile parts shall keep permanent records of transactions of buying or selling engines, transmissions, vehicle bodies, chassis, doors, deck lids, front end clips (fenders and grill), seats, differentials, tires and wheels, steering wheels, automobile radios and automobile tape players, and bumpers. The record must include from

whom the item was purchased and the seller's address and driver license number, and to whom the item was sold and the purchaser's address and driver license number, as well as the description of the item and any identifying number or numbers. The records must be kept for a period of three (3) years from the date of the transaction and made available to all law enforcement officers for inspection at any reasonable time during business hours without prior notice or the necessity of obtaining a search warrant.

(a) Notwithstanding this title to the contrary, any motor vehicle dismantler and recycler that is licensed pursuant to Tennessee Code Annotated, § 55-17-109 and is fully compliant with the reporting requirements of Tennessee Code Annotated, § 55-3-203(c), is not required to keep the records required by subsection (1)(a), with regard to transactions of selling the parts described. All other required records must be kept.

(b) Any person, firm, or corporation engaged in the business of selling used automobile parts must provide a bill of sale, including the source part, when requested by the purchaser of any major component part, in order to comply with Tennessee Code Annotated, § 55-3-206, which requires the inspection and certification of any rebuilt motor vehicle.

(2) Any person, firm, or corporation required to keep records by Tennessee Code Annotated, §§ 55-5-106 - 55-5-110 and knowingly failing to do so commits a civil ordinance violation (T.C.A. § 55-5-108). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1611. Penalties for sale, shipment, or manufacture of passenger cars or components not bearing identification numbers. Any person, firm or corporation who sells, offers for sale, ships or causes to be shipped into this state, or manufactures a passenger car, passenger car engine or passenger car transmission, the same being intended to be sold at retail within the state, that does not bear an identification number or numbers as set out in this part, commits a civil ordinance violation (T.C.A. § 55-5-109). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1612. Fraudulent statements in registration or title application. Any person who fraudulently uses a false or fictitious name in any application for the registration of a vehicle or certificate of title, or knowingly conceals a material fact, or otherwise commits a fraud in the application, commits a civil ordinance violation (T.C.A. § 55-5-113). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1613. Misuse of evidences of registration. It is a civil ordinance violation for a person to lend to another any certificate of title, certificate of registration, registration plate, special plate, or permit issued to such person,

if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor shall any person display upon a vehicle any certificate of registration, registration plate, or permit not issued for that vehicle or not otherwise lawfully used thereon under Tennessee Code Annotated, chapters 1-6 of title 55 (T.C.A. § 55-5-115). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1614. Moving any motor vehicle located on private property.

(1) It is a civil ordinance violation for any person, or the person's agent, to move or cause to be moved, any motor vehicle located on private property, from the property, if the owner of the motor vehicle has acquired any interest in the private property by virtue of a lease or any contract, without the express consent of the owner of the motor vehicle; or upon request by the owner or tenant of the property on which the vehicle is located; or unless the person so moving the motor vehicle has acquired an interest in the vehicle by operation of law, a security interest agreement, or is acting pursuant to an order of a court of competent jurisdiction, including the City of Alcoa municipal court.

(2) This section shall not restrict the City of Alcoa's ability to regulate the parking or towing of any motor vehicle located within the boundaries of the municipality (T.C.A. § 55-5-122). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1615. Use of stolen plates. It is a civil ordinance violation for any person to display upon a vehicle, for the purpose of indicating its registration, any license plate known by the user to have been stolen, or reported as lost or stolen in an application made to the department for a replacement plate, or issued as the replacement for a plate falsely reported to have been lost or stolen (T.C.A. § 55-5-126). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 17**PRIVATE VEHICLE SALES****SECTION**

15-1701. Definitions.

15-1702. Regulations.

15-1701. Definitions. For the purpose of this section, the following terms are defined and shall be construed as follows:

(1) "Private vehicle sale" shall be the offering for sale or exchange, or the sale or exchange to the public of any vehicle, including a car, truck or motorcycle (or any other type of vehicle that requires a license for operation on public streets) at a sale held on privately owned residentially zoned or used property.

(2) "Residentially zoned or used property" is any real estate, lot or tract located in the City of Alcoa, which is used primarily for residential purposes. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1702. Regulations. It shall be unlawful for any person, firm, partnership, corporation or association to advertise, promote, conduct or hold any private vehicle sale within the corporate limits of the City of Alcoa, except as provided herein:

(1) Not more than two (2) private vehicle sales may be held during any one (1) calendar year or at any one (1) residentially zoned or used property. The vehicle offered for the private vehicle sale shall be owned at the time of the sale by the occupant of the residentially or used property and shall not have been purchased by the occupant for the purpose of resale.

(2) Each such private vehicle sale may last no longer than sixty (60) continuous days.

(3) Court ordered sales and sales by executors or administrators in the settlement of estates are exempt from the provisions of this section.

(4) Sales of vehicles which are advertised by newspaper or radio for private appointment only, and which are not advertised by signs either on or off the premises, or on the vehicle and are not exhibited on the premises in such a manner as to indicate public sale, are exempt from the provisions of this section. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 18**FEDERAL MOTOR CARRIER SAFETY REGULATIONS****SECTION**

15-1801. Adoption of the Federal Motor Carrier Safety Regulations.

15-1802. Penalty.

15-1801. Adoption of the Federal Motor Carrier Safety Regulations. The City of Alcoa adopts all chapters and provisions of the Federal Motor Carrier Safety Regulations under title 49 of the Code of Federal Regulations. Except as stated in this chapter, provisions of the Federal Motor Carrier Safety Regulations preempt any laws of title 15 to the contrary. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1802. Penalty. (1) The penalty for violation of any provision of this chapter is a fine not to exceed fifty (\$50.00) dollars, plus any court costs or administrative fees allowed by local, state or federal laws.

(2) (a) Any person committing a violation of any provision of this chapter may be required, at the discretion of the court, to attend a driver education course approved by the department of safety in addition to, or in lieu of any portion or other penalty imposed.

(b) Additionally, the court may have authority to suspend or revoke a person's driving privileges as a result of a finding of violation of this chapter. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

TITLE 16

STREETS, SIDEWALKS, DRAINAGE AND EROSION CONTROL¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. SUBDIVISION REGULATIONS.
4. STREETS AND DRAINAGE.
5. STORMWATER MANAGEMENT.

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. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Animals and vehicles on sidewalks.
- 16-111. Fires in streets, etc.
- 16-112. Mailboxes.

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. (1971 Code, § 12-401)

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 at a height of less than fourteen

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

The name of this title was changed by Ord. #04-041, Nov. 2004.

(14) feet, or over any sidewalk at a height of less than eight (8) feet. (1971 Code, § 12-402)

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 persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1971 Code, § 12-403)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1971 Code, § 12-404)

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 or above any public street or alley except when expressly authorized by the city manager. (1971 Code, § 12-405)

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 except when required by statute. (1971 Code, § 12-406)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1971 Code, § 12-407)

16-108. 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 or to block drainage basins on streets that are curbed and guttered. (1971 Code, § 12-408)

16-109. 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. Provided

¹Municipal code reference
Building code: title 12, chapter 1.

further, occupants of property abutting a public right-of-way (alley or street), whether improved or not, shall maintain the property by mowing the same and by refraining from planting shrubbery or other light vegetation within ten feet (10') of a municipal fire hydrant. (1971 Code, § 12-409, as replaced by Ord. #11-274, Dec. 2011)

16-110. 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. (1971 Code, § 12-410)

16-111. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1971 Code, § 12-411)

16-112. Mailboxes. All mailboxes and newspaper delivery boxes installed after July 1, 2009 and situated within the public Right-Of-Way (ROW) shall, per federal (USPS) regulations, be constructed in such a way that they break away when struck by a vehicle; otherwise, such structures can precipitate serious injury to the driver of a vehicle. Permanent brick, masonry or any other non-breakaway mailbox and/or newspaper delivery boxes, driveway entrance columns, fencing, etc., must be on private property and not within the ROW, unless located within subdivisions with curbs and a speed limit of twenty-five (25) miles per hour (mph) or less. In such cases, brick and/or masonry mailboxes may be placed as per USPS postal regulations, with permit only. Whether with or without curb, when located along a ROW of a speed limit greater than twenty-five (25) mph, all non-breakaway structures must be located outside of the ROW. Mailboxes, even though purchased and placed by a property owner, are not the private property of the owner adjoining the ROW. Mailboxes are owned by the post office and their use is governed by postal regulations. If, after said date, non-breakaway mailboxes and delivery boxes are installed the property owner will be required to remove the same and will not be compensated for its removal or relocation. Should the boxes not be removed, then the city will have said structure(s) removed at the expense of the owner. Please check USPS postal regulations regarding this issue. (as added by Ord. #09-195, June 2009)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.

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 obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, 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 permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city engineer is open for business, and said permit shall be retroactive to the date when the work was begun. (1971 Code, § 12-101)

16-202. Applications. Applications for such permits shall be made to the city engineer and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or

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).

approved by the recorder within forty-eight (48) hours of its filing. (1971 Code, § 12-102)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1971 Code, § 12-103)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration the city engineer may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. This deposit shall be used to cover the expense to the municipality of relaying the surface of the ground or pavement and of making the refill if this is done by the municipality or at its expense.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the city engineer shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1971 Code, § 12-104)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. 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. (1971 Code, § 12-105)

16-206. 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 this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality, 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 municipality 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 municipality, 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. (1971 Code, § 12-106)

16-207. 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 city engineer in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1971 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the municipality if the municipality restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city engineer. (1971 Code, § 12-108)

16-209. Supervision. The city engineer shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the municipality and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1971 Code, § 12-109)

CHAPTER 3

SUBDIVISION REGULATIONS¹

SECTION

- 16-301. Subdivision regulations.
- 16-302. Approval or disapproval of subdivision plats.
- 16-303. Dedication of property.
- 16-304. Unlawful transactions involving subdivision plats.
- 16-305. Restrictions on public improvements.
- 16-306. Restrictions on building permits and building construction.
- 16-307. Definitions.

16-301. Subdivision regulations. In exercising the powers granted to it by this chapter, the planning commission shall adopt regulations governing the subdivision of land within the municipality. Each regulations may provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality or of the region in which the municipality is located, for adequate open spaces for traffic, recreation, light, and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

Such regulations may include requirements of the extent to which and the manner in which streets shall be graded and improve and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the planning commission may provide for the tentative approval of the plat previous to such improvements and installation; but any such tentative approval shall not be entered on the plat. Such regulations may provide that, in lieu if the completion of such work previous to the final approval of a plat, the commission may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the planning commission and expressed in the bonds; and the municipality is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. Such regulations may provide, in lieu of the completion of such work previous to the final approval of a plat, for an assessment or other method whereby the municipality is put in assured position

¹Ordinance #495, February 27, 1964 adopted "Subdivision Standards for the Alcoa, Tennessee Planning Region." This ordinance, and any amendments, are published separately by the City of Alcoa and are of record in the city recorder's office.

to do said work and make said installations at the cost of the owners of the property within the subdivision.

Before adoption of its subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the planning commission. (1971 Code, § 11-106)

16-302. Approval or disapproval of subdivision plats. The planning commission shall approve or disapprove a plat within thirty (30) days after the submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the planning commission on demand; provided, however, that the applicant for the planning commission's approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the planning commission. Any plat submitted to the planning commission shall contain the name and address of a person to whom notice of hearing shall be sent; and no plat shall be acted upon by the planning commission without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five (5) days before the date fixed therefor. (1971 Code, § 11-107)

16-303. Dedication of property. The approval of a plat shall not be deemed to constitute or effect an acceptance by the municipality, county or public of the dedication of any street or other ground shown upon the plat. (1971 Code, § 11-108)

16-304. Unlawful transactions involving subdivision plats. Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the municipal planning commission and obtained its approval as required by this chapter and before such plat be recorded in the office of the county register, shall be deemed guilty of a misdemeanor. The municipality, through its solicitor or other official designated by the board of commissioners may enjoin such transfer or sale or agreement by action for injunction. (1971 Code, § 11-109)

16-305. Restrictions on public improvements. From and after the time when the platting jurisdiction of the planning commission shall have attached as provided in § 14-105, the municipality shall not nor shall any public authority accept, lay out, open, improve, grade, pave or light any street or lay or authorize water mains or sewers or connections to be laid in any street within the municipality, unless such street shall have been accepted or opened as or shall have otherwise received the legal status of a public street prior to the said attachment of the planning commission's subdivision jurisdiction, or unless such

street correspond in its location and lines with a street shown on a subdivision plat approved by said planning commission or with a street plat made by and adopted by said planning commission; provided, however, that the board of commissioners may locate and construct or may accept any other street, provided, the ordinance or other measure for such location and construction or for such acceptance be first submitted to said planning commission for its approval, and, if disapproved by the planning commission be passed by a majority of the entire membership of said board of commissioners; and a street approved by the planning commission upon such submission or constructed or accepted by said majority vote after disapproval by the planning commission shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the planning commission or on a plat made and adopted by the planning commission. (1971 Code, § 11-110)

16-306. Restrictions on building permits and building construction. From and after the time when the platting jurisdiction planning commission shall have attached as provided in § 14-105, no building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as or shall have otherwise received the legal status of a public street prior to that time or unless such street corresponds in its location and lines with a street shown in a subdivision plat approved by said planning commission or on a street plat made and adopted by said planning commission, or with a street located or accepted by the board of commissioners after submission to said planning commission and, in case of said planning commission's disapproval, by the favorable vote required in § 16-305. Any building erected or to be erected in violation of this section shall be deemed an unlawful structure, and the building inspector or solicitor of the municipality or other official designated by the board of commissioners may bring action to enjoin such erection or cause it to be vacated or removed. (1971 Code, § 11-111)

16-307. Definitions. For the purpose of this chapter, "street" or "streets" means and includes streets, avenues, boulevards, roads, lanes, alleys and other ways; "subdivision" means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or area subdivided; and plat includes plat, plan, plot or replot. (1971 Code, § 11-112)

CHAPTER 4

STREETS AND DRAINAGE

SECTION

16-401. Construction specifications for streets and drainage.

16-401. Construction specifications for streets and drainage. Any construction activity involved with the development of land within the city and its planning region, shall be governed by Ordinance Number 99-031, titled "Construction Specifications for Streets and Drainage," and any amendments thereto.¹ (As added by Ord. #99-031, Nov. 1999)

¹Ord. #99-031, Nov. 1999, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 5**STORMWATER MANAGEMENT****SECTION**

- 16-501. General provisions.
- 16-502. Definitions.
- 16-503. Authority.
- 16-504. Grading permit required.
- 16-505. Stormwater management plan.
- 16-506. Grading, construction, erosion and sediment control.
- 16-507. Water quality buffers.
- 16-508. Non-stormwater discharges (illicit discharge, detection and elimination).
- 16-509. Performance bonds.
- 16-510. As-built certifications.
- 16-511. Inspection and maintenance.
- 16-512. Permit controls and stormwater system integrity.
- 16-513. Severability.
- 16-514. Responsibility.
- 16-515. Enforcement and penalties.
- 16-516. Repeal clause.
- 16-517. [Deleted.]
- 16-518. [Deleted.]

16-501. General provisions. (1) Purpose. It is the purpose of this chapter to:

- (a) Apply to all areas located within the jurisdiction of the City of Alcoa.
- (b) Protect, maintain, and enhance the environment of the city and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the public stormwater system, with the intent of maintaining and/or improving the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the state in the City of Alcoa.
- (c) Enable the City of Alcoa to comply with the NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems, TMDLs and other applicable state and federal regulations.
- (d) Safeguard the health, safety, and general welfare of the citizens.
- (e) Preserve the value of land throughout the city.

(f) Establish reasonable and accepted standards of design and procedures that prevent or reduce the discharge of pollutants from developed or redeveloped land.

(g) Preserve the natural beauty and aesthetics of the community.

(h) Minimize property damage by means of flooding.

(2) **Rules applying to this chapter.** For the purpose of this chapter, the following rules of construction shall apply:

(a) Words used in the present tense shall include the future tense and the singular includes the plural, unless otherwise indicated in the text.

(b) The words "shall" or "must" is always mandatory and not discretionary. The words "may" and "should" are permissive in nature.

(c) Except as herein provided, all words used in this chapter shall have their common dictionary definition. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-502. Definitions. (1) "Alcoa Stormwater Board of Appeals." The body which has been delegated the authority by the Board of Commissioners of the City of Alcoa to hear appeals concerning decisions made by the city manager or his designee as to the interpretation of the meaning of this code.

(2) "Applicant." Person submitting an application for a grading permit. Typically, this is the owner or operator of the land-disturbing activity.

(3) "As-built certification." As-built, field-verified plans signed and sealed by a registered professional engineer and/or registered land surveyor, both licensed to practice in the State of Tennessee, showing contours, elevations, grades, locations, drainage and hydraulic structures, permanent best management practices, stormwater management facilities easements, detention basin volumes and other features as required.

(4) "Best Management Practices (BMP or BMPs)." Schedules of activities, prohibitions of practices, maintenance procedures, stormwater quality and quantity management facilities, structural controls, water quality buffers and other management practices designed to prevent or reduce the pollution of waters of the United States and to provide water quality treatment, water quantity control, channel protection, overbank flood protection and extreme flood protection in accordance with this chapter. Water quality BMPs may include structural devices, such as stormwater ponds, extended detention ponds or bioretention areas, and non-structural practices such as vegetated construction buffers, water quality buffers or natural open spaces.

(5) "Buffer enhancement plan." A plan showing the establishment and/or restoration of the water quality buffer. The plan may be included as part of a comprehensive site plan required under another city ordinance, a

stormwater management plan, and/or a separate plan following the specifications set out in this chapter.

(6) "City manager." The city manager or his/her designee for the City of Alcoa, Tennessee.

(7) "Channel." A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. "Channel flow" is that water which is flowing within the limits of the defined channel.

(8) "Community waters." Community waters include streams, rivers, wetlands, ponds and lakes as defined in this chapter.

(9) "Comprehensive development plan." An engineering plan showing all required infrastructure such as stormwater management facilities, potable water, sanitary sewer, roadway infrastructure, best management practices, erosion prevention and sediment control, water quality buffers, easements and all other appurtenances for proposed development and redevelopment in accordance with and as required by this chapter and all rules, regulations and specifications of the City of Alcoa.

(10) "Construction." Any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

(11) "Construction related waste." Waste that is generated through construction, land development and land-disturbing activities that may cause adverse impacts to water quality. Construction related waste includes, but is not limited to, discarded building materials, concrete truck washout, chemicals, litter, hazardous materials, oil and sanitary waste at the construction site.

(12) "Covenants for permanent maintenance of stormwater best management practices." A legal document executed by the property owner(s) or a homeowners' association as a owner of record and recorded with the Blount County Register of Deeds which guarantees perpetual and proper maintenance of best management practices.

(13) "Cut." Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.

(14) "Developer." The person, firm or corporation, both public and private, engaged in the development of land, such as subdivisions or other land improvements.

(15) "Development." Development is the improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- (a) One (1) or more residential or nonresidential buildings, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(b) The division or allocation of land or space, between or among two (2) or more existing or prospective occupants by means of, or for the purposes of streets, common areas, leaseholds, condominiums, building groups or other features.

(c) A subdivision of land.

(d) The process of grading, clearing, filling, quarrying, construction, or reconstruction to improved or unimproved real estate or other similar activities when not excluded by exemptions from this chapter.

(16) "Director." The Director of Public Works and Engineering or his/her designee for the City of Alcoa, Tennessee.

(17) "Easement." A legally dedicated right-of-way for the city to manage/maintain stormwater flow facilities or other utilities within specified boundaries.

(18) "Enclosed stormwater system." Part of the stormwater system that is encompassed by a pipe or other underground structure excluding short segments culvert.

(19) "Erosion." The wearing away of land by action of wind, water, ice, or gravity.

(20) "Erosion Prevention and Sediment Control plan (EPSC plan)." A formal plan for the control of soil erosion and sediment resulting from land-disturbing activity. The plan shall be reviewed and approved by the director before a grading permit may be issued. The plan may be included as part of a comprehensive development plan required under another city ordinance, a stormwater management plan, and/or a separate plan following the specifications set out in this chapter.

(21) "Excavation." See Cut.

(22) "Exceptional Tennessee Waters." Surface waters of the State of Tennessee that satisfy characteristics of exceptional Tennessee waters as listed in chapter 1200-4-3-.06 of the official compilation--Rules and Regulations of the State of Tennessee. Characteristics include waters designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRW); waters that provide habitat for ecologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or geologic values; or waters where existing conditions are better than water quality standards.

(23) "Existing land use." Means a land use which, prior to the effective date of the ordinance comprising this chapter is either:

(a) Completed;

(b) Ongoing, as in the case of agricultural activity;

(c) Under construction; or

(d) Fully approved by the governing authority.

(24) "Fill." Portion of land surface or area to which soil, rock or other materials have been or will be added; height above original ground surface after the material has been or will be added.

(25) "Grading." Any operation or occurrence by which the existing site elevations are changed by cutting, filling, borrowing, stock piling, or where any ground cover, natural or man-made, is removed, or any building or other structures are removed or any water course or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. "Grading" is synonymous with "land-disturbing activity."

(26) "Grading permit." A permit issued to authorize excavation and/or fill or other land disturbing activities to be performed under the guidelines of this chapter.

(27) "Hotspot." See "pollutant hotspots."

(28) "Illicit discharge." Any discharge to the stormwater system that is not composed entirely of stormwater and not specifically exempted in this chapter.

(29) "Impaired waters." Any segment of surface waters that have been identified by the Tennessee Department of Environment and Conservation as failing to support one (1) or more classified uses.

(30) "Impervious surfaces." Those areas that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.

(31) "Land-disturbing activity." Any activity on private or public land that may result in soil erosion and the movement of sediments. Land disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, logging and/or tree chipping operations, haul roads associated with the development, and excavation.

(32) "Lake" or "pond." An inland body of standing water.

(33) "Native vegetation." Plants indigenous to East Tennessee or the southeastern United States.

(34) "NPDES." National Pollutant Discharge Elimination System.

(35) "Owner" or "property owner." The legal owner of the property as recorded in the Blount County Register of Deeds office at the time of application of the grading permit.

(36) "Operator." For the purpose of this chapter and in the context of stormwater associated with construction activity, operator means any person associated with a construction project that meets either of the following two (2) criteria:

(a) A person having operational control over construction plans and specifications, including the ability to authorize modifications to

those plans and specifications. This person is typically the owner or developer of the project or a portion of the project; or

(b) A person having day-to-day operational control of those activities at a project which are necessary to ensure compliance with a site plan, EPSC plan, SWMP, SWPPP or sketch plan for the site or other permit conditions. This person is typically a contractor or commercial builder and is often authorized to direct workers at a site to carry out activities required by approved plans or comply with other permit conditions.

(37) "Person." Any individual, firm, corporation, partnership, association, organization or entity, including governmental entities, or any combination thereof.

(38) "Pond." See "lake."

(39) "Priority construction activity." Any land-disturbing activity that is one (1) acre or greater in area that discharges into, or upstream of, waters of the State of Tennessee recognized as impaired for situation or Exceptional Tennessee Waters. Also, priority construction activities can include land-disturbing activities of any size that, in the judgment of the director or his/her designee, require coordination with adjacent construction activities or have conditions that indicate a higher than normal risk for discharge of sediment or other construction related wastes.

(40) "Stormwater management manual." A document prepared and maintained by the City of Alcoa which contains policies, procedures, enforcement response procedures, technical criteria and guidelines and other supporting documentation or tools for implementation of the provisions of this chapter. "Policy manual" is synonymous with "stormwater management manual."

(41) "Pollutant hotspot." An area where the land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

(42) "Project." The entire proposed development regardless of the size of the area of land to be disturbed.

(43) "Redevelopment." The improvement of a lot or lots that have been previously developed.

(44) "Restaurant." An establishment or facility where food is prepared and sold.

(45) "River." See "stream."

(46) "Runoff." The water resulting from precipitation that is not absorbed by the soil.

(47) "Sanitary sewer." Systems of underground conduits that only collect domestic or industrial waste and deliver sanitary wastewater to a wastewater treatment plant.

(48) "Sediment." Solid material, both inorganic (mineral) and organic, that is in suspension, is being transported, or has been moved from the site of origin by wind, water, gravity, or ice as a product of erosion.

(49) "Sedimentation." The action or process of forming or depositing sediment.

(50) "Sewage." Human wastes carried by water from residences, buildings, industrial establishments or other places, together with such industrial wastes, stormwater or other water as may be present; or any substance discharged from a sanitary sewer collection system.

(51) "Sinkhole." A naturally occurring depression where drainage collects in the earth's surface that is a minimum of two feet (2') deep. These depressions are typically denoted as closed contours and/or a hole, fissure or other opening in the ground, often underlain with limestone, dolomite or other rock formation that provides for and is being designated as a natural conduit for the passage of stormwater.

(52) "Sketch plan." An erosion prevention and sediment control plan required for land-disturbing activities that are greater than one-tenth (0.1) acre and less than one (1) acre.

(53) "Slope." The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

(54) "Soil stabilization." Measures which protect soil from erosion.

(55) "Stormwater" also "stormwater runoff" or "runoff." Surface water resulting from rain, snow, or other form of precipitation, which is not absorbed into the soil and results in surface water flow and drainage.

(56) "Stormwater Management Plan (SWMP)." An engineering plan for the location and/or design of best management practices, water quality buffers, stormwater management facilities, and water quality credit areas within a proposed development or redevelopment. A stormwater management plan includes a map showing the extent of the land development activity and location of BMPS, design calculations BMPS, and may contain as-built plans and covenants for permanent maintenance of stormwater best management practices.

(57) "Stormwater Pollution Prevention Plan (SWPPP)." A written plan required by and prepared in conformance with the State of Tennessee General NPDES permit for discharges of stormwater associated with construction activities, that includes site map(s), an identification of construction/contractor activities that could cause pollutants in stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins.

(58) "Stormwater system." The system of roadside drainage, roadside curbs and gutters, curb inlets, swales, catch basins, manholes, gutters, ditches, pipes, lakes, ponds, sinkholes, channels, creeks, streams, storm drains, and similar conveyances and facilities, both natural and manmade, located within the city which are designated or used for collecting, storing, or conveying

stormwater, or through which stormwater is collected, stored or conveyed, whether owned or operated by the City of Alcoa or other person.

(59) "Stream" or "river." A stream or river is defined as a linear surface water conveyance that can be characterized with either perennial or ephemeral base flow and either:

(a) Has published floodplain elevations that have been computed as part of an approved flood study;

(b) Is identified as a blue line on a 2.5-minute USGS quadrangle, unless otherwise designated by Tennessee Department of Environmental Conservation (TDEC); or

(c) Is determined to be a stream or river by the City of Alcoa, the United States Army Corps of Engineers (USACE) or Tennessee Department of Environmental Conservation (TDEC).

(60) "Stream centerline." The centerline of the low flow channel of a stream or river.

(61) "Stripping." Any activity which removed or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

(62) "Structure." Anything constructed or erected such that the use of it requires a more or less permanent location on or in the ground. Such construction includes, but is not limited to, objects such as buildings, towers, smokestacks, overhead transmission lines, carports and walls.

(63) "Swale." A natural or manmade depression or wide shallow ditch used to route or filter runoff.

(64) "Top of bank." The uppermost limit of an active stream channel, usually marked by a break in slope. Also known as a stream bank.

(65) "Total Maximum Daily Load (TMDL). A calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the source(s) of the pollutant as designated and/or defined by the Tennessee Department of Environment and Conservation.

(66) "Vegetation." Collection of plant life, including trees, shrubs, bushes, and grass.

(67) "Vegetative construction buffer." The area of land adjacent to waters of the state in its undeveloped state of vegetation, which facilitates the protection of water quality and aquatic habitat during construction.

(68) "Vegetative erosion prevention and sediment control practices." Measures for the stabilization of erosive or sediment producing areas by covering the soil with:

(a) Permanent seeding, sprigging or planting, produce long-term vegetative cover;

(b) Temporary seeding, producing short-term vegetative cover;
or

(c) Sodding, covering areas with turf of perennial sod-forming grass.

(69) "Variance." A grant of relief from specific requirements of this chapter that permit construction or activities in a manner otherwise prohibited by this chapter, where specified enforcement would result in unnecessary or undue hardship.

(70) "Watercourse." Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a defined channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or flood water.

(71) "Water Quality Buffer (WQB)" is an overlaying zone that encompasses all land within the areas as described in § 16-507. The water quality buffer is intended to be composed of undisturbed vegetation; or the re-establishment of vegetation bordering streams, ponds, wetlands, reservoirs, or lakes, which exists or is established to protect those water bodies.

(72) "Wastes, industrial/commercial." Liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

(73) "Wastes, other." Discarded brush; sawdust; shavings; accumulated leaves; lawn clippings; animal wastes; used or previously applied lime; garbage; trash; refuse, loose used paper, paper products, plastic containers, or metal containers; ashes, offal, discarded tar; discarded paint; discarded or uncontained solvents; used, discarded, or spilled petroleum products, antifreeze, motor vehicle fluids; used or discarded tires, gas tanks, or chemicals; or any other used, uncontained, or unpackaged, or disposed of materials which may discharge to or otherwise enter the stormwater system.

(74) "Wastewater." See sewage.

(75) "Water quality volume credit." A decrease in the water quality volume for one (1) or more areas of a proposed development which is obtained only for specific site development features or approaches that can reduce or eliminate the discharge of pollutants in stormwater runoff. Water quality volume reductions can only be obtained when specific technical criteria, as defined by the policy manual.

(76) "Water quality volume credit areas." Areas within the proposed development or redevelopment for which a water quality volume credit can be obtained.

(77) "Waters of the state." Any and all waters, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

(78) "Wetland." An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically

adapted for life in saturated soil conditions. Wetland determination shall be made by the United States Army Corps of Engineers, the Tennessee Department of Environment and Conservation, and/or the Natural Resources Conservation Service, or a qualified professional that has been trained in the identification and delineation of wetland areas. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-503. Authority. (1) The city manager and the staff under the city manager's supervision shall administer the provisions of this chapter.

(2) The city manager has the authority to promulgate rules, regulations, policies and guidance consistent with this chapter to carry-out the meaning and intent of this chapter in a City of Alcoa Stormwater Management Manual (or policy manual). The policies, criteria and requirements stated in the policy manual shall be enforceable, consistent with other provisions of this chapter.

(3) In the event that the city manager or his/her designee determines that a violation of any provision of this chapter has occurred, or that work does not have a required permit, or that work does not comply with an approved plan or permit, the city manager or his/her designee may issue a notice of violation to the permittee or property owner and/or any other person or entity having responsibility for activities performed at a development, at which time the enforcement provisions of this chapter shall be implemented. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-504. Grading permit required. (1) No individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, county, city, or other political subdivision, cooperative, or any other legal entity shall engage in any land-disturbing activity within the corporate limits of the City of Alcoa without meeting the requirements of this chapter, unless exempted from this chapter.

(a) The owner or operator of land-disturbing activities not exempted under § 16-504(2) must obtain a grading permit prior to commencing land disturbing activities;

(b) A grading permit shall be required for the following land-disturbing activities:

(i) Any residential, non-residential, development or redevelopment what will result in a land-disturbing activity greater than one-tenth (.1) of an acre. The director of engineering and public works or his/her designee may require developments or redevelopments that disturb less than one-tenth (.1) of an acre to obtain a grading permit as deemed necessary to protect adjacent properties or streams from erosion and off site sedimentation. Such activities shall require:

- (A) Grading permit application;
 - (B) One (1) copy of a sketch plan is required for land disturbing activity of greater than one-tenth (.1) of an acre and less than one (1) acre.
 - (C) Five (5) copies of a full EPSC plan, as set forth in this chapter and the policy manual for land disturbing operations of one (1) acre or greater and all non-residential developments or redevelopments of any size, along with a copy of any applicable state or federal permits;
 - (D) Appropriate fee, if applicable;
 - (E) Department of public works and engineering review and approval of the plans;
 - (F) Site inspection and inspection documentation, in accordance with this chapter;
 - (G) Grading permit;
 - (H) Ongoing and final inspection; and
 - (I) Signature, after final inspection, for certificate of compliance from the director.
- (ii) Installation, maintenance and repair of any underground public utility lines when such activities occur within fifty feet (50') of waters of the state.
- (c) The director may require developments or redevelopments that conform to § 16-504(2)(a) to develop a full EPSC plan, as set forth in this chapter and the policy manual, as deemed necessary to protect streams and adjacent properties from erosion and off-site sedimentation.
- (d) Land disturbing activities not exempted under § 16-504(2) of this chapter shall not commence until:
- (i) The owner or operator of any land-disturbing activities that will result in greater or equal to one (1) acre of disturbed area obtains from the Tennessee Department of Environment and Conservation a Notice of Coverage (NOC) under the State of Tennessee General NPDES Permit for Discharge of Stormwater Associated with Construction Activities, or certification that the land-disturbing activity does not require coverage under the state permit, prior to obtaining a grading permit. A copy of the NOC and the associated Stormwater Pollution Prevention Plan (SWPPP) or certification that the site does not require coverage under the state permit must be submitted prior to the issuance of a grading permit.
 - (ii) The owner or operator shall obtain all required permits for the applicable development or redevelopment from the state and/or federal agency(s). A copy of the permit(s) must be submitted before a grading permit will be issued.

(2) Exemptions. The exemptions listed in this section shall not be construed as exempting these land-disturbing activities from providing adequate erosion prevention and sediment control measures to protect adjoining property owners, nearby watercourses and the public right-of-way from sediment impacts. The owner or operator whose activities have been exempted from the requirements for a grading permit shall nevertheless be responsible for otherwise conducting all land-disturbing activities in accordance with the provisions of this chapter and other applicable laws, including responsibility for controlling erosion, sedimentation and runoff. The only exemptions are as follows:

- (a) Any land-disturbing activity that is less than one-tenth (1/10) acre that:
 - (i) Is not part of a larger common plan of development or sale that would disturb more than one (1) acre; or
 - (ii) Is not located within two hundred feet (200') of the bank of any waters of the state.
- (b) Installation, maintenance and repair of any underground public utility line when such activity:
 - (i) Involves less than one (1) acre of disturbed land; or
 - (ii) Is not within two hundred feet (200') of the bank of any waters of the state.
- (c) Agricultural practices that lie outside the 100-year floodway.
- (d) Emergency work to protect life or property. Upon completion of emergency work the disturbed area shall be shaped and stabilized in accordance with this chapter. The city must be contacted within seventy-two (72) hours of the incident.

(3) Additional requirements for grading permits. (a) Land disturbing activities performed in accordance with approved plans shall commence within one (1) year from the issue date of the grading permit; otherwise the grading permit will become null and void and the plan must be resubmitted for approval.

(b) The grading permit application shall at a minimum contain an erosion prevention and sediment control plan prepared as required by this chapter and the policy manual. The plan can be included with the overall stormwater management plan, comprehensive development plan or can be a standalone plan.

(4) Pre-construction conference and inspection. (a) For all land-disturbing activities greater than 0.10 acres, a grading permit shall be issued only after a pre-construction inspection by the director indicates that perimeter erosion prevention and sediment control measures have been installed in accordance with the approved plan.

(b) Attendance at a pre-construction meeting with the director prior to issuance of a grading permit is required for owners and operators of developments or redevelopments that are:

- (i) Required to submit an EPSC, comprehensive development plan, stormwater management plan; or
- (ii) A priority construction activity, as defined in this chapter; or
- (iii) Will discharge stormwater runoff to Exceptional Tennessee Waters.

(c) Owners and operators of land development activities no listed in § 16-504(4)(a) may be required to attend a pre-construction meeting when coordination with adjacent construction activities is needed or when conditions indicate a higher than normal risk for pollutant discharges.

(5) Grading permits--time limitations, phasing and conditions.

(a) Grading permits shall expire one (1) year from the date of permit issuance. After one (1) year, the grading permit will become null and void and the plan must be resubmitted for approval.

(b) If a tract is to be developed in phases, then a separate grading permit may be required for each phase.

(c) The issuance of a grading permit does not authorize the discharge of hazardous substances or oil resulting from a spill that occurs on the site of the land-disturbing activity. A grading permit issued by the city may specify any condition under which the land disturbing activity shall be undertaken. The issuance of a grading permit does not relieve the permittee of any obligation or responsibility of complying with the provisions of any other law or rules and regulations of any federal, local or additional state authority. It is the responsibility of the owner or operator to thoroughly review, understand and adhere to all applicable local, state and federal laws and regulations with regard to site development and property regulations when submitting the EPSC or sketch plan. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-505. Stormwater management plan. (1) General requirements.

(a) The stormwater management plan shall include the specific required elements that are listed and/or, described in the policy manual and the State of Tennessee General NPDES Permit for Discharge of Stormwater Associated with Construction Activities, latest edition. The director may require submittal of additional information in the stormwater management plan as necessary to allow an adequate review of the existing or proposed site conditions. Omission of any required items shall render the plans incomplete and they will be returned to the applicant prior to review by the director.

(b) The stormwater management plan shall be subject to any additional requirements as set forth in the City of Alcoa's subdivision

regulations, zoning ordinances, streets and drainage construction specifications and/or all other city regulations.

(c) No building permit shall be issued until the required stormwater management plan is approved by the director.

(d) The stormwater management plan shall be prepared and stamped by an engineer, landscape architect, or architect competent in civil and site design and licensed to practice in the State of Tennessee. Portions of the stormwater management plan that require hydraulic and/or hydrologic calculations and design shall be prepared and stamped by a professional engineer competent in civil and site design and licensed to practice in the State of Tennessee.

(e) The approved stormwater management plan shall be adhered to during grading and construction activities. Under no circumstance is the owner of land development activities, or any person(s) acting on the owner's behalf, allowed to deviate from the approved s management plan without prior approval of a plan amendment by the director.

(f) The approved stormwater management plan shall be amended if the proposed site conditions change after plan approval is obtained, or if it is determined by the director during the course of grading or construction that the approved plan is inadequate.

(g) Other state and/or federal permits that may be necessary for construction in and around streams and/or wetlands shall be approved through the appropriate lead regulatory agency prior to final approval of a stormwater management plan to the City of Alcoa.

(h) Best management practices, stormwater management facilities, water quality buffers and water quality volume credit areas shown in stormwater management plans shall be maintained through the declaration of a protective covenant, entitled "Covenants for Permanent Maintenance of Stormwater Best Management Practices." The covenant must be approved and shall be enforceable by the City of Alcoa. The covenant shall be recorded with the deed, run with the land, and continue in perpetuity.

(i) Best management practices, stormwater management facilities, water quality buffers and water quality volume credit areas shall be placed into a permanent easement that is recorded with the deed to the parcel. A maintenance right-of-way or easement, having a minimum width of fifteen feet (15') from a public road or private road shall also be provided to access such permanent easements.

(j) Owners of land development activities not exempted from submitting a stormwater management plan may be subject to additional watershed or site specific requirements other than those stated in this chapter in order to satisfy local, state or federal requirements, or where the director has determine through stormwater master plans,

engineering studies, a history of existing or documented water quality problems, or engineering judgment that additional restrictions are needed to limit adverse impacts of the proposed development on water quality, channel protection, overbank flooding and/or extreme flooding. Areas subject to additional requirements may also include developments, redevelopments or land uses that are considered pollutant hotspots.

(k) The director may waive or modify the requirements of the chapter if adequate water quality treatment, channel protection, overbank flood protection and/or extreme flood protection are suitably provided by a downstream or shared off-site best management practice or if engineering studies determine that installing the required best management practice(s) would actually cause adverse impact to water quality or cause increase channel erosion or downstream flooding.

(l) This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, deed restrictions or existing ordinances and regulations. However, where the provisions of this chapter and other regulations conflict or overlap that provision which is more restrictive or imposes higher standards or requirements shall prevail. It is required that the director be advised of any such regulatory conflicts upon submittal of the plan.

(2) Applicability--stormwater management plan. (a) Any non-residential development or redevelopment of any size or any residential development or redevelopment that will result in a land-disturbing activity that is greater or equal to one (1) acre shall submit a stormwater management plan for approval by the director.

(b) The stormwater management plan shall be submitted in conjunction with the Erosion Prevention and Sediment Control Plan (EPSC), and/or comprehensive development plan, for proposed development and redevelopment in accordance with and as required by this chapter and all rules, regulations and specifications of the City of Alcoa.

(c) Existing land use, as defined in this chapter, for which a stormwater management plan was not required prior to the effective date of this chapter shall be exempted from the requirements of a stormwater management plan.

(3) Conformity to plans. (a) The approved stormwater management plan, upon which subsequent permits may be issued by the City of Alcoa, shall be adhered to during grading and construction activities. Under no circumstance is the owner or operator allowed to deviate from the approved stormwater management plan without prior approval of a plan amendment by the director. Amendments to the approved plan must comply with this chapter.

(b) The director shall require that an approved stormwater management plan be amended if it is determined that the approved plan

is inadequate. The approved stormwater management plan shall be amended if the proposed site conditions change after plan approval is obtained or if it is determined by the director during the course of grading or construction that the approved plan is inadequate.

(4) Stormwater quality treatment requirements. All new developments or redevelopments required to submit a stormwater management plan shall provide treatment of stormwater runoff in accordance with the following requirements:

(a) Stormwater runoff generated from the development or redevelopment must be treated for water quality prior to discharges from the property in accordance with the stormwater pollutant removal treatment standard and criteria provided in the policy manual.

(b) The treatment of stormwater runoff shall be achieved through the use of one (1) or more best management practices that are designed and constructed in accordance with the design criteria, guidance and specifications provided in the policy manual.

(c) Methods, designs or technologies for best management practices that are not provided in the policy manual for stormwater management may be submitted for approval by the director if it is proven that such methods, designs or technologies will meet or exceed the stormwater treatment standards set forth in the policy manual and this chapter. Proof of such methods, designs, or technologies must meet the minimum testing criteria set forth in the policy manual.

(d) Best management practices shall not be installed within the public right-of-way without prior approval of the director.

(5) Channel protection requirements. (a) All new developments or redevelopments that are required to submit a stormwater management plan shall provide downstream channel erosion protection by capturing the channel protection volume (the runoff volume from the 1-year frequency, 24-hour storm) and discharging such volume over no less than a 24-hour period using the design methods provided in the policy manual.

(b) Downstream channel erosion protection may be provided by an alternative approach in lieu of controlling the channel protection volume, subject to prior approval by the director. Sufficient hydrologic and hydraulic analysis demonstrating that the alternative approach will offer adequate channel protection from erosion must be presented in the stormwater management plan.

(6) Overbank flood protection and extreme flood protection.

(a) Overbank flood protection shall be provided such that the calculated peak discharge of stormwater runoff resulting from the 2-year, 10-year, and 25-year return frequency, 24-hour duration storm events shall be no greater after development or redevelopment of the site than that which would result from the same 2-year, 10-year, and 25-year

return frequency, 24-hour duration storms on the same site prior to development or redevelopment.

(b) Extreme flood protection shall be provided such that the calculated peak discharge of stormwater runoff resulting from a 100-year frequency, 24-hour duration storm shall be no greater after development or redevelopment of the site than that which would result from a 100-year frequency, 24-hour duration storm on the same site prior to development or redevelopment.

(c) A downstream hydrologic analysis shall be performed to determine if the proposed development or redevelopment causes an increase in peak discharge as compared to predevelopment runoff rates for the same site, or has the potential to cause downstream channel and streambank erosion. This analysis must be done for the 2-year, 10-year, 25-year and the 100-year return frequency, 24-hour duration storm events, at the outfall(s) of the site, and at each downstream tributary junction and each public or major private downstream stormwater conveyance structure to the point(s) in the stormwater system where the area of the portion of the site draining into the system is less than or equal to ten percent (10%) of the total drainage area above that point.

(d) If peak discharge increases are identified in the ten percent (10%) downstream analysis area, as defined in § 16-505(6)(c), downstream flood protection shall be provided such that calculated peak discharges for the 2-year, 10-year and 100-year return frequency, 24-hour duration storm events after development or redevelopment are no greater after development or redevelopment of the site than that which would result from the same duration storms in the same downstream analysis area prior to development or redevelopment. These criteria must be applied throughout the ten percent (10%) downstream analysis area.

(e) Downstream flood protection can be provided by downstream conveyance improvements and/or purchase of flow easements in lieu of peak discharge controls subject to prior approval by the director and satisfaction of the following requirements:

(i) Sufficient hydrologic and hydraulic analysis must be presented that shows that the alternative approach will offer adequate protection from downstream flooding for all potentially affected downstream property owners.

(ii) The applicant is responsible for all state and federal permits that may be applicable to the site including, but not limited to TDEC, NPDES, ARAP permits, U.S. Army Corps of Engineers section 404 permits, and TVA section 26A permits.

(iii) Developments and redevelopments that do not cause an increase in peak discharges are not exempt from conformance with water quality treatment and downstream channel protection requirements stated in this chapter.

(7) Sinkhole requirements. The following sinkhole and drainage well plan information and/or approval from the appropriate regulatory agency must be provided prior to the alteration of the natural drainage for a watershed discharging to such features as sinkholes and/or drainage wells.

(a) Proposed onsite and offsite drainage channels that are tributary to a sinkhole throat or drainage well inlet shall be delineated, along with appropriate hydraulic calculations, to define the existing and altered (if appropriate) 100-year flood plain and to confirm that offsite flooding will not be increased.

(b) Detailed contours are to be shown for all sinkholes that are to receive stormwater runoff from the site. These contours are to have a maximum interval of two feet (2') and are to be verified by field surveys.

(c) The extent of the area considered to be a sinkhole is, at a minimum, the limits determined by the 100-year water surface elevation, assuming plugged conditions (zero outflow).

(d) A geologic investigation of all sinkholes receiving stormwater runoff from the site shall be performed. The report from this investigation shall be signed and sealed by a registered professional experienced in geology and groundwater hydrology and shall contain the following:

- (i) Location and nature of aquifers;
- (ii) Potential for siltation problems;
- (iii) Foundation problems that may be expected around sinkholes;
- (iv) Details of drainage structures to be built in sinkholes;
- (v) Any other factors relevant to the design of drainage from sinkholes;
- (vi) Plans showing the 100-year flood plain;
- (vii) This flood plain shall be designated as a drainage easement on final subdivision plat;
- (viii) Details of plan for grading and clearing of vegetation within the 100-year flood plain.

(d) Compliance with any and all conditions that may be required by the federal government or the State of Tennessee shall be documented. The Tennessee Division of Groundwater Protection is the primary regulatory agency for sinkholes and drainage wells.

(e) Demonstration that development will not occur within the area flooded by the 100-year flood. The 100-year elevation may be lowered by construction of a detention pond. Calculations that document a lowering of the 100-year flood elevation shall be based on the 100-year, 24-hour storm using an appropriate safety factor for discharge into the sinkhole. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-506. Grading, construction, erosion prevention and sediment control. (1) Purpose. The City of Alcoa has in the past experienced development causing the displacement of large quantities of earth. Soil erosion and sedimentation can result from such development. Sediment is one (1) cause of the contamination of water supplies and water resources and a cause of pollution. A build-up of sediment can negatively impact resources, clog watercourses and cause flooding, which can result in damage to public and private lands. The result is a threat to the health, safety, and general welfare of the community.

(2) Existing eroding areas. Upon written notification from the director, the owner of a parcel of land, which exhibits unstable or eroding soil conditions shall correct such conditions within a thirty (30) calendar day period. This period may be extended upon request if conditions warrant. Minimum correction measures shall include stabilizing slopes and re-vegetating all exposed soil surfaces. Before commencing corrective measures, the owner shall consult with the director to determine an acceptable method of correction.

(3) EPSC and sketch plan required components. (a) Erosion Prevention and Sediment Control plans (EPSC plans) submitted to the director shall contain the required components, as listed in and in accordance with the State of Tennessee General NPDES Permit Discharge of Stormwater Associated with Construction Activities, this chapter, the policy manual and as applicable to the proposed land-disturbing activity.

(b) Sketch plans submitted to the director shall contain the required components, as listed in and in accordance with this chapter, the policy manual and as applicable to the proposed land-disturbing activity.

(c) The director may request that additional information be submitted as necessary to allow a thorough review of the site conditions and proposed erosion prevention and sediment control measures.

(d) Omission of any required items shall render the plans incomplete and the plans will be returned to the applicant prior to review by the director.

(e) All sketch plans shall be developed by the owner and/or his/her agent.

(f) All EPSC plans shall be prepared and stamped according to § 16-505(1)(d).

(g) Any legally protected state or federally listed threatened or endangered species and/or critical habitat located in the area of land-disturbing activities (if any) shall be identified in the EPSC plan. The EPSC plan shall also include written documentation from the United States Fish and Wildlife Service that indicates:

(i) Approval of the best management practices that will be utilized to eliminate potential impacts to legally protected state or federally listed threatened or endangered species and/or critical

habitat. Said best management practices shall also be included on the EPSC plan; or

(ii) A finding of no potential impact as a result of the proposed land-disturbing activity.

(4) Conformity and amendments to approved plans. (a) The approved EPSC or sketch plan, upon which subsequent permits may be issued by the City of Alcoa, shall be adhered to during all grading and construction activities. Under no circumstance is the owner or operator allowed to deviate from the approved EPSC or sketch plan without prior approval of a plan amendment by the director.

(b) The director shall require the grading permit holder to take corrective actions, which may include amendment of an approved EPSC or sketch plan, if it is determined that the approved plan does not adequately protect against erosion, sedimentation or discharges of other construction related wastes despite the adherence of the owner or operator with approved protective practices.

(c) The owner or operator is required to resubmit an EPSC or sketch plan for approval by the director if site plans or conditions change during land-disturbing activities.

(d) Plan amendments must comply with this chapter and the policy manual.

(6) Documentation kept at the project site. Owners or operators of land disturbing activities that require an EPSC, sketch plan and/or coverage of the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities shall keep documentation listed below at the site of the land-disturbing activity from the date that the grading permit is approved to the date of termination of coverage:

(a) A copy of the approved EPSC or sketch plan;

(b) A copy of the current grading permit;

(c) A copy of the approved SWPPP and notice of coverage;

(d) A copy of the plans as approved by the department of public works and engineering; and

(e) Documentation and inspection of the erosion prevention and sediment control practices located on the site of the land-disturbing activity, prepared in accordance with the inspection documentation requirements of State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, if applicable.

(f) Any other records required by the Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.

(7) Inspections. During grading or construction, site inspections shall be performed in accordance with the following:

(1) The owner or operator, or his/her designee, shall perform regular, documented inspections of the land-disturbing activity in accordance with the inspection requirements of the State of Tennessee NPDES Permit for Discharges of Stormwater Associated with Construction Activities, this chapter and the policy manual.

(2) Site inspection documentation shall be maintained on-site during normal working hours by the owner or operator or designee and shall be made available for review by the director immediately upon request.

(8) Fees. The Board of Commissioners of the City of Alcoa at its discretion may set fees for obtaining a grading permit. Such fee schedule may be established by resolution.

(9) General criteria. The following general criteria are minimum requirements for the control of pollutants from land-disturbing activities. All soil erosion prevention and sediment control measures and practices shall conform to the requirements of this chapter. The application or measures and practices shall apply to all features of the site including street, utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sediment pollution during all stages of any land-disturbing activity.

(a) Requirements for best management practices. Owners and operators of land-disturbing activities shall implement appropriate erosion prevention and sediment control Best Management Practices (BMPs) in accordance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities and the Tennessee Erosion and Sediment Control Handbook, latest edition.

(b) Technical design criteria. The design of erosion prevention and sediment and pollution management controls, including BMPs, stabilization practices and structural practices, shall be performed in accordance with criteria and requirements stated in the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities and the Tennessee Erosion and Sediment Control Handbook, latest edition, except where more stringent criteria are set forth in this chapter or are required by the director.

(c) Control measure construction and maintenance standards. The installation, inspection and maintenance of erosion prevention and sediment control practices, stabilization practices and structural practices shall be performed in accordance with the standards provided in the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities and the Tennessee Sediment and Erosion Control Handbook, latest edition, except where more stringent standards are required by the director. If periodic inspections or other information indicate that a control measure has been used

inappropriately or incorrectly, the owner or operator must replace or modify the control for relevant site situations.

(d) More stringent criteria or standards. The director may require more stringent criteria and standards where deemed necessary to reduce the potential for pollution impacts to streams, public property or adjacent property from sediment-laden stormwater runoff or discharges of other construction related wastes.

(e) Control of other construction related wastes. Owners and operators of land-disturbing activities shall control other construction related wastes, as defined in this chapter, in accordance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, or as required by the director. The discharge of such wastes in the stormwater discharges from a land-disturbing activity shall be prevented or minimized in accordance with the EPSC or sketch plan for the site of the activity.

(f) Installation of controls before grading begins. Erosion prevention and sediment controls and measures for the control of other construction related wastes shall be in place and functional before a grading permit will be issued and earth moving operations begin. EPSC controls shall be constructed and maintained throughout land-disturbing activities. Temporary controls and measures may be removed at the beginning of the work day when they conflict with the day's activities, but must be replaced at the end of the work day.

(g) Establishment of permanent vegetation. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the director, is mature enough to control soil erosion satisfactorily and to survive seasonal weather conditions. If it is determined by the director that the vegetation will not withstand seasonal weather conditions, the release of un-obligated monies or bonds may be delayed.

(h) Protection of adjacent properties. Sediment controls shall be designed to retain mobilized sediment on the site of the land-disturbing activity. Properties adjacent to the site of a land-disturbance activity shall be protected from sediment deposition. If sediment escapes the construction site, off-site accumulations of sediment that have not reached a stream must be removed as soon as possible (e.g., fugitive sediment that has escaped the construction site and has collected in a street must be removed so that it is not subsequently washed into storm sewers and streams by the next rain and/or so that it does not pose a safety hazard to users of public streets) and measures implemented to prevent the reoccurrence of the same. Should sediment deposition occur in waters of the state, owners or operators shall not initiate remediation/restoration of a stream without first receiving approval from the City of

Alcoa and TDEC. Approval for remediation/restoration efforts from the City of Alcoa does not authorize access to private property. Arrangements concerning removal of sediment on adjoining property must be settled by the owner or operator with the adjoining landowner.

(i) Timing and stabilization of sediment trapping measures. Sediment basins and traps, perimeter dikes, and other measures intended to trap sediment on-site must be constructed as a first step in grading and be made functional before up slope land disturbance takes place.

Earthen structures such as dams, dikes, and diversions must be stabilized within seven (7) days of construction. These measures must be maintained in good working order and must remain in place until such time as the director deems the area to be stabilized and/or as required by the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.

(j) Sediment basins. Temporary basins shall be designed in accordance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, except where more stringent criteria are required by the director. Any equivalent control measure that is substituted for a temporary sediment basin must be justified and approved by the director.

Permanent detention ponds that will be used as sediment basins during construction shall be designed so that the permanent detention pond outlet structure serves as the outlet structure of the sediment basin. All permanent detention ponds used as sediment basins shall be cleaned of loose sediments, re-graded to ensure design capacity, and stabilized prior to conversion. Sod shall be used as the stabilization method on sediment basins that must remain in place for an indefinite period of time, such as during residential subdivision development. Sod shall be installed from the permanent pool elevation to the top of the berm. Stabilization measures other than sod may be approved by the director. In addition, converted detention ponds must meet the criteria as set forth in § 16-510 prior to release of bond and/or Certificate of Occupancy (CO).

(k) Sodding detention ponds, ditches and draining swales. Sod shall be used on detention ponds, ditches and drainage swales or if velocities warrant other stabilization techniques. Stabilization methods other than sodding may be approved by the director. The owner or operator shall maintain sodded areas until vegetation is permanently established.

(l) Cut and fill slopes. Cut and fill slopes must be designed and constructed in a manner which will prevent erosion. Consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors. Slopes which are found to be eroding excessively within one (1) year of

project completion must be provided with additional slope stabilizing measures until the problem is corrected. The following guidelines shall be utilized to prepare and implement an adequate design for cut and fill slopes:

(i) Topsoil for the area should be stockpiled and then used for replacement on the graded area.

(ii) Roughened soil surfaces are generally preferred to smooth surfaces on slopes.

(iii) Diversions should be constructed at the top of long steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.

(iv) Concentrated stormwater should not be allowed to flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume, or slope drain structure.

(v) Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.

(vi) Slopes 3:1 or steeper shall be stabilized with erosion control matting or approved equal. The owner or operator shall maintain matted areas until vegetation is permanently established.

(m) Working in or crossing watercourses. Construction vehicles shall be kept out of watercourses. The channel (including bed and banks) must always be re-established immediately after in-channel work is completed. Where a live watercourse must be crossed by construction vehicles regularly during construction, a temporary stream crossing must be provided, the design of which must be approved by the director and the State of Tennessee where appropriate.

(n) Underground utility construction. The construction of underground utility lines shall be subject to trench dewatering devices or other methods. Water shall be discharged in a manner which will not adversely affect flowing streams, drainage systems, or off-site property.

(o) Temporary stone construction entrance. Wherever construction access routes intersect paved public and/or private roads, provisions must be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surface by clearing the area at the entrance of all vegetation, roots, and other objectionable material and placing a two inch (2") to three inch (3") diameter stone layer at least six inches (6") thick for a minimum of fifty feet (50') from the edge of the hard surface public road. The construction entrance must be underlain with filter fabric. This entrance shall be a minimum of twenty feet (20') in width, a minimum length of fifty feet (50'), and shall be maintained for the duration of the project or until a permanent access drive is constructed. The stone layer shall be replaced or overlain with new stone

when necessary to ensure that sediment is not transported off the site of the land-disturbing activity. Where sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day or more often if deemed necessary. Sediment shall be removed from roads by shoveling or sweeping and be transported to a sediment-controlled disposal area. Street washing shall be allowed only after sediment is removed in this manner.

(p) Removal of temporary measures. All temporary erosion prevention and sediment control measures shall be disposed of within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed, unless otherwise authorized by the director. Trapped sediment and other disturbed soft areas resulting from the disposition of temporary measures shall be properly disposed of and/or permanently stabilized to prevent further erosion and sedimentation.

(q) Stripping, cleaning and grading to be minimized. Stripping of vegetation, re-grading, and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to the minimum necessary. Pre-construction vegetative cover shall not be destroyed, removed, or disturbed more than ten (10) calendar days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface areas. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-507. Water quality buffers. (1) Purpose. It is the purpose of the water quality buffers to:

- (a) Protect public and private water supplies;
- (b) Minimize thermal stream pollution by adding or preserving stream canopy;
- (c) Trap sediment, nutrients and other pollutants in surface run-off;
- (d) Promote bank stabilization;
- (e) Protect wetlands;
- (f) Minimize the impact of floods;
- (g) Reduce stormwater runoff velocities;
- (h) Protect channel bank area from erosion and scour;
- (i) Protect wildlife habitat; and
- (j) Generally maintain water quality.

(2) General requirements for the water quality buffer. (a) The water quality buffer shall be established, managed and maintained to protect the physical and ecological integrity of the buffered water body, reduce the potential for flooding, provide tree canopy, stabilize streambanks, and filter runoff from developed areas. Management of the water quality

buffer includes specific limitations on alteration of the natural conditions as set forth in this chapter and the policy manual.

(b) Except as otherwise provided in this chapter, the water quality buffer must be maintained in a use-restricted, undisturbed state in accordance with this chapter. The water quality buffer must meet, or have the ability to meet through vegetation improvement and growth, the minimum vegetated targets defined for the buffer in this chapter.

(3) Applicability--water quality buffer. All non-residential new development, modifications to existing developments, and/or redevelopments of any size, or any residential development or redevelopment that will result in a land-disturbing activity that is greater or equal to one (1) acre shall establish, protect and maintain water quality buffers along all streams, rivers, lakes, ponds and wetlands that are located in, or portions of which are located in, the City of Alcoa as set forth in this chapter and in the policy manual.

(4) Standards for buffer width. Except as otherwise provided in this chapter, the water quality buffer must be maintained in a vegetated state as defined in this chapter and the policy manual. Any property or portion thereof that lies within the WQB is subject to the restrictions of the WQB as well as any and all zoning restrictions that apply to the parcel as a whole. The water quality buffer width shall be determined as follows:

(a) The water quality buffer width shall follow state and/or federal regulatory buffer zone and/or riparian buffer zone requirements as set forth in the policy manual and/or other applicable publications.

(b) A water quality buffer shall be provided along each side of a stream, as measured perpendicular from the top of bank of the active channel and extending landward. The WQB may be divided into two (2) zones:

(i) Inner zone. The inner zone of the water quality buffer shall be a minimum width of thirty-five feet (35') or one-half (1/2) of the total required total buffer, whichever is greater.

(ii) Outer zone. The outer zone of the water quality buffer shall be the remainder of the WQB, if applicable, that extends beyond the inner zone.

(c) If state and/or federal regulatory buffer requirements are not applicable, as set forth in the policy manual, a minimum total buffer of thirty-five feet (35') shall apply.

(d) For ponds and lakes that are directly connected to community waters, a minimum buffer of thirty feet (30') shall be provided around the perimeter of ponds and lakes. The buffers shall be measured perpendicular from the topographic contour that defines the normal pool elevation.

(i) Water quality buffers shall not be required around the perimeter of hydraulically disconnected ponds or ponds that

are newly designed and constructed for the purposes of stormwater quality treatment.

(e) A minimum buffer width of thirty feet (30') shall be provided around the perimeter of a wetland, or wetlands area that extends beyond the edge of the required buffer width.

The extended buffer shall be adjusted so that the extend of the wetlands as measured from the outermost edge of the wetlands is thirty feet (30').

(i) Water quality buffers are not required for wetlands designed and constructed for the purposes of stormwater quality treatment.

(f) Where steep slopes of fifteen percent (15%) or greater are located within fifty feet (50') of the water body, one (1) of the following conditions shall apply:

(i) The water quality buffer width in the steep slope area shall be adjusted to include an additional twenty feet (20') from the outer edge of the WQB. The additional twenty feet (20') shall follow the outer zone criteria.

(ii) The water quality buffer in the steep slope area shall have a minimum width of the total required buffer width and follow the inner zone criteria.

(5) Standards for buffer vegetation. The vegetative goal is a use-restricted, vegetated buffer that is located along the perimeter of community waters within the City of Alcoa, containing natural vegetation and grasses, enhanced or restored, that are native in origin.

(a) The inner zone and wetland vegetative targets are native mature, moderately dense forest with woody shrubs and under story vegetation.

(b) The outer zone vegetative targets are a minimum of mowed dense grass that covers the entire zone.

(c) The minimum pond or lake buffer vegetative targets shall be the same as the outer zone.

(d) If community waters do not have an established water quality buffer, then a water quality buffer enhancement plan shall be required when land adjacent to such a water body is proposed for development or redevelopment. Such a buffer plan shall be submitted to the director for approval and comply with the following:

(i) All planting plans shall be drawn to scale and may be part of a larger landscaping plan, comprehensive development plan or a stormwater management plan.

(ii) The planting plan shall be a part of the required engineering site plan review submittals.

(iii) The planting plan shall include a "plant schedule" which lists the number and common and botanical name(s) of all

existing and proposed plantings. The "plant schedule" shall also list the height, spread, and where applicable, the caliper of all new plantings at the time of planting. The landscaping plan must be designed by a licensed landscape architect.

(iv) Stream banks must be planted with native vegetation that represents both woody (trees and shrubs) and herbaceous species as determined by a landscape architect. Density shall depend on the re-vegetation technique to be used and existing site conditions.

(v) No trees shall be planted in a utility easement;

(vi) No species may comprise more than one third (1/3) of the total planted trees or shrubs;

(vii) Seedlings/trees must be guaranteed at a seventy-five percent (75%) survivorship; and

(viii) Invasive species must be removed and managed.

(6) Activities within the water quality buffer. The water quality buffer shall be established, managed and maintained to protect the physical and ecological integrity of community waters, reduce flooding potential, provide tree canopy and filter runoff from developed areas. Management of the WQB includes specific limitations on alteration of the natural conditions.

(a) The following activities are prohibited within the water quality buffer:

(i) The storage of pesticides, herbicides, and fertilizers;

(ii) The use or application of fertilizers;

(iii) Parking lots;

(iv) New structures;

(v) Vehicle storage and vehicle maintenance;

(vi) Waste storage;

(vii) Other manmade impervious areas;

(viii) Uses known to contribute pollutants to waterways;

(ix) Septic tanks and septic drain fields;

(x) Buildings, accessories, structures and all types of impervious surfaces;

(xi) Hazardous or sanitary waste landfills;

(xii) Receiving areas for toxic or hazardous waste or other contaminants;

(xiii) Mining;

(xiv) Dumpster storage;

(xv) Grease bin storage;

(xvi) Animal lots or kennels;

(xvii) Other uses known to contribute pollutants to waterways; and

(xviii) Stormwater retention and detention facilities except those built as constructed wetland that meet the approval of the department of public works and engineering.

(b) The following activities are allowed within the inner zone of the water quality buffer:

(i) The limited use or application of pesticides and herbicides.

(ii) Individual trees within the WQB may be removed if in danger of falling, causing damage to dwellings or other structures, causing blockage of the stream, standing in the path of an approved water, sanitary sewer, storm main; and/or the roots of a tree are penetrating or in danger of penetrating a sewer, water or storm drainage line at a joint or pipe connection. The root wad or stump should be left in place, where feasible, to maintain soil stability.

(iii) With prior approval by the director, infrastructure such as roads, bridges, storm drainage, stormwater management facilities that are appropriate for use in a riparian zone (i.e., wetlands, buffers), and utilities provided that they adhere to the following standards:

(A) The width should be the minimum width needed to allow for maintenance access and installation;

(B) WQB crossings shall be at an angle that minimizes clearing requirements; and

(C) The minimum number of WQB crossings should be used within each development, with no more than one (1) crossing every one thousand (1,000) linear feet. The director may approve additional crossing if justified by traffic, safety, or access issues.

(iv) Paths and green way trails, provided the design and location are approved by the City of Alcoa.

(v) Access areas for utilities that are located in the water quality buffer shall be allowed. Access areas must be minimized to the extent possible and shall be located at intervals no less than four hundred feet (400') unless warranted by valid safety, access, or service issues.

(vi) Removal of forest vegetation that has the potential to impact traffic safety or limit access, to areas immediately surrounding the approved stream or utility crossing. Such areas shall be vegetated with a minimum of dense grass.

(vii) Bank stabilization/restoration/habitat alteration projects.

(viii) Disturbances as required to establish and/or restore buffer areas in accordance to an approved buffer enhancement plan.

(ix) The pruning of native vegetation is allowed provided that the health and function of the vegetation is not compromised. However, only the individual removal of under-story nuisance non-native vegetation (i.e. honeysuckle, kudzu, privet) causing minimal soil disturbance is permitted. On land where the removal of such nuisance vegetation would cause a reduction in the amount of stream canopy by fifty percent (50%) or more, re-vegetation with native plants is required to provided, at a minimum, fifty percent (50%) of the previous canopy. For areas where such nuisance vegetation removal would cause a reduction in the amount of stream bank vegetation, re-vegetation with native plants is required to meet the previous coverage.

(x) Other uses permitted and approved by TDEC or under section 404 of the Federal Clean Water Act.

(xi) Education/scientific research that does not require any prohibited activities identified in this section.

(c) The following activities are allowed within the outer zone of the water quality buffer:

(i) All activities that are allowed within the inner zone.

(ii) Land disturbance and grading, but must be re-vegetated according to § 16-507(5).

(iii) Clearing, grubbing and re-vegetation, performed in accordance with an approved stormwater management, comprehensive development, buffer enhancement and/or EPSC plan.

(iv) Disturbances necessary for the construction of utility access areas and approved stream crossings.

(v) Ongoing vegetative maintenance activities such as mowing, bush-hogging, and weed-eating.

(7) Protection of the water quality buffer. All water quality buffers must be protected during construction/development activities.

(a) Prior to the initiation of land disturbing activities, construction layout surveys must include staking and labeling of the water quality buffer perimeter. A combination of stakes, flagging and/or silt fence may be used to insure adequate visibility of the WQB. The layout must be inspected and approved by the director before the grading permit issuance.

(b) All areas of the water quality buffer, including stream banks, must be left in a stabilized condition upon completion of construction activities. No activity eroding bare or unstable stream banks shall remain, unless approved by the director. Placement of riprap and

other hard armor is allowed only when bioengineering alternatives are not feasible.

(c) Water quality buffers cannot be encroached upon or disturbed during project construction, unless they are being established, restored, or enhanced in accordance with an approved buffer enhancement plan.

(d) Once construction is completed and the certificate of occupancy or final plat is accepted, water quality buffers must be maintained in accordance with the recorded covenants for permanent maintenance of stormwater best management practices. In order to provide for long-term protection and maintenance, the City of Alcoa shall require that the water quality buffer be protected in perpetuity by placing the buffer in a permanent water quality or other easement that is recorded with the property's deed. If the area is not publicly owned, the easement should be held by one (1) of the following non-governmental entities:

(i) A variable third party such as a land trust, land management company or utility. The purpose of the third party is to provide monitoring and oversight to ensure the perpetual protection of the area in accordance with the requirements of a buffer area. The organization shall:

(A) Have the legal authority to accept and maintain such easements;

(B) Be bona fide and in perpetual existence; and

(C) Have conveyance instruments that contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions.

(ii) A Homeowners Association (HOA), provided that the following criteria are met:

(A) Membership in the HOA is mandatory and automatic for all property owners of the subdivision and their successors;

(B) The HOA shall have lien authority to ensure the collection of dues from all members; and

(C) The HOA assumes the responsibility for protecting, monitoring and maintaining the area as a conservation easement, in perpetuity.

(iii) If neither of the above-stated non-governmental entities is able to provide perpetual protection of the buffer area, then the property owner must assume responsibility for the maintenance and protection for the buffer area.

(8) Water quality buffer enhancements. The property owner may restore or enhance vegetation within a water quality buffer with prior approval of a buffer enhancement plan by the director.

The director shall have the authority to require a property owner to restore or enhance water quality buffers that have been disturbed or do not meet, or have the potential to meet through natural vegetative succession, the vegetative targets for buffer areas that are defined herein.

(a) Enhancement of water quality buffers must be performed in accordance with the requirements of § 16-507(5) and the guidance provided below:

(i) All areas/zones of the buffer being enhanced must be planted with vegetation that is appropriate to achieve the vegetative targets stated in § 16-507(5).

(ii) All areas/zones of the buffer being enhanced must be stabilized against erosion.

(iii) If the outer zone of the WQB and the buffer around a pond or a lake will consist largely of grasses after enhancement, seeding must be performed at a rate sufficient to provide healthy, dense, permanent vegetative cover for one hundred percent (100%) of the buffer area within one (1) growing season. Mulch, pebbles, wood chips and other non-vegetative ground cover are not acceptable for buffer enhancement.

(iv) Where the removal of such vegetation would cause a reduction in the amount of stream canopy by fifty percent (50%) or more, re-vegetation with native plants is required to provide the cover of the previous canopy at a minimum. For areas where such vegetation, re-vegetation specifications with native plants is required to return the amount of vegetative cover to its previous state, at a minimum. To reduce the potential for stream bank erosion, re-vegetation measures along stream banks must include sufficient erosion control measures, such as turf reinforcement mats, erosion control blankets, straw wattles, etc., to stabilize the area in the short- and long-term.

(v) To increase the chances for the success and health of the buffer area, the plant species, density, placement, and diversity proposed in the buffer enhancement plans must be appropriate for stream, wetland, and pond/lake buffers to achieve the vegetative target that is defined for the buffer through natural succession. Proposed planting and long-term maintenance practices must also be appropriate and properly performed.

(vi) Vegetation mortality must be accounted for all planting densities that are proposed in buffer enhancement plans.

(9) Water quality buffer averaging. A reduction in the water quality buffer width over a portion of property in exchange for an increase in buffer width elsewhere on the same property such that the average WQB width remains the required total minimum width may be granted. Provided that the following conditions are met:

(a) The width of the averaged buffer within the boundaries of the property to be developed shall not be less than the minimum total required width; and

(b) The width of the buffer shall not be less than thirty-five feet (35') at any location, except where stream crossings have been approved by the director.

(c) Those areas of the water quality buffer having a minimum width of thirty-five feet (35') (or less at the stream crossing) can comprise no more than fifty percent (50%) of the buffer length.

(d) Buffer averaging is required for WQB that have stream crossings.

(e) Buffer averaging is prohibited for any portion of the developments that have or have planned land use as described:

(i) Areas that have slopes greater than fifteen percent (15%) that are located within fifty feet (50') of the stream to be buffered;

(ii) Developments or facilities that include on-site sewage disposal and treatment system drainfields (i.e., septic systems), raised septic systems, subsurface discharges from a wastewater treatment plant, or land application of bio-solids or animal waste;

(iii) Landfills (active or closed);

(iv) Junkyards or similar scrap-metal facilities;

(v) Commercial or industrial facilities that store and/or service motor vehicles;

(vi) Commercial greenhouses or landscape supply facilities;

(vii) Developments or facilities that have commercial or public pools;

(viii) Agricultural facilities, farms, feedlots, and confined animal feed operations; and

(ix) Animal care facilities, kennels, and commercial/business developments or facilities that provide short-term or long-term care of animals; and

(x) Other land uses deemed by the director to have the potential to generate higher than normal pollutant loadings.

(10) Plats prepared for recording. Unless otherwise provided herein, all site development plans and plats prepared for recording shall:

(a) Show the extent of any WQB on the subject property by metes and bounds and be labeled as "Water Quality Buffer."

(b) Provide a note with reference to the WQB stating that there shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Alcoa Public Works and Engineering Department.

(c) Permanent boundary markers, in the form of sign age as specified in the policy manual or otherwise approved by the director shall be required to be installed prior to the recording of the final plat or the issuance of a certificate of occupancy.

(11) Conflict with state requirements. The State of Tennessee may require water quality buffers during construction activities via provisions contained in Tennessee Construction General Permit (CGP) or other regulatory permits and processes. The state's requirements may, or may not, align with the City of Alcoa's requirements and policies for water quality buffers. It is the responsibility of the site developer to be informed and educated on any state-level buffer requirements. If a site developer intends to apply the City of Alcoa's buffer requirements in lieu of any requirements of the State of Tennessee, the developer must first obtain approval from TDEC and provide the City of Alcoa with written documentation of such approval. In instances where the city and TDEC requirements conflict, the more stringent shall apply. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-508. Non-stormwater discharges (illicit discharge, detection and elimination). (1) Purpose. The uncontrolled discharge of pollutants to the stormwater system has an adverse impact upon the water quality of the receiving waters.

(a) The 1987 amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act, established the National Pollutant Discharge Elimination System (NPDES) program, which requires permits for discharges from stormwater systems into waters of the United States. The Environmental Protection Agency has promulgated regulations implementing the NPDES program.

(b) The NPDES regulations for stormwater discharges require certain municipalities, including the City of Alcoa, to:

- (i) Prohibit through ordinance, order or similar means, illicit discharges to the stormwater system;
- (ii) Develop and implement a plan to detect and address non-stormwater discharges including illegal dumping;
- (iii) Implement appropriate enforcement procedures and actions; and
- (iv) Identify and prohibit contamination of stormwater from "pollutant hotspots," as defined in this chapter.

(2) Prohibitions. (a) No person shall cause or allow an illicit discharge to the stormwater system, or any component thereof, or onto driveways, sidewalks, streets, parking lots, sinkholes, creek banks, or other areas draining to the stormwater system. Illicit discharges include, but are not limited to the following:

- (i) Any sanitary sewer, including any sanitary sewer connected to the stormwater system as of the date of adoption of this chapter except as deemed unavoidable due to collection system operation/maintenance and extreme weather events;
- (ii) Discharges of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
- (iii) Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility, including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.;
- (iv) Discharges of wash water from mobile operations such as mobile automobile washing, steam cleaning, power washing, and carpet cleaning, etc.;
- (v) Discharges of wash water from the cleaning or hosing of impervious surfaces in industrial and commercial areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards, and outdoor eating or drinking areas, etc.;
- (vi) Discharges from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials;
- (vii) Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; at the point of entry to an enclosed storm sewer system; discharges of pool or fountain filter backwash water;
- (viii) Discharges of sediment, or construction-related wastes, etc.;
- (ix) Discharges of food-related wastes (e.g., grease, food processing, restaurant kitchen mats and trash bin wash water, etc.);
- (x) Discharges of heated water from commercial or industrial operations;
- (xi) Discharges of dyes (without prior permission of the city);
- (xii) Discharges of laundry wastewater;
- (xiii) Known discharges from leaking water or sewer lines remaining uncorrected for seven days;
- (xiv) Discharges or discarding of animal fecal waste or dead animals;
- (xv) Discarding vehicles, equipment parts and/or fluid;
- (xvi) Discarding lawn clippings, leaves, or branches;
- (xvii) Discarding trash or debris into containers or areas not intended for the purpose of trash/debris disposal; and
- (xviii) Discharges from the following land uses, areas or activities that are identified herein as pollutant hotspots:

(A) Vehicle, truck or equipment maintenance, fueling, washing or storage areas including but not limited to: gas stations, automotive dealerships, automotive repair shops, and car wash facilities;

(B) Any property containing more than four hundred (400) parking spaces, or one hundred twenty thousand (120) square feet of impervious area;

(C) Recycling and/or salvage yard facilities;

(D) Restaurants, grocery stores and other food service facilities;

(E) Commercial facilities with outside animal housing areas, including animal shelters, fish hatcheries, kennels, livestock stables, veterinary clinics, or zoos;

(F) Construction areas;

(G) Other producers of pollutants identified by the director by information provided to or collected by him/her or his/her representatives, or reasonably deduced or estimated by him/her or his/her representatives from engineering or scientific study.

(c) Subject to the provisions of subsection (d), the following discharges shall not be in violation of this chapter:

(i) Waterline flushing of potable waterlines;

(ii) Landscape irrigation;

(iii) Diverted stream flows or rising groundwater;

(iv) Infiltration of uncontaminated groundwater (as defined at 40 C.F.R., 35.2005(20)) to separate storm drains;

(v) Pumping of uncontaminated groundwater;

(vi) Discharges from potable water sources, foundation drains, uncontaminated air conditioning condensation, irrigation waters, springs, water from crawl space pumps, or footing drains;

(vii) Lawn watering;

(viii) Individual noncommercial car washing on residential properties; or car washing of less than two (2) consecutive days in duration for a charity, nonprofit fund raising, or similar noncommercial purpose;

(ix) Flows from riparian habitats and wetlands;

(x) Dechlorinated swimming pool discharges;

(xi) Incidental street wash water from street cleaning equipment designed for cleaning paved surfaces and limiting waste discharges;

(xii) Street deicing for public safety;

(xiii) Any activity authorized by a valid NPDES permit;

and

(xiv) Any flows resulting from firefighting.

(d) If the director finds that any of the activities listed in subsection (c) above are found to cause or may cause sewage, industrial wastes or other objectionable wastes to be discharged into the stormwater system, the director shall so notify the person performing such activities and shall order that such activities be stopped or conducted in such a manner as to avoid the discharge of sewage, industrial wastes or other wastes into the stormwater system.

(3) Notification of spills and illicit discharges. As soon as any person has knowledge of any illicit spills or discharges to the stormwater system in violation of this chapter, such person shall immediately notify the director of this discharge. If such person is directly or indirectly responsible for such discharge or responsible for the operation of the system or business, then such person shall also take immediate action to ensure the containment and cleanup of such discharge and shall confirm such telephone notification with a written report to the director within three (3) calendar days.

(a) At a minimum, the written report for any illicit discharge shall include:

- (i) Date and time of the discharge;
- (ii) Location of the discharge;
- (iii) Material or substance discharged;
- (iv) Duration and rate of flow;
- (v) Total volume discharged;
- (vi) Total volume recovered;
- (vii) Cause or reason for the discharge;
- (viii) Remediation and containment action taken;
- (ix) Material Safety Data Sheets (MSDS) for the discharged material (if applicable);
- (x) Action taken to prevent further discharges; and
- (xi) Description of any environmental impact.

(4) Requirements for monitoring. The director may require any person engaging in any activity or owning any property, building or facility (including but not limited to a site of industrial activity) to undertake such reasonable monitoring of any discharge(s) to the stormwater system operated by the city and to furnish periodic detailed reports of such discharges. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-509. Performance bonds. (1) General requirements.

(a) Performance bonds shall name the City of Alcoa as beneficiary and shall be guaranteed in the form of a surety bond, cashier's check, or letter of credit from an approved financial institution or insurance carrier. The surety bond, cashier's check, or letter of credit shall be provided in a form and in an amount to be determined by the director. The actual amount shall be based on submission of plans and

estimated construction, installation or potential maintenance and/or remediation expenses.

(b) The director may refuse brokers or financial institutions the right to provide a surety bond, letter of credit, or cashier's check based on past performance, ratings of the financial institution, or other appropriate sources of reference information.

(2) Prior to issuance of a grading permit. (a) When reviewing any application for a grading permit, the city shall consider the past record of the permit applicant in complying with previous grading permits, plans, and this chapter. The city may require the permit applicant to post a performance bond prior to issuing the grading permit. If a permit applicant has had three (3) or more violations of previous permits or this chapter as amended within three (3) years prior to the date of filing of the application under consideration, the city shall require a performance bond before the grading permit is issued.

(b) Upon forfeiture, the city at its election may use the performance bond proceeds or any part thereof to hire a contractor and/or use its own forces to stabilize and place erosion control measures on the site of the land-disturbing activity.

(c) A performance bond in the form of government security, cash, irrevocable letter of credit, or any combination may be provided for the following conditions:

(i) Rough grading, site development, large residential developments, or commercial development when there is a disturbed area greater than five (5) acres.

(ii) Where there exists a substantial likelihood for runoff or sediment problems to adversely impact city rights-of-way, other property, or waters of the state.

(iii) When a site drains into sinkholes or when the site is used for a borrow pit or waste area.

(d) Any bond amount shall be based on a remediation and completion estimate as determined by the director based on the size of the disturbed area.

(e) Within sixty (60) days of the final inspection, the balance of all bonds not extended or obligated shall be refunded or terminated except as otherwise provided therein.

(f) Performance bond may be released upon receiving the final certificate of occupancy or final plat along with site visit and release approval by the director.

(3) Prior to final plat approval. Prior to plat approval, a performance bond which guarantees satisfactory completion of construction work related to the erosion and sediment control, stormwater management plan, best management practices, water quality buffers and/or water quality treatment

may be required for a period of two (2) years. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-510. As-built certifications. (1) Prior to the release of a bond, as-built drawings shall be provided to the director, certifying that all best management practices comply with the design shown on the approved plan(s) as required by this chapter and the policy manual. Features such as the boundaries of vegetated buffers, water quality volume credit areas, water quality buffers, stormwater management facilities, elevation of structural BMPS etc. shall be provided to verify compliance with approved plans. Other contents of the record drawings must be provided in accordance with guidance provided in the policy manual for stormwater quality management.

(2) As-built drawings shall include sufficient design information to show that the best management practices required by this chapter will operate as approved. This shall include all necessary computations used to determine percent pollutant removal and the flow rates and treatment volumes for quality as required to size best management practices and detention volume for quantity.

(3) The as-built drawings shall be stamped by the appropriate design professional required to stamp the approved plans, as stated in § 16-505(1)(d) of this chapter. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-511. Inspections and maintenance. (1) Right of entry. (a) The director may, during reasonable hours, enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system, stream, natural drainage way, or other stormwater system to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this chapter.

(b) Failure of a property owner, person(s) working on behalf of the property owner, or other legal occupant of the property, such as a lessee, to allow such entry by the director onto a property for the purposes set forth in § 16-511(1)(a) shall be cause for the issuance of a stop work order, withholding of a certificate of occupancy, final plat and/or civil penalties, fines and/or damage assessments in accordance with this chapter.

(2) Requirements. (a) The owner(s) or his/her designee of best management practices and/or water quality volume credit areas shall at regular and appropriate frequencies inspect and properly operate and maintain all best management practices, stormwater facilities and/or water quality volume credit areas in such manner as to maintain their full and intended function. Inspection and maintenance of privately-owned best management practices, stormwater facilities and/or water

quality volume credit areas shall be performed at the sole cost and expense of the owner(s) of such features, or his/her designee.

(b) Inspections and maintenance shall be performed in accordance with the requirements provided in this chapter, the policy manual and/or prevailing practices. The director has the authority to impose more stringent inspection and maintenance requirements as necessary for purposes of water quality and quantity protection and public safety.

(c) Inspection and maintenance activities shall be documented by the property owner or his/her designee. Such documentation shall be maintained by the property owner for a minimum of three (3) years, and shall be made available for review by the director.

(d) Prior to release of the certificate of occupancy and/or final plat the property owner shall provide the City of Alcoa with an accurate as-built drawing of the property and an executed covenant for all best management practices, stormwater management facilities, water quality buffers and water quality credit areas. The property owner shall record these items with the Blount County Register of Deeds. The location of the best management practices, stormwater facilities, water quality buffers and water quality volume credit areas, and the easements associated with each of these features shall be shown on a plat that is recorded with the Blount County Register of Deeds.

(e) The removal of sediment and other debris from best management practices shall be performed in accordance with all local, state and federal laws. Guidelines for sediment removal and disposal are referenced in the policy manual and/or regulations of other agencies. The director may stipulate additional guidelines if deemed necessary for public safety.

(f) This chapter does not authorize access to neighboring private property by the owner of best management practices, stormwater facilities, water quality buffer or water quality volume credit areas or his/her designee. Arrangements for access to neighboring private property by the property owner or his/her designee for purposes of compliance with this chapter must be handled solely by the owner or his/her designee and the owner(s) of the neighboring property(s).

(3) Corrective action. The director may order the property owner or his/her designee to perform corrective actions to best management practices, stormwater management facilities, water quality buffers, areas of water quality volume credit areas as necessary to properly maintain the full and intended function of the features for the purposes of water quality treatment, channel erosion protection, overbank flood protection, extreme flood protection or water quality volume reduction and/or to ensure adherence to local performance standards and/or ensure the public safety. If the property owner or his/her designee fails to perform corrective action(s), the city manager or his/her

designee shall have the authority to order the corrective action(s) to be performed by the city or others. In such cases where a performance bond exists, the city shall utilize the bond to perform the corrective actions. In such cases where a performance bond does not exist or is not sufficient to perform the corrective actions, the city may perform such actions and the property owner shall reimburse the city for double its direct and related expenses. If the property owner fails to reimburse the city in accordance with this section, the City of Alcoa is authorized to file a lien for said costs against the property and to enforce the lien by judicial foreclosure proceedings. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-512. Permit controls and stormwater system integrity. (1) Any alteration, improvement, or disturbance to best management practices, stormwater management facilities, water quality buffers or water quality volume reduction areas shown in as-built drawings shall be prohibited without written authorization from the director. This does not include alterations that must be made in order to maintain the intended performance of the stormwater management facilities or BMPs.

(2) Other state and/or federal permits that may be necessary for construction in and around streams and/or wetlands shall be approved through the appropriate lead regulatory agency prior to submittal of a comprehensive development plan, stormwater management plan or other required plan to the city.

(3) NPDES permits. Persons or entities who hold NPDES general, individual and/or multi-sector permits shall provide either a copy of such permit or the permit number assigned to them by the Tennessee Department of Environment and Conservation to the director no later than sixty (60) calendar days after issuance of the permit. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-513. Severability. (1) This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions or, except where otherwise stated, existing ordinances and regulations. However, where the provisions of this chapter and other regulation conflict or overlap, that provision which is more restrictive or imposes higher standards or requirements shall prevail. It is required that the director be advised of any such regulatory conflicts upon submittal of a comprehensive design plan, stormwater management plan or other required plan.

(2) Each separate provision of this chapter is deemed independent of all other provisions herein so that if any provision or provisions of this chapter shall be declared invalid, all other provisions thereof shall remain enforceable. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-514. Responsibility. This chapter does not imply a warranty or the assumption of responsibility on the part of the City of Alcoa for the suitability, fitness or safety of any structure with respect to flooding, water quality or structural integrity. This chapter is a regulatory instrument only and is not to be interpreted as an undertaking by the City of Alcoa to design any structure or facility. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-515. Enforcement and penalties. (1) Enforcement during construction. (a) If the director finds any person, firm, or entity has engaged in or directed land-disturbing activities without having obtained a required grading permit, the following shall occur:

(i) First offense. A stop work order and a notice of violation will be issued.

(ii) If work continues. A court citation and/or assessment of civil penalties in the minimum amount of fifty dollars (\$50.00) and a maximum amount of five thousand dollars (\$5,000.00), in accordance with the schedule of penalties included in the policy manual, for each day work continues without a grading permit.

(iii) The permit fees will double if/when a permit is issued.

(b) The requirements of this chapter shall be enforced by the director who shall inspect all the work, grading or construction involved. Failure to properly install or maintain best management practices, water quality buffer, stormwater management facilities and/or water quality volume credit areas as specified on the approved plans will result in the following actions:

(i) First offense. Verbal warning with a maximum of two (2) days for compliance. If conditions warrant, a stop work order will be immediately issued.

(ii) Second offense. Written warning with a maximum of five (5) days for compliance. If conditions warrant, a stop work order will be immediately issued.

(iii) Third offense. Notice of violation, stop work order, suspension of all site activities until violation corrected, and TDEC notification. If the violation is not corrected on or before the deadline for compliance noted in the notice of violation, then noncompliance after such date will constitute a fourth offense.

(iv) Fourth offense. A court citation and/or civil penalty of a minimum of fifty dollars (\$50.00) per day per violation and a maximum of five thousand dollars (\$5,000.00) per day per violation and possible damage assessment, in accordance with the schedule of penalties that is included in the policy manual.

(v) An additional penalty of five hundred dollars (\$500.00) may be added to the schedule of penalties that is included in the policy manual, up to a maximum of five thousand dollars (\$5,000.00) for any person or entity that has more than three (3) years prior to the date current grading permit or other stamped, dated and approved documentation.

(vi) Any performance bond posted may be forfeited based on the circumstances if compliance is not achieved after notice of violation within the time specified in the notice. Any grading permit granted may also be suspended.

(c) All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such notice shall be in writing and shall be given to the owner of the property, an agent of the owner, or the person in charge of the job site, or conspicuously posted at the project location, and shall state the necessary corrective actions with a completion date before other activities can resume. The director may release the stop work order if, following inspection of the site, the director finds conformance with all applicable requirements.

(i) Any person or entity who receives three (3) related written notices of violations shall be required to retake or, in the case of an entity, to have its management retake the Level I Fundamentals of Erosion Prevention and Sediment Control Workshop sponsored by the TDEC or approved equal. If after completing the course again, the same person or entity receives a subsequent written environmental violation within three (3) years of completing the course, requests for other city grading permits will be denied to that person. The person may appeal within thirty (30) days of the denial by requesting a hearing by the Alcoa Stormwater Board of Appeals to attempt to obtain the desired permits.

(2) Enforcement after construction. The requirements of this chapter shall be enforced by the director who shall inspect the best management practices, and/or water quality volume credit areas at regular and appropriate intervals. Failure to properly maintain best management practices, stormwater management facilities, water quality buffer, and/or water quality volume credit areas to their full and intended function shall result in a written requirement for corrective action that includes a deadline for compliance. Corrective actions will be in accordance with § 16-511(3). If conditions warrant, a stop work order will be immediately issued. A court citation and civil penalty of a minimum of fifty dollars (\$50.00) per day per violation and a maximum of five thousand dollars (\$5,000.00) per day per violation and possible damage assessment may also be levied on the property owner by the City of Alcoa.

(3) Variations. The director may waive or modify specific criteria which are deemed inappropriate or too restrictive for site conditions, by granting a variance as set forth herein. Variations may be granted in writing under the following conditions:

(a) At the time of plan submission, an applicant may request variations to become part of the approved stormwater management plan. The applicant must explain the reasons for requesting variations in writing and must submit documentation that the issuance of a variance will not result in a reduction in water quality. Specific variations which are allowed must be documented on the approved stormwater management plan.

(b) During construction, a permit holder may request variations to the approved plans. Until such time as the amended plan is approved by the city, the land-disturbing activity and associated construction shall not proceed, except in accordance with the plans as originally approved.

(c) Absent unusual circumstances, a response to the variance request should be given by the city within twenty (20) working days. No variance shall be considered valid unless in writing and signed by the director.

(4) Appeals. Any applicant or permit holder may appeal decisions or the interpretation of the meaning of this chapter to the Alcoa Stormwater Board of Appeals of the City of Alcoa pursuant to the provisions of § 18-816 of the Alcoa Municipal Code.

(5) Unlawful acts. Any person who may:

(a) Violate any provision of this chapter;

(b) Violate the provisions of any permit issued pursuant to this chapter;

(c) Fail or refuse to comply with any lawful notice to abate issued by the director, which has not been timely appealed to the Alcoa Stormwater Board of Appeals, within the time specified by such notice; or

(d) Violate any lawful order of the City of Alcoa Stormwater Board of Appeals within the time allowed by such order shall be guilty of a violation.

Each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly.

(6) Penalties. (a) Any person violating the provisions of this chapter shall be guilty of a misdemeanor and punished as provided in the general provisions of the city code. Each day that a continuing violation of this chapter is maintained or permitted to remain shall constitute a separate offense.

(b) Any person violating the provisions of this chapter may be assessed a civil penalty by the city of not less than fifty dollars (\$50.00)

nor more than five thousand dollars (\$5,000.00) per day for each day of the violation. Each violation shall constitute a separate violation.

(c) In assessing the civil penalty, the city shall follow the provisions of the schedule of penalties as set forth in the policy manual and for any violation not listed may consider the following in determining the appropriate amount:

(i) The harm done to the public health or the environment;

(ii) Whether the civil penalty imposed will be of substantial economic detriment to the illegal activity;

(iii) The economic benefit gained by the violator;

(iv) The amount of effort put forth by the violator to remedy this violation;

(v) Any unusual or extraordinary enforcement costs incurred by the municipality;

(vi) The amount of penalty established by ordinance or resolution for specific categories for violations; and

(vii) All equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(d) In addition to the civil penalty in subsection (b) above, the city may recover all damages proximately caused by the violator to the city which may include any reasonable expenses and attorneys' fees incurred in investigating, enforcing and/or correcting the violations of this chapter.

(e) The city may bring legal action to enjoin the continuing violation of this chapter and the existence of any other remedy in law or equity shall be no defense to any such action.

(f) The remedies set forth in this section shall be cumulative, not exclusive, and is not to be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

(7) Notice of violation. Whenever the director determines that a violation of any provision of this chapter has occurred, the director may issue a notice of violation to the property owner or operator, utility, facility operator, lessee, tenant, contractor, permittee, the equipment operator and/or any other person or entity violating the provisions of this chapter. The notice of violation shall:

(a) Be in writing;

(b) Include a description of the property sufficient for identification of where the violation has occurred;

(c) List the violation;

(d) State the action required; and

(e) Provide a deadline for compliance or to stop work.

(8) Judicial proceedings and relief. (a) The city attorney may initiate proceedings seeking legal and/or equitable relief in any court of competent jurisdiction against any person who has violated or is making substantial steps towards:

- (i) Violating the provisions of this chapter;
- (ii) Violating the provisions of any permit issued pursuant to this chapter;
- (iii) Failing or refusing to comply with any lawful order issued by the director, which has not been timely appealed to the Alcoa Stormwater Board of Appeals within the time allowed by this chapter; or
- (iv) Violating any lawful order of the Alcoa Stormwater Board of Appeals within the time allowed by such order.

(b) The city attorney may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to publicly owned stormwater facilities by any person.

(9) Special fund created. All damages and civil penalties collected under this chapter, following adjustment for the expenses incurred in making such collections, shall be allocated and appropriated for the administration of the city's stormwater program. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-516. Repeal clause. The provisions of any ordinances or resolution or parts thereof in conflict herewith are repealed, except for ordinances or resolutions or parts thereof which provide stricter standards from those provided herein which strict standards should prevail and be enforced. (as added by Ord. #04-041, Nov. 2004, and replaced by Ord. #08-154, Feb. 2008, and Ord. #13-304, March 2013)

16-517. [Deleted.] (as added by Ord. #04-041, Nov. 2004, and deleted by Ord. #08-154, Feb. 2008)

16-518. [Deleted.] (as added by Ord. #04-041, Nov. 2004, and deleted by Ord. #08-154, Feb. 2008)

TITLE 17**REFUSE AND TRASH DISPOSAL¹****CHAPTER**

1. REFUSE.
2. HAZARDOUS WASTES AND SUBSTANCES.

CHAPTER 1**REFUSE****SECTION**

- 17-101. Definitions.
- 17-102. Promises to be kept clean.
- 17-103. Collection of refuse.
- 17-104. Storage, location, and disposal of refuse.
- 17-105. Unauthorized or condemned refuse receptacles.
- 17-106. Unauthorized disposal of refuse.
- 17-107. Burning of refuse.
- 17-108. Collection vehicles.
- 17-109. Prohibited substances and practices.
- 17-110. Violations.

17-101. Definitions. When used in this chapter the following words shall have the following designated meanings:

(1) The word "garbage" shall mean and include the organic wastes of animal, fish, fruit, or vegetable matter arising from or attending the storage, dealing in, preparation, or cooking of food for human consumption from houses, kitchens, hotels, restaurants, stores, markets, and commission houses.

(2) The word "rubbish" shall mean and include ashes, clinkers, cans, bottles, paper, boxes, weeds, leaves, grass, broken crockery, and similar household trash, and any other kind of trash or waste material except and excluding garbage, trees, severed shrubbery, tree limbs, and debris from home construction, repairs and alterations.

(3) The word "refuse" shall mean and include garbage and rubbish as defined in subsections (1) and (2) above.

(4) The word "person" shall mean and include any person, persons, firms, or corporations. (1971 Code, § 8-101)

¹Municipal code reference

Property maintenance regulations: title 13.

17-102. Premises to be kept clean. All persons owning, occupying and/or controlling premises, or operating businesses within the corporate limits are hereby required to keep their premises in a clean and sanitary condition, free from accumulation of garbage, rubbish, fallen trees, severed shrubbery, tree limbs, and other debris. (1971 Code, § 8-102)

17-103. Collection of refuse. All persons are hereby required to accumulate and store such garbage, rubbish, trees, severed shrubbery, tree limbs and other debris as provided in this chapter, particularly § 17-104(5), between intervals of collection, which intervals of collection shall not be longer than once each week. Residential curbside collection of brush and other bulky waste in accordance with § 17-104(5) shall occur on a twice monthly schedule. Charges and/or fees for the provision of such services may be adopted and revised by the Alcoa City Commission. (1971 Code, § 8-103, as amended by Ord. #955, Sept. 1994, and Ord. #00-020, July 2000)

17-104. Storage, location, and disposal of refuse. Every tenant, lessee, or occupant of any private dwelling house or residence, and every occupant of every flat or apartment house and every keeper of every hotel, restaurant, eating house, boarding house, or other place where meals are furnished, and the tenant, lessee or occupant of any store, market, service station, garage, or commission house, and every other person having garbage, rubbish, or miscellaneous debris, shall provide and maintain in good order and repair a receptacle or receptacles for the receipt of garbage, rubbish and other debris, and all such waste accumulations shall be kept therein.

Separate receptacles shall be furnished and maintained, and the accumulation of garbage, rubbish, and other debris shall be handled in the following manner:

(1) Wheeled carts having a nominal capacity of ninety (90) gallons will be issued by the city to all residences and businesses. Such carts will remain the property of the city. Routine maintenance and replacement of the carts will be the city's responsibility; the customer shall be responsible for cleaning and general care of the cart. Such carts shall be for used for the disposal of household/office waste only. A maximum of three (3) carts may be provided a business customer. Issued carts shall be placed curbside by 7:00 A.M. of the customer's designated collection day and removed from curbside by 7:00 P.M. of the same day. Any damage to the cart that is the result of abuse, misuse, neglect, etc. by the customer shall be the customer's responsibility.

(2) In the event the accumulation of garbage or refuse by any individual business exceeds the capacity of the receptacles noted in paragraph (1), the customer will be required to furnish a covered dumpster box which shall be compatible with city equipment and maintained in a manner and at a location approved by the city. In the event any operator of a business, individually or in conjunction with others in close proximity, wishes to furnish

a covered dumpster box which shall be compatible with city equipment, it shall be permissible under this chapter for the same to be furnished in lieu of the rubbish receptacles above mentioned at a place designated by the city. Dumpster boxes shall not be used for the disposal of construction debris or any other waste material that may interfere with the operation of the city's collection equipment.

(3) In the event any customer shall have an accumulation of garbage or rubbish in excess of the amount which may be contained in one each of the receptacles hereinabove described for the period between their designated collections, such customer shall furnish a sufficient number of receptacles to contain the accumulation of his or its garbage or rubbish between their designated collection days.

(4) The keeper of a hotel, restaurant, eating house, boarding house, or other place where foods and/or meals are prepared shall be required to furnish a separate receptacle for the accumulation of grease, oils, and other similar wastes as may be needed. Such receptacles shall be maintained and serviced separate from this chapter.

(5) Yard waste and other bulk rubbish. (a) Placement for collection. In the event any person subject to this chapter shall have an accumulation of tree trimmings, tree limbs, brush, severed shrubbery, discarded furniture or appliances, or other such rubbish or bulky items, he or it shall be permitted to place the same at a place adjacent to a street or public alley at the front, rear, or side of their property. Accumulation of such items shall be easily accessible to and within reach of the city's sanitation equipment, shall not be placed beneath overhead utility lines, or placed behind a parked automobile or other obstruction. The accumulation of such material shall not damage, obstruct the access to, or reduce the effectiveness of any utility meter, utility valve, fire hydrant, utility pole, catch basin, drainage way, storm sewer, or other such item. Except for the placement of tree trimmings, tree limbs, and brush, it shall be unlawful to place bulky waste items curbside/street side earlier than the Friday prior to the scheduled week of service.

(b) Separation and accumulation of refuse. As a minimum, bulky items shall be separated into individual piles for:

- (i) Brush and other trimmings;
- (ii) Leaves;
- (iii) White goods (e.g., refrigerators, clothes dryers), wire and metals; and

(iv) All other items. Further separation of materials may be required to accommodate the city's solid waste reduction and recycling programs. Brush shall be neatly stacked, in lengths of not more than six feet, butt ends pointed in the same direction, with smaller trimmings stacked on top of larger ones. The city may require discarded refrigerated appliances be purged of freon.

All items shall be prepared in accordance with any and all federal, state, and local regulations related to their disposal. Items weighing in excess of two hundred pounds may not be collected. Except during designated leaf collection seasons, all leaves must be contained in tightly closed bags. Smaller items, glass, and other material not easily handled by the city's sanitation equipment shall be bagged or placed in boxes. Grass clippings from residences may be disposed of by either being

- (1) Contained in a tightly closed bag and placed curbside/street side for collection with bulky waste or
- (2) Placed in an approved solid waste container. Grass clippings shall not be loosely placed curbside/street side for collection.

(c) The city will not be responsible for the collection and disposal of construction waste, bulk rubbish, brush, or any other forms of solid waste generated or produced by contractors, tree trimmers, or persons engaged in work for profit or personal gain.

(6) The receptacles hereinabove provided for shall be placed and maintained on the premises of the persons subject to this chapter at a location approved by the city that is safely and easily accessible by its employees and/or collection equipment.

(7) The city division of refuse disposal will not make collection of garbage, rubbish, or other debris mentioned in this chapter where the same is not prepared for collection and placed as designated by the terms of this chapter, nor will such division collect debris from construction, repairs, or alterations, or from clearing of lots or property, or from the activities of any tree trimmer for hire.

(8) In the preparation and accumulation of garbage, it shall be the duty of all persons subject to this chapter to wrap the same before depositing it in the garbage container. (1971 Code, § 8-104, as amended by Ord. #953, Aug. 1994; Ord. #00-020, July 2000; and Ord. #04-005, Jan. 2004)

17-105. Unauthorized or condemned refuse receptacles. In the event city garbage collectors shall find in use receptacles not meeting the specifications hereinabove set out in § 17-104, the owner of said receptacle shall be notified that the same has been condemned and it shall be the duty thereafter for the owner of such condemned receptacle to replace/repair the same before the next regular garbage collection day. (1971 Code, § 8-105, as amended by Ord. #00-020, July 2000)

17-106. Unauthorized disposal of refuse. The disposal of refuse, garbage, or other debris in any quantity by an individual, householder, establishment, firm, corporation in any place, public or private, other than the

site or sites designated by the city is expressly prohibited. The disposal of refuse, garbage, or other debris in any receptacle or at any location within the city by any individual or entity other than

- (1) The resident or
- (2) Owner/proprietor of a business (in which case such solid waste shall be a result of on-premises processes and/or operations) is expressly prohibited. (1971 Code, § 8-106, as amended by Ord. #00-020, July 2000)

17-107. Burning of refuse. It shall be unlawful for any person to burn garbage, rubbish or trash within the city limits.¹ (1971 Code, § 8-107, modified)

17-108. Collection vehicles. No person, firm, or corporation shall drive or cause to be driven any truck or other vehicle within the city limits upon any public street or way unless such vehicle is so constructed, loaded, or covered as to prevent any load, contents or litter from being blown, spilled or deposited upon any street, alley or other public place. (1971 Code, § 8-108)

17-109. Prohibited substances and practices. (1) The following substances are hereby prohibited and shall not be deposited in approved containers serviced by the city garbage collection equipment:

- (a) Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances.
- (b) Any material that could be hazardous or injurious to city employees or which could cause damage to city equipment.
- (c) Hot materials such as ashes, cinders, etc.
- (d) Human or animal waste shall be prohibited being placed in garbage containers unless it is placed and secured in a plastic bag or suitable paper bag.
- (e) Infectious wastes as classified by the following:
 - (i) Isolation Wastes - Wastes contaminated by patients who are isolated due to communicable disease as provided in the U. S. Centers for Disease Control Guidelines for Isolation Precautions in Hospitals. (July 1983).
 - (ii) Cultures and stocks of infectious agents and associated biologicals cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.
 - (iii) Human Blood and Blood Products - Waste human blood and blood products such as serum, plasma, and other blood components.
 - (iv) Pathological Wastes - Pathological wastes, such as tissue, organs, body parts, and body fluids that are removed during surgery and autopsy.
 - (v) Discarded Sharps - All discarded sharps (e.g. hypodermic needles, syringes, pastuer pipettes, broken glass,

¹Municipal code reference

Fire protection and fireworks: title 7.

scalpel blades) used in patient care, medical research or industrial laboratories.

(vi) Contaminated Animal Carcasses, Body Parts, and Bedding - Contaminated animal carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals or in the in vitro testing of pharmaceuticals.

(vii) Wastes from patients known to be infected with blood-borne disease:

Contaminated wastes from surgery and autopsy (e.g., soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads, surgical gloves).

Wastes from medical, pathological, pharmaceutical, or other research, commercial, or industrial laboratories that were in contact with infectious agents (e.g., specimen containers, slides and cover slips, disposable gloves, lab coats, aprons).

Wastes that were in contact with the blood of patients undergoing hemodialysis, including contaminated disposal equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons, and lab coats.

Discarded equipment and parts that were used in patient care, medical and industrial laboratories, research, and in the production and testing of certain pharmaceuticals and that may be contaminated with infectious agents.

(f) Any waste not approved for disposal at the local landfill.

(2) The following practice is prohibited and it shall be unlawful for: Any person, other than the occupant/user, to move, remove, upset, scatter, tamper with, use, carry away, deface, mutilate, destroy, damage or interfere with the garbage container. (1971 Code, § 8-109, as amended by Ord. #00-020, July 2000)

17-110. Violations. (1) Any person or entity violating any of the provisions of this chapter, except § 17-109(e), shall be notified by the city of the violation and provided no more than forty eight (48) hours for the satisfactory correction thereof (unless otherwise specified hereinabove).

(2) Any person who shall continue any violation beyond the time provided for in subsection (1) shall be guilty of a misdemeanor and shall be punishable under the general penalty clause of this code.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(4) Any person violating § 17-109(e) of this chapter shall be served by the city with a written notice stating the nature of the violation and providing a 3 days' time limit for the satisfactory correction thereof. If a correction has not

been made within the specified time limit, such person shall be in violation of this chapter and may (1) be charged and tried in city court for such violation and punished under the general penalty clause of this code, or (2) the State of Tennessee Division of Solid Waste may be notified and requested to assume the responsibility for the enforcement of applicable state statutes involving such violation or violations. (1971 Code, § 8-110, as amended by Ord. #00-020, July 2000)

CHAPTER 2

HAZARDOUS WASTES AND SUBSTANCES

SECTION

- 17-201. Definitions.
- 17-202. Disposal of hazardous wastes.
- 17-203. Exemptions.
- 17-204. Inspections.
- 17-205. Right of entry.
- 17-206. Penalties.
- 17-207. Injunctive relief.

17-201. Definitions. for the purposes of this chapter, the following words and phrases shall have the following meaning:

(1) "Hazardous substance" - means any substance, combination of substances or mixtures defined as a "hazardous substance in 40 CFR, Chapter 1, Part 116 which is not specifically excluded under this chapter of the Alcoa Municipal Code.

(2) "Hazardous waste" - means any substance, combination of substances or mixtures defined as "hazardous waste" in 40 CFR, Chapter 1, Part 261, Subpart A, Section 261.3 which is not specifically excluded under Section 261.4(b) under said title or this chapter of the Alcoa Municipal Code. The provisions of 40 Part 261, Subpart A, Section 261.2, 261.3 and 261.4 and corresponding sections of Subparts C and D and appendices cited therein, which defined, described, and identify hazardous waste are hereby incorporated by reference into this section and made a part hereof the same as if each were set forth fully herein. All subsequent amendments to said provisions of Subparts C and D and appendices cited therein which define, describe, and identify hazardous waste, and the sections of Subpart B specifically delineated herein, automatically become a part of this section as of the effective date of each amendment, subject to the provision of this section. Hazardous wastes do not include chemical substances or mixtures listed in Part I (A) (6) or any radioactive material.

(3) "Person" - means any natural or legally created artificial person including any individual, corporation, partnership, or association. "Person" includes any individual partnership, association, corporation engaged in the transportation of passengers or property, as common, contract, or private carrier, or freight forwarder, as those terms are used in Interstate Commerce Act, as amended.

(4) "Hazardous substance disposal site" - means any chemical waste landfill or incinerator used to dispose of hazardous substances.

(5) "Radioactive material" - means any material or combination of materials, in which spontaneously emits ionizing radiation. Materials in which

the estimated specific activity is not greater than 0.002 microcuries per gram of material, and which the radioactivity is essentially uniformly distributed, are not considered to be radioactive materials. (1971 Code, § 8-701)

17-202. Disposal of hazardous wastes. (1) No person shall knowingly discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon any public or private street, roadway or highway, into any drain, gutter, sewer or culvert, into any lake or pond, water course or ditch, into any pit or excavation, or into or atop of any aquifer, any hazardous waste and/or hazardous substances within the corporate limits of the City of Alcoa.

(2) No person shall knowingly cause any other persons by contract or otherwise to discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon any public or private street, roadway or highway, into any drain, gutter, sewer, or culvert, into any lake, pond, water course or ditch, or into any pit or excavation, or into or atop of any aquifer, any hazardous waste and/or hazardous substance within the corporate limits of the City of Alcoa.

(3) No person shall negligently discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon public or private street, roadway or highway, into any drain, gutter, sewer or culvert, into any lake, pond, water course, or ditch, or into any pit or excavation, or into or atop of any aquifer, any hazardous waste and/or hazardous substance within the corporate limits of the City of Alcoa. (1971 Code, § 8-702)

17-203. Exemptions. (1) The provisions of this chapter shall not apply to the storage or disposal of hazardous waste and hazardous substances in any hazardous substance disposal site that is in compliance with applicable standards of either the United States Environmental Protection Agency or the Tennessee Department of Health.

(2) A person may petition the city commission or its designee for an exemption from the requirements of this chapter, and the city commission or its requirements of this chapter, and the city commission or its designee may grant in writing an exemption, whether not precluded by state or federal law, if it finds that:

(a) Unreasonable risk of injury to health or environment would not result; and

(b) The best interest of the city would be served by granting an exemption.

(3) Any hazardous substance (e.g. herbicide, pesticide) being used in accordance with manufacturer's recommendations. (1971 Code, § 8-703)

17-204. Inspections. The fire chief, fire marshall, or his designated representative, any law enforcement officer, or building, housing or zoning inspector shall have the authority to inspect all structures or premises, as often as may be necessary for the purposes of ascertaining or causing to be corrected, any condition which may be a violation of this chapter, or otherwise enforcing any of the provisions of this chapter. (1971 Code, § 8-704)

17-205. Right of entry. Whenever necessary for the purpose of enforcing the provisions of this chapter, or whenever the fire chief, fire marshall, or his designated representative, any law enforcement officer, or any building, housing or zoning inspector has reasonable cause to believe that there exists in any structure or upon any premises, any condition(s) which constitutes a violation of this chapter, said officials may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any of said respective officials by law; provided that if such structure or premises be occupied, he shall first present proper credentials and request entry. If such entry is refused, the official seeking entry shall have recourse to every remedy provided by law to secure entry. (1971 Code, § 8-705)

17-206. Penalties. (1) Any person who knowingly or negligently violates any of the provisions of this chapter shall be subject to a civil penalty of \$50.00 for each such violation.

(2) If any violation of the provisions of this chapter is a continuing one, each day of such violation shall constitute a separate offense.

(3) The city attorney shall have the authority to commence an action in a court of competent jurisdiction to enforce the penalty provisions of this section. (1971 Code, § 8-706)

17-207. Injunctive relief. Violation of the provisions of this chapter shall constitute a public nuisance. The city attorney shall have the authority to commence any action in a court of competent jurisdiction to enjoin the actions of any person who violates any of the provisions of this chapter. (1971 Code, § 8-707)

TITLE 18

WATER, SANITARY SEWERS AND STORM SEWERS¹

CHAPTER

1. WATER DIVISION.
2. SEWAGE AND HUMAN EXCRETA DISPOSAL.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. WATER AND SANITARY SEWER SERVICE RULES AND REGULATIONS.
5. WATER SERVICE RULES AND REGULATIONS.
6. SANITARY SEWER SERVICE RULES AND REGULATIONS.
7. WATER AND WASTEWATER CONSTRUCTION SPECIFICATIONS.
8. RULES, RATES, AND FEES FOR THE STORMWATER UTILITY.

CHAPTER 1

WATER DIVISION

SECTION

- 18-101. Creation and operation.
- 18-102. Rules, regulations, and rates.
- 18-103. Damage, unauthorized use, and interference with water equipment and supply.
- 18-104. Water usage regulated during periods of shortage.

18-101. Creation and operation. There is hereby created a waterworks division which shall be under the direction of the Public Works Director, who shall be responsible for the preparation and distribution of water both within and without the city and for the sale of water to consumers. (1971 Code, § 13-201)

18-102. Rules, regulations, and rates. The city manager shall prepare rules, regulations, and rates for approval by the board of commissioners. Said rules, regulations, and rates shall be adopted by ordinance of the board of commissioners and may be revised, amended or otherwise changed from time to time by ordinance. Copies of said rules, regulations and rates shall be

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

The name of this title was changed by Ord. #04-041, Nov. 2004.

available at the municipal building of the city. (1971 Code, § 13-202, as amended by Ord. #15-365, Oct. 2015)

18-103. Damage, unauthorized use, and interference with water equipment and supply. No person shall deface, injure, or obstruct access to any fixture connected with or pertaining to the waterworks, or use city water for a purpose for which he has neither paid nor obtained a license. No person shall bathe in the reservoirs or deposit any offensive matter in the reservoirs or place any deleterious substance on the water sheds or in any stream of any water shed or reservoir. No person without lawful authority shall climb over or get through the enclosures of such reservoirs or water sheds. (1971 Code, § 13-203)

18-104. Water usages regulated during periods of shortage.

(1) When the flow downstream at City of Alcoa withdrawal operations in Little River at mile 9.7 is thirty (30) Cubic Feet per Second (CFS) or less or when the flow downstream of the City of Maryville withdrawal operations in Little River at mile 17.3 is less than thirty-seven and six-tenths (37.6) CFS, then Alcoa will appeal to the water customers of the system through the news media for voluntary water conservation. During periods of drought, the City of Alcoa will work cooperatively with the City of Maryville and Tuckaleechee Utility District (hereinafter, along with the City of Alcoa, collectively referred to as "the utilities") to regulate and conserve water usage.

(2) All further requests for water conservation and/or curtailment of water use shall be based on the available water supply from all sources including, but not limited to, auxiliary raw water supply lines and supply connections from other water providers and the ability of the utilities' distribution system to maintain proper levels in their respective water storage tanks/reservoirs.

(3) It is the intent of this section to address water supply both during:

- (a) Drought conditions; and
- (b) Other emergency conditions that may limit the available potable water within one (1) or more of the utilities' water distribution systems.

Each of the utilities shall maintain operational control within its own system to implement water usage controls during a period of source water shortage or other catastrophic event when any such period of source water shortage or other catastrophic event affects their respective system exclusively or cooperatively when deemed necessary by the Mayors and/or City Managers of Alcoa and Maryville or the TUD District Manager. Further actions requesting water use reductions are based on the following:

- (a) When the potable water demand to allow the utilities' tanks/reservoirs to remain full is eighty-five percent (85%) or less than the total available potable water supply from all sources, then voluntary water

conservation measures shall be put into effect; no other measures to encourage or require conservation will be taken.

(b) When the potable water demand to allow the utilities' tanks/ reservoirs to remain full is greater than eighty-five percent (85%) and less than ninety-five percent (95%) of the total available potable water supply available from all sources, then measures will be implemented to eliminate use for "non-essential purposes" as defined below.

(c) When the potable water demand to allow the utilities' tanks to remain full is greater than or equal to ninety-five percent (95%) and less than one hundred percent (100%) of the total available potable water supply available from all sources, then industrial and commercial customers will be required to implement water conservation measures as defined below.

(d) Water conservation definitions. (i) Voluntary water conservation measures. "Voluntary water conservation measures" means a call for water customers to voluntarily decrease their use of potable water to assist in alleviating the current source water shortage. Voluntary water conservation demand measures may include any and all measures to reduce potable water consumption by customers of the respective utilities.

(ii) Non-essential purposes. The term "non-essential purposes" shall include, but not necessarily be limited to, the filling of swimming pools, residential car washing, operation of display fountains and the watering of trees, lawns, gardens and other vegetation. However, upon application and good cause shown, one (1) or more of the utilities may issue a temporary limited watering permit, upon such terms and conditions as the respective utility deems appropriate, for:

(A) Landscaping installed less than six (6) months prior to the implementation of water conservation measure; and/or

(B) Commercial nurseries; such permits shall be for a duration of less than thirty (30) days.

Such temporary limited watering permits may be extended upon application to the utility and for good cause shown, any such extension not to exceed the time of the initial permit. The elimination of water usage for "non-essential purposes" shall be included in a call for mandatory water conservation measures.

(iii) Industrial and commercial water conservation measures. When called for, "industrial and commercial water conservation measures" shall require industrial and commercial customers, excluding medical care facilities, to reduce their water usage by at least ten percent (10%) of their average daily

consumption until notice is given that the restriction is no longer in effect.

(4) When any of the conditions specified in subsections (1), (2) and (3) of this section are existing or eminent, official notice of these restrictions will be given promptly to the public through the local news media. The city will also notify its larger customers of the emergency via telephone calls, U.S. Mail, electronic messages, and/or other practical means of communications.

(5) It shall be unlawful for any person, firm, association, partnership or corporation to violate or fail to comply with any of the provisions of this section, and any person, firm, association, partnership or corporation shall upon conviction of any violation be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each separate offense. Each day that a violation occurs shall be construed a separate offense and punished accordingly. (as added by Ord. #07-141, Aug. 2007, and amended by Ord. #07-144, Oct. 2007, and Ord. #10-245, Dec. 2010)

CHAPTER 2

SEWAGE AND HUMAN EXCRETA DISPOSAL

SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Abbreviations.
- 18-204. Discharge regulations.
- 18-205. Private sewage disposal and holding tank waste disposal.
- 18-206. Charges and fees.
- 18-207. Use of public sewers required.
- 18-208. Wastewater discharge permits.
- 18-209. Wastewater dischargers require permit.
- 18-210. Reporting requirements for permittee.
- 18-211. Monitoring facilities.
- 18-212. Inspection and sampling.
- 18-213. Pretreatment.
- 18-214. Confidential information.
- 18-215. Public notification.
- 18-216. Building sewers and connections.
- 18-217. Grease, oil and sand traps and separators.
- 18-218. Enforcement.

18-201. Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Alcoa, Tennessee, hereinafter known as the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, as amended and the State of Tennessee's General Pretreatment Regulations and the Federal Pretreatment Regulations (40 C.F.R., part 403).

The objectives of this chapter are:

- (1) To protect the public health;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge or biosolids.
- (3) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system;
- (4) To improve the opportunity to recycle and reclaim wastewaters, biosolids and sludges from the system; and
- (5) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City of Alcoa and to persons outside the city who are, by contract or agreement with the city, users of the city's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the city manager or his representative shall administer, implement, and enforce the provisions of this chapter. The City Manager of the City of Maryville or his representative shall act as the control authority, administering, implementing, and enforcing the provisions of this chapter directly related to the operation and maintenance of the jointly-owned regional wastewater treatment plant and as required by state and federal statutes. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

18-202. 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) "Administrative penalty." A punitive monetary charge unrelated to actual treatment costs which is assessed by the control authority rather than a court of law.

(3) "Administrative order." A document which orders the violator to perform a specific act or refrain from an act. For example, an order may require users to attend a show cause hearing, cease and desist discharging or undertake activities pursuant to a compliance schedule.

(4) "Administrator." The administrator of the Environmental Protection Agency.

(5) "Appeal authority." Regarding decisions of the control authority, the local appeal authority shall consist of the current members of the Council of the City of Maryville, whose chairman shall be the mayor, or any member(s) of the city council or any officer(s) or employee(s) of the city so designated as the appeal authority by the city council. The appeal authority shall conduct hearings concerning appeals of the decisions of the hearing authority.

(6) "Approval authority." The Director of the Division of Water Pollution Control, Tennessee Department of Environment and Conservation (TDEC). The approval authority is responsible for approval and oversight of the control authority pretreatment programs, including the evaluation of the effectiveness of local enforcement.

(7) "Authorized representative" of an industrial user." (a) If the user is a corporation:

(i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in subsections (1) through (3), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall responsibility for environmental matters for the company, and the written authorization is submitted to the control authority.

(8) "Best Management Practices (BMPs)." The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 18-202.1 [40 C.F.R. 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(9) "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 centigrade (20° C) (68 degrees Fahrenheit) expressed in terms of weight [pounds per day (lb/day)] and concentration [milligrams per liter (mg/l)].

(10) "Biosolids." Sludge which complies with the requirements of 40 C.F.R. part 503 and is applied to the land in order to condition the soil or fertilize crops and/or vegetables.

(11) "Burden of proof." The duty of proving a disputed assertion or charge in a court of law.

(12) "Building drain." The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning three feet (3') outside the inner face of the building wall.

(13) "Building sewer." That part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a POTW, private sewer, individual sewage disposal system or other point of disposal.

(14) "Bypass." The intentional diversion of wastestreams from any portion of a user's treatment facility.

(15) "Categorical standards" or "categorical pretreatment standards." National categorical pretreatment standards or pretreatment standard.

(16) "Categorical industrial user." An industrial user subject to categorical pretreatment standards.

(17) "Cease and desist order." An administrative order directing a user to immediately halt illegal or unauthorized discharges.

(18) "Chronic violation." The term used to describe violations of a wastewater discharge permit when the limit for any one (1) parameter listed in the permit is exceeded by any magnitude for sixty-six percent (66%) or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six month rolling quarter period covered by the semi-annual report required by the approval authority.

(19) "City." The City of Alcoa, Tennessee.

(20) "City manager." The person designated by the city to supervise the operation of the POTW and whom this section charges with certain duties and responsibilities, or his duly authorized representative.

(21) "Compatible pollutant." Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the publicly owned treatment works NPDES permit where the publicly owned treatment works is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES permit.

(22) "Compliance order." An administrative order directing a non-compliant user to achieve or restore compliance by a date specified in the order.

(23) "Compliance schedule." A schedule of required activities (also called milestones) necessary for a user to achieve compliance with all pretreatment program requirements with dates for achieving each milestone.

(24) "Composite sample." "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several wastewater portions during

a twenty-four (24) hour period in which the portions are proportional to the flow and combine to form a representative sample.

(25) "Consent order." An administrative order embodying a legally enforceable agreement between the control authority and the non-compliant user designed to restore the user to compliance status.

(26) "Control authority." The City Manager of the City of Alcoa or its designated representative, or, in the case of a significant industrial user, the City Manager of the City of Alcoa or its representative.

(27) "Cooling water." The water discharge from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(28) "Criminal intent." A state of mind which is a necessary element of all crimes. Criminal intent may be general (intent to perform an act) or specific (intent to break a law).

(29) "Criminal prosecution." A criminal charge brought by the control authority against an accused violator. The alleged criminal action may be a misdemeanor or a felony and is defined as willful, negligent, knowing and/or intentional violations. A court trial-by-jury is generally required and upon conviction, punishment may include a monetary penalty, imprisonment or both.

(30) "Customer." Any individual, partnership, corporation, co-partnership, company, joint stock company, trust, estate, government entity, or any other legal entity or their legal agents or assigns who receives sewer service from the city under either an expressed or implied contract requiring payment to the city for such service. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

(31) "Daily average loading." The average over a three (3) month period of waste constituents found in a 24-hour period in the sewage entering the influent of the POTW treatment plant.

(32) "Discovery." A variety of pretrial devices used by one (1) party to obtain relevant facts and information about the case from the other party.

(33) "Domestic waste(s)." Liquid wastes:

(a) From the non-commercial preparation, cooking, and handling of food; or

(b) Containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

(34) "Environmental Protection Agency (EPA)." The U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(35) "Federal categorical pretreatment standard" or "pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(36) "Felony." A crime punishable by imprisonment for greater than one (1) year (depending on state law).

(37) "Fees." A schedule of charges imposed to recover treatment and or administrative costs (not punitive in nature).

(38) "Fine." A punitive monetary charge for a violation of the law. Often used synonymously with "penalty," although the term "fine" generally implies the use of administrative rather than civil (judicial) procedures.

(39) "Garbage." Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.

(40) "Grab sample." A sample which is taken from a waste stream on a one-time basis, over a period of time not exceeding fifteen (15) minutes.

(41) "Hearing authority." The administrative board responsible for the administration and enforcement of an approved pretreatment program and the provisions of Tennessee Code Annotated, §§ 69-3-123 through 69-3-129. The local hearing authority shall consist of the City Manager of the City of Maryville, and any member(s) of the city council or any officer(s) or employee(s) of the City of Alcoa or City of Maryville so designated as the hearing authority by the Maryville City Manager. The hearing authority shall conduct hearings concerning the pretreatment program in accordance with Tennessee Code Annotated, §§ 69-3-123 through 69-3-129.

(42) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(43) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(44) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 502 of the Act (33 U.S.C. 1342).

(45) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or collection system.

(46) "Jurisdiction." The extent of authority of a governmental entity's power to make and enforce laws.

(47) "Litigation." An enforcement action brought by a judicial (court) forum.

(48) "Misdemeanor." A crime punishable by imprisonment of less than one (1) year (depending on state law).

(49) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater."

(50) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 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 thereafter promulgated within 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. In order to be considered a new source the following provisions must be met:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(i) Construction on the site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of this section but otherwise alters, replaces or adds to existing process or production equipment.

(ii) Construction of a new source as defined under this section has commenced if the owner or operator has:

(A) Begun, or caused to begin as a part of a continuous onsite construction program:

(1) Any placement, assembly or installation of facilities or equipment; or

(2) Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

(B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase contracts which can be terminated or modified without substantial loss and

contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this section.

(51) "National Pollutant Discharge Elimination System" or "NPDES permit." A permit issued to section 402 of the Act (33 U.S.C. 1342).

(52) "Normal sewage." Sewage shall be regarded as normal for the city, if analyses show a daily average loading of not more than three hundred milligrams per liter (300 mg/l) of BOD₅; not more than eight hundred milligrams per liter (800 mg/l) of COD; not more than three hundred milligrams (300 mg) of total suspended solids; not more than thirty milligrams per liter (30 mg/l) of ammonia-nitrogen; not more than sixty milligrams per liter (60 mg/l) of total Kjeldahl nitrogen; and not more than one hundred milligrams per liter (100 mg/l) of ether soluble matter (oil and grease).

(53) "Notice of violation." A control authority document notifying a user that it has violated pretreatment standards and requirements. Generally used when the violation is relatively minor and the control authority expects the violation to be corrected within a short period of time.

(54) "Pass-through." Violation of the state issued pass-through limits established for the discharge from the POTW treatment plant.

(55) "Penalty." A monetary or other punitive measure, usually associated with a court action, for a violation of the law. The term is synonymous with "fine."

(56) "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.

(57) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(58) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

(59) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(60) "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, process changes or other means, except as prohibited by 40 C.F.R. section 403.6(d).

(61) "Priority pollutants." A list of one hundred twenty-six (126) pollutants established by EPA and considered hazardous to the environment or to humans.

(62) "Properly shredded garbage." The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles are carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1/2") in any dimension.

(63) "Public sewer." A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(64) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, 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 inside and outside the city who are, by contract or agreement with the city, users of the city's POTW.

(65) "POTW treatment plant." The portion of the POTW designed to provide treatment to wastewater.

(66) "Sanitary sewer." A sewer which carries sewage from dwellings (including apartment houses and hotels) office buildings, factories, or institutional buildings and into which storm, surface, and ground-water are not intentionally admitted.

(67) "Sewer." A pipe or conduits for carrying sewage and other waste liquids.

(68) "Shall" is mandatory; "may" is permissive.

(69) "Show cause hearing." A formal hearing requiring the user to appear before the local hearing authority and demonstrate why the control authority should not take a proposed enforcement action against the user.

(70) "Significant industrial user." Any industrial user of the city's wastewater disposal system who:

(a) Is subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter 1, subchapter N; or

(b) Has an average discharge flow of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW; or

(c) Contributes five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(d) Is designated as such by the control authority, approval authority or EPA on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(71) "Significant non-compliance." Criteria used by the control and approval authority to identify important violations and/or patterns of noncompliance. This criteria is used to establish enforcement priorities and comply with special reporting requirements. An industrial user is in significant non-compliance if its violation(s) meets one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in table 18-202.4;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by table 18-202(4) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-202 (daily maximum, long-term average, instantaneous limit, narrative standard, or best management practices) that the control authority narrative standard, or best management practices) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through at the POTW, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in the discharge permit or an enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report non-compliance;

(h) Any other violation(s) which the control authority determines will adversely affect the operation or implementation of the local pretreatment program. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

18-203. Abbreviations. The following abbreviations shall have the designated meanings:

- BOD5 Five-day Biochemical Oxygen Demand.
- CFR Code of Federal Regulations.
- COD Chemical Oxygen Demand

CWA	Clean Water Act.
EPA	Environmental Protection Agency.
L	Liter.
Mg	Milligrams.
mg/l	Milligrams per liter.
NPDES	National Pollutant Discharge Elimination System.
POTW	Publicly Owned Treatment Works.
SIC	Standard Industrial Classification.
SWDA	Solid Waste Disposal Act. 42 U.S.C. 6901. <u>et seq.</u>
TCA	Tennessee Code Annotated.
TSS	Total Suspended Solids.
USC	United States Code. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

18-204. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass-through or interfere with the operation or 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 the POTW:

(a) 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. No pollutant shall be discharged which creates a fire or explosion hazard in the POTW, including but not limited to, waste streams with a closed cup flash point of less than 140F or 60C using the test methods specified in 40 C.F.R. 261.21. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

(b) 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 or improperly shredded garbage with particles greater than one-half inch (1/2") in any dimension.

(c) Any wastewater having a pH less than 5.0 or greater 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.

(d) Any wastewater containing toxic pollutants 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 shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or 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.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, biosolids, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with the sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; any 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, the Clean Water Act, or federal or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit, the receiving water quality standards, or cause pass-through violation.

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) 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 65C (150F) or cause the influent of the wastewater treatment plant to exceed 40C (104F) unless the POTW treatment plant is designed to accommodate such temperature.

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW. In no case shall a slug discharge have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(k) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the control authority in compliance with applicable state or federal regulations.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) Any stormwater (flow occurring during or following any form of natural precipitation and resulting therefrom), surface water, groundwater, roof runoff, subsurface drainage, to any sanitary sewer. Stormwater drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the state. Uncontaminated industrial cooling water or unpolluted process waters may be discharged on approval of the state to a storm sewer or natural outlet. Landfill leachate and discharge from temporary groundwater remediation projects may be discharged to the sewer system in accordance with this chapter upon approval by the control authority.

(n) Any wastewater containing fats, wax, grease, petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, or other substances which may solidify or become viscous at temperatures between 0C (32F) and 40C (104F) and/or cause interference or pass-through at the POTW treatment plant.

(o) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(p) Any trucked or hauled pollutants, except at discharge points designated by the POTW and in accordance with the requirements of this chapter.

(2) When the control authority determines that a user(s) is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the control authority shall:

(a) Advise the user(s) of the impact of the contribution on the POTW;

(b) Develop effluent limitations for such user(s) to correct the interference with the POTW.

(3) 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 this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The affected users shall come into compliance with said limitations by the date specified by the federal regulation.

(4) Modification of federal categorical pretreatment standards. Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the control authority may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples

taken when measured according to the procedures set forth in section 403.7(c)(2) of (title 40 of the Code of Federal Regulations, part 403)-- "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The control authority may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 C.F.R., part 403, section 403.7 are fulfilled and prior approval from the approval authority is obtained.

(5) Limitations on wastewater strength. No person or user shall discharge wastewater to the POTW in excess of the concentration set forth in table 18-204(4) unless:

(a) An exception has been granted the user by the control authority; or

(b) The wastewater discharge permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in table 18-204(4) within a fixed period of time.

Any user discharging wastewater having pollutants in excess of the concentrations listed in the table may be subject to fines and/or other enforcement actions as outlined in § 18-217 hereinafter.

TABLE 18-204(4)
Limits on Wastewater Discharged by Users

Parameter	Max. Daily Limit (mg/L)
Arsenic	0.58
Cadmium	0.041
Chromium, Total	3.81
Copper	0.81
Cyanide	0.36
Lead	0.21
Mercury	0.011
Molybdenum	Report only
Nickel	0.51
Selenium	Report only
Silver	0.32

Parameter	Max. Daily Limit (mg/L)
Zinc	1.21
Benzene	0.22
Carbon Tetrachloride	0.34
Chloroform	10.8
Ethyl Benzene	0.36
Methylene Chloride	5.19
Naphthalene	0.071
Phenols, Total	1.71
Phthalates, Total	3.09
Tetrachloroethylene	0.39
Trichloroethylene	0.61
Toluene	1.32
1,1,1-Trichloroethane	2.44
1,2-Transdichloroethylene	1.35

(6) Criteria to protect the treatment plant influent. No person or user shall discharge any waters or wastes which cause the wastewater arriving at the treatment facility to exceed any of the concentration limits shown in table 18-205(5) hereinafter. Users may be subject to reporting and monitoring requirements for all or a part of these parameters.

The control authority shall monitor the treatment works influent for the parameters in table 18-204(5). In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the control authority shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the city council such remedial measures as are necessary, included, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The control authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

TABLE 18-204(5)
Protection Limits at Treatment Works Influent

Parameter	Maximum Daily Limit (mg/L)
Arsenic	0.00403
Cadmium	0.00274
Chromium, Total	0.250
Copper	0.0721
Cyanide	0.246
Lead	0.0144
Mercury	0.000800
Nickel	0.0345
Silver	0.0214
Zinc	0.168
Benzene	0.0144
Carbon Tetrachloride	0.0225
Chloroform	0.0708
Ethyl Benzene	0.0245
Methylene Chloride	0.340
Naphthalene	0.00500
Phenols, Total	0.134
Phthalates, Total	0.220
Tetrachloroethylene	0.0259
Trichloroethylene	0.0404
Toluene	0.0867
1,1,1-Trichloroethane	0.0245
1,2-Transdichloroethylene	0.0882

Compatible pollutants. The POTW treatment plant was designed to treat specific waste load concentrations and mass loading of certain compatible pollutants, which include five (5) day Biochemical Oxygen Demand (BOD₅),

Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Total Dissolved Solids (TDS) and Ammonia-Nitrogen (NH₃-N). If a user discharges concentrations or mass loadings of compatible pollutants which exceed the limits set forth in the wastewater discharge permit, added operation and maintenance costs will be incurred by the POTW, and this additional cost may be passed on to the user through surcharges for excess compatible pollutants. Surcharges shall be established by the control authority based on the cost to treat the excess compatible pollutants. The control authority reserves the right to establish maximum allowable discharge limits for compatible pollutants in order to protect the POTW treatment plant and to revise surcharges based on changes in operating costs.

(7) State requirements. State requirements and limitation on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(8) Control authority's right of revision. The control authority reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 18-201 of this chapter.

(9) Dilution of discharge. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city or state. The combination of process wastes and domestic wastes prior to discharge is not considered dilution.

(10) Slug discharges. (a) Protection from slug discharges. Each user shall provide protection from slug discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent slug discharge of prohibited material shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review, and shall be approved by the control authority before construction of the facility. All existing users shall complete such a plan within one hundred eighty (180) days from the effective date of the ordinance comprising this chapter. No user who commences contribution to the POTW after the effective date of the ordinance comprising this chapter shall be permitted to introduce pollutants into the system until a slug discharge control plan has been approved by the control authority. Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting potential for a slug discharge.

Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of a slug discharge, it is the responsibility of the user to immediately

telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(b) Written notice of slug discharges. Within five (5) days following a slug discharge the user shall submit to the control authority a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of 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 other applicable law.

(c) 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 slug discharge. Employers shall insure that all employees who may cause or suffer such a slug discharge to occur are advised of the emergency notification procedure. In lieu of placing notices on bulletin boards, the user may submit an approved slug control plan.

(11) Discharge of hazardous wastes. All industrial users shall notify the control authority, the EPA Region IV Waste Management Division Director, and the Tennessee Department of Environment and Conservation Division of Solid Waste Management in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other).

If the industrial user discharges more than one hundred kilograms (100 kg) of such wastes per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user:

(a) An identification of the hazardous constituents contained in the wastes;

(b) An estimate of the mass and concentration of such constituents discharged during the calendar month; and

(c) An estimate of the mass and concentration of such constituents expected to be discharged during the following twelve (12) months.

Notification shall be provided within one hundred eighty (180) days of the discharge. Notification need be submitted only once for each hazardous waste discharged; however, advance notification of substantial change is required.

Industrial users are exempt from notification requirements if:

(i) During a calendar month in which they discharge no more than fifteen kilograms (15 kg) of hazardous wastes, unless

the wastes are acute hazardous wastes as specified in Tennessee Rule 1200-1-11-.02(4)(a) and (4)(d).

(ii) Less than fifteen kilograms (15 kg) of non-acute hazardous wastes are discharged within a calendar month.

If new regulations identify additional characteristics of hazardous wastes or list new hazardous wastes, notification of the appropriate authorities by the industrial user is required within ninety (90) days of the effective date of such regulations.

If notification is required, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(12) Limitations on the use of garbage grinders. Garbage grinders shall discharge only properly shredded garbage into the POTW. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the POTW sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials, or garden refuse.

(13) Limitations on point of discharge. No person shall discharge any substance directly into a manhole or other opening in a POTW sewer other than through an approved building sewer unless he shall have been issued a temporary permit by the control authority. The control authority shall incorporate in such temporary permit such conditions as it deems reasonably necessary to insure compliance with the provisions of this chapter and the user shall be required to pay applicable charges and fees therefor. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013, and amended by Ord. #22-542, May 2022 *Ch14_06-14_22*)

18-205. Private sewage disposal and holding tank waste disposal.

(1) Private sewage disposal systems. Where any residence office, recreational facility or other establishment used for human occupancy is not accessible to the POTW, the user shall provide a private sewage disposal system. Where any residence, office, recreational facility or other establishment used for human occupancy has the building drain located below the elevation necessary to obtain a sufficient grade in the building sewer, but is otherwise accessible to the POTW, the owner shall provide a private on-site sewage pumping station subject to review and approval by the control authority.

A private sewage disposal system may not be constructed within the city limits unless a certificate is obtained from the control authority stating that the POTW is not accessible to the property and no POTW extension is proposed for construction in the immediate future. No certificate shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the City of Alcoa and the Blount County Environmental Health Department.

Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee, the Blount County Environmental Health Department and the City of Alcoa, and must be inspected and approved by an authorized representative of the city manager. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times. When access to the POTW becomes available, the building sewer shall be connected to the POTW within sixty (60) days of the date of availability, and the private sewage disposal system shall be cleaned of solids and filled with suitable material. No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Blount County Environmental Health Department.

(2) Septic tank pumping, hauling and discharge. No person owning vacuum, septic tank or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the control authority. All applicants for a truck discharge operation permit shall complete such forms as required by the control authority, pay appropriate fees, and agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the control authority. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from the date of issuance provided that such permit shall be subject to revocation by the control authority for violation of any provision of this chapter or reasonable regulation established by the control authority. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste collected from septic tanks located in Blount County, Tennessee.

(3) Other holding tank waste. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the control authority. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge.

The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor, and shall comply with the conditions of the permit issued by the control authority and the Solid Waste Disposal Act (42 U.S.C. 6901, et seq.). Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank, provided such discharge is made into an approved facility designed to receive such waste.

(4) Fees. For each permit issued under the provisions of this chapter, an annual service charge set as specified in § 18-204 shall be paid to the city or the control authority. Any such permit granted shall be for one (1) full fiscal year or fraction of the fiscal year and shall continue in full force and effect from

the time issued until the ending of the fiscal year unless sooner revoked and shall be non-transferable. The number of the permit granted under the provisions of this chapter shall be plainly painted on each side of the motor vehicle used when conducting the business permitted hereunder. All users discharging septic tank or holding tank wastes to the POTW shall pay appropriate fees to be established as specified under § 18-206.

(5) Designated disposal locations. The control authority shall designate approved locations for the emptying and cleaning of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The control authority may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the effective operation of the POTW.

(6) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of the disposal permit by the control authority. The possession within the service area by any person or any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a septic tank or wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining or flushing septic tanks or other wastewater or excreta disposal systems within the service area of POTW. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

18-206. Charges and fees. (1) Purpose. It is the purpose of this section to provide for the recovery of costs from users of the POTW for the implementation of the program established herein and to provide a schedule of charges and fees which will enable compliance with the revenue requirements of section 204 of the Clean Water Act. Specific charges and fees shall be adopted by a separate ordinance; this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs and capital improvements may be assessed by the city and/or the control authority. These charges and fees shall be recovered through the user classification established hereinafter. The applicable charges or fees shall be set forth in the schedule of charges and fees.

(2) Types of charges and fees. The city and/or control authority may adopt charges which may include, but are not limited to:

- (a) User classification charges;
- (b) Fees for monitoring requested by a user;
- (c) Fees for permit application;
- (d) Appeal fees;
- (e) Charges and fees based on wastewater constituents and characteristics;
- (f) Fees for use of garbage grinders;

- (g) Fees for holding tank wastes;
- (h) Fees for reimbursement of administrative costs related to the pretreatment program;
- (i) Fees for monitoring, inspection and surveillance procedures;
- (j) Fees for reviewing slug discharge prevention procedures and construction;
- (k) Fees for allowing connection of building sewers to the POTW;
- (l) Fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment standards;
- (m) Other fees as the control authority may deem necessary to carry out the requirements of this chapter.

These charges and fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city and/or the control authority. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

18-207. Use of public sewers required. (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 City of Alcoa or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Alcoa or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as herein 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.

(4) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the city 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 of the city, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with 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 three hundred feet (300') of the building drain as defined herein. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

18-208. Wastewater dischargers require permit. It shall be unlawful to discharge to the POTW any wastewater except as authorized by the control authority in accordance with the provisions of this chapter. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

18-209. Wastewater discharge permits. (1) General permits. All significant 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 significant industrial users connected to or contributing to the POTW shall obtain a wastewater discharge permit within one hundred eighty (180) days after the effective date of the ordinance comprising this chapter.

(2) Permit application. Users required to obtain a wastewater discharge permit shall complete and file with the control authority an application in the form prescribed by the control authority accompanied by any application fee that may be required. Existing significant industrial users shall apply for a wastewater discharge permit within sixty (60) days after the effective date of the ordinance comprising this chapter and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the significant industrial user may be required to submit all or some of the following information in units and terms appropriate for evaluation:

- (a) Name, address and location of facility (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972 as amended;
- (c) Measurement of pollutants:
 - (i) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources;
 - (ii) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged including time and duration of contribution;
 - (iii) Instantaneous, daily maximum, long-term average concentrations or mass loading, where required, including daily, monthly and seasonal variations, if any; and/or
 - (iv) Wastewater constituents and characteristics representative of daily operations including, but not limited to, those mentioned in § 18-202 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 C.F.R., part 136, as amended. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.
- (d) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;

(e) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the significant industrial user to meet applicable pretreatment standards;

(f) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the significant industrial 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. The following conditions shall apply to this schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)

(ii) No increment referred to in subsection (i) shall exceed nine (9) months.

(iii) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the control authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(g) Each product produced by type, amount, process or processes and rate of production;

(h) Type and amount of raw materials processed (average and maximum per day);

(i) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(j) Any other information as may be deemed by the control authority to be necessary to evaluate the permit application.

The control authority will evaluate the data furnished by the significant industrial user and may require additional information. After evaluation and acceptance of the data furnished, the control authority

may issue a wastewater discharge permit subject to terms and conditions provided herein.

(3) 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. Where a significant industrial user, subject to national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by § 18-209, the significant industrial user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the significant industrial user with an existing wastewater discharge permit shall submit to the control authority within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (h) and (i) of § 18-209(2).

(4) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter. EPA's pretreatment standards and regulations promulgated under the authority of section 307(b) and (c) of the Federal Water Pollution Control Act (as provided for in 40 C.F.R. 403.8(f)(1)(iii) and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- (a) Statement of duration (5 years or less);
- (b) Statement of non-transferability;
- (c) Statement of applicable civil and criminal penalties for violations of pretreatment standards and requirements;
- (d) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;
- (e) All wastewater samples must be representative of the user's discharge;
- (f) Limits on the average and maximum wastewater constituents and characteristics;
- (g) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (h) Requirements for installation and maintenance of inspection and sampling facilities;
- (i) Specifications and best management practices for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (j) Compliance schedule;
- (k) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the control authority, and affording the control authority access thereto. This period of

retention shall be extended during the course of any unresolved litigation regarding the industrial user or the city's POTW or when requested by the TDEC or EPA;

(l) Requirements for submission of technical reports or discharge reports (see § 18-210);

(m) Requirements for notification of the control authority 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;

(n) Requirements for notification of slug discharges. All categorical and non-categorical industrial users shall notify the control authority immediately of all discharges that could cause problems to the control authority, including any slug loadings, in accordance with § 18-202(10); and

(o) Other conditions as deemed appropriate by the control authority to ensure compliance with this chapter.

(5) Permit 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. The terms and conditions of the permit may be subject to modification of the control authority during the term of the permit as limitations or requirements as identified in § 18-204 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of any change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(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 control authority. Any succeeding owner or user shall receive a copy of and also comply with the terms and conditions of the existing permit. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

18-210. Reporting requirements for permittee. (1) Baseline monitoring reports. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 C.F.R. 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the control authority a report which contains the information listed below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable

categorical standard, shall submit to the control authority a report which contains the information listed in below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(a) Users described above shall submit the information set forth below:

(i) The name and address of the facility, including the name of the operator and owner.

(ii) A list of any environmental control permits held by or for the facility.

(iii) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

(iv) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula in accordance with 40 C.F.R. 403.6(e).

(b) Measurement of pollutants. (i) The user shall provide the information required in § 18-209(2)(c).

(ii) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this subsection.

(iii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 C.F.R. 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority.

(iv) Sampling and analysis shall be performed in accordance with § 18-210(3)(c);

(v) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the

data provides information sufficient to determine the need for industrial pretreatment measures;

(vi) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(c) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 18-201(11) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-209(2)(f) of this chapter.

(e) Signature and report certification. All baseline monitoring reports must be certified by a qualified professional and signed by an authorized representative as defined in § 18-201(11).

(2) Compliance date report. Within ninety (90) 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 control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes 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 and certified by an authorized representative of the user and certified by a qualified professional engineer registered in the State of Tennessee.

(3) Periodic compliance reports. (a) Any user subject to a pretreatment standard after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent and the measured or estimated

average and maximum daily flows for the reporting period, 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 reported in the permit application. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are to be submitted. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user.

(b) The control authority may impose mass limitation on users which the control authority has reason to believe are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases the periodic compliance report required in subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the significant industrial user. These reports 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 control authority, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit. All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 C.F.R., part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 C.F.R. part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analytical Procedures for Screening of Industrial Effluents for Priority Pollutants," dated April 1977 and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.

(c) All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 C.F.R., part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 C.F.R. part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set

forth in the EPA publication "Sampling and Analytical Procedures for Screening of Industrial Effluents for Priority Pollutants," dated April, 1977 and amended thereto, or with any other sampling and analytical procedures approved by the administrator.

(4) Permit limit violations. If sampling performed by a user indicates a violation, the user shall notify the control authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis for the parameter(s) violated and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. The user shall also provide written notice of the violation within five (5) days of becoming aware of the violation. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

18-211. Monitoring facilities. (1) The control authority shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the control authority may, when such location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(2) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples or 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. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(3) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the control authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the control authority. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

18-212. Inspection and sampling. (1) The control authority 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 control authority or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The control authority, state, and EPA shall have the right to set up on the user's property such devices as are

necessary for them to conduct sampling inspections, compliance monitoring and/or metering operations.

(2) The control authority will establish those pollutants to be sampled, at the user's expense, at the prescribed minimum frequency shown in the user's permit. The user must collect samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organic and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 C.F.R. part 136 as amended. Where 40 C.F.R. part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analytical Procedures for Screening of Industrial Effluents for Priority Pollutants" dated April 1977 and amendments thereto, or with any other sampling and analytical procedures approved by the administrator. The user shall submit monitoring reports to the control authority of those priority pollutants to be sampled at the frequency prescribed in the wastewater contribution permit. The results of any and all sampling of the user's discharge shall be reported, including sampling which exceeds the required minimum frequency. Failure to comply with these requirements may result in enforcement action as set forth in § 18-217.

(3) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in section 205.4, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum. For the reports required by § 18-205(4), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(4) 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 city, state, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (As added by Ord. #00-003, Feb. 2000, and replaced by Ord. #13-305, April 2013)

18-213. Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the control authority shall be provided, operated and maintained at the user's expense. Detailed plans prepared by a professional engineer registered in the State of Tennessee showing the pretreatment facilities and operating procedures shall be submitted to the control authority for review, and shall be acceptable to the control authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the control authority under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the control authority prior to the user's initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available to officials of the city, EPA or state upon request. (As added by Ord. #00-003, Feb. 2000, and replaced by Ord. #13-305, April 2013)

18-214. Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the control authority 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 a report, the portions of a report which might disclose trade secret processes shall not be made available for inspection by the public but shall be made available upon request to the state and/or EPA for uses related to this system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state, any state agency, or the EPA in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. (As added by Ord. #00-003, Feb. 2000, and replaced by Ord. #13-305, April 2013)

18-215. Public notification. In compliance with 40 C.F.R. part 403.8, the control authority shall annually publish in the local newspaper a list of

industrial users which, during the previous twelve (12) months, were in significant noncompliance with the pretreatment program requirements. (As added by Ord. #00-003, Feb. 2000, and replaced by Ord. #13-305, April 2013)

18-216. Building sewers and connections. (1) Building sewer permit. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any POTW or appurtenances thereof. Authorization may be obtained from the city upon review of pertinent plans and payment of the appropriate fees.

There shall be two (2) classes of building sewer permits:

- (a) For residential customers; and
- (b) For non-residential customers.

In either case, the customer or his/her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information such as grease traps needed by restaurants, dining halls or other types of eating establishments, considered pertinent in the judgment of the city and/or control authority. A fee schedule is in effect for residential and non-residential connections; said fees shall be paid to the control authority at the time the application is filed. Applicants for non-residential sewer permits shall provide a description of the constituents of the waste and may be required to provide a laboratory analysis of the waste, or of a similar waste stream if there are other facilities in operation.

(2) Connections. All costs and expense incident to the installation and connection of the building sewer shall be borne by the customer. The customer shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The connection to the POTW shall be inspected by the city before the underground portion is buried.

(3) Installation and maintenance. The new building sewer may be brought into the building below the basement floor when gravity flow from the building to the POTW at a minimum grade consistent with the requirements of the city is possible. Where basement or floor elevations to be served are lower than the ground overflow elevation of the upstream manhole of the POTW line servicing the property, adequate precautions by the installation of check valves or other approved backflow prevention devices to help protect against flooding shall be provided by the owner. The city shall have the right to review and approve all check valves and backflow prevention devices. Said check valves or backflow prevention devices shall be located such as to provide access for maintenance and shall be installed in a valve pit to allow access without excavation for normal maintenance operations. In all buildings in which a building drain is too low to permit gravity flow to the POTW, wastes carried by said building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the customer. Pumps or other devices shall be reviewed and approved by the city.

(4) No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the POTW. If, during periodic system inspections, the city locates a point of entry of infiltration/inflow in an owner's building sewer, the owner shall repair the defect(s) at his/her own expense and furthermore notify the city upon completion so that an inspection of the repair can be made prior to covering of the repair.

(5) All excavation for building sewer installation shall be adequately guarded with barricades and lights or other means 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 city.

(6) All building connections and maintenance shall be subject to the currently adopted version of the International Plumbing Code, as amended by the City of Alcoa and the Water and Sanitary Sewer Service Rules, Regulations and Construction Specifications of the City of Alcoa Public Works and Engineering Department. The Rules, Regulations, and Construction Standards of the City of Alcoa Public Works and Engineering Department are available through the Public Works and Engineering Department and on file with the State of Tennessee. In cases of conflict the stricter requirements shall rule. (As added by Ord. #00-003, Feb. 2000, replaced by Ord. #13-305, April 2013, and amended by Ord. #19-468, April 2019 *Ch15_12-10-19*)

18-217. Grease, oil and sand traps and separators. (1) General requirements. Gravity-type separators, interceptors or other such devices for the removal of oil, grease, sand, grit, glass, entrails or other such material likely to create or contribute to a blockage of the wastewater collection system or otherwise interfere with the operation of the POTW are required at:

- (a) Applicable commercial sources;
- (b) Where required by the International Plumbing Code adopted by the city, and amended by the city; or
- (c) Where required by other ordinance or regulation of the City of Alcoa.

Such devices shall be of a type and capacity approved by the city's inspector and shall be located as to be readily and easily accessible for cleaning, pumping and inspection.

(2) Design, review and approval of traps and separators: During the plans review conducted by the City of Alcoa personnel of proposed commercial and industrial developments, the need for traps or separators will be determined. If a trap or separator is required, detailed plumbing plans shall be submitted to and approved by the public works and engineering department prior to commencement of construction.

All grease traps shall meet design criteria noted above and as described in the City of Alcoa Public Works and Engineering Department's Wastewater Collection - Construction Specifications (current edition). Persons wishing to install precast concrete septic tanks or concrete tanks shall submit to the control authority. A field inspection shall be required to ensure that the installation complies with the approved drawings and that adequate baffling has been installed.

(3) Exemptions. Commercial sources in operation prior to adoption of this chapter are excluded from the minimum requirements of this section, but shall be required to install and maintain a gravity-type separator, interceptor or other such device for removal of oil and grease. Such devices shall be the largest type available that may be installed adjacent to the sink or other fixture in question and shall not be connected to any dishwashers. Such devices will be allowed to remain in service until such time as the control authority determines that the device is not preventing prohibited substances from entering the POTW, the device is not being maintained with adequate frequency, the establishment changes ownership, the kitchen facilities or entire building are, the establishment changes ownership, the kitchen facilities or entire building is remodeled, and/or food handling/processing is expanded to include grease and oil containing foods remodeled, and/or food handling/processing is expanded to include grease and oil containing foods. If the control authority makes such a determination, the establishment shall install a device in full compliance with this section.

(4) Maintenance of traps and separators. It shall be the duty of every establishment required to have traps or separators to maintain the devices, have the devices pumped whenever the level of grease or other substance has reached the top of the effluent pipe from the device, when the fats, oils, greases and/or settleable solids become twenty-five percent (25%) of the tank's total working depth, and/or when it appears to the control authority that prohibited substances are leaving the device and are being discharged into the POTW.

Mechanical or manual agitation of the contents of the grease trap or separator is prohibited during normal operation. However agitation is allowed during cleaning to assist in the removal of the fat, oil and grease, or other trapped solids but may not cause a discharge to the sanitary collection system.

The use of any additives or chemicals that liquify, emulsify, and/or disperse fats, oils, and grease in the trap/separator or will cause fats, oils and grease to discharge to the sanitary collection system is prohibited. Any biological agents may only be used with prior approval of the City of Alcoa Public Works Director. Such approvals will be granted on a case-by-case and site-specific basis. High strength caustics and acids are prohibited from entering the grease trap or separator. Approved agents may only be introduced prior to the trap/separator and the dosage must not exceed the capacity of the trap/separator.

Each establishment is required to maintain a maintenance log with an original copy of the manifest on all traps and separators. The log shall show the date of all cleanings, the name of the person and organization performing the cleaning and the disposition of the removed substances. Copies of each pumping manifest must be retained for twelve (12) months. The maintenance log shall be available during business hours for examination by the city and a copy of the log shall be submitted annually to the city. Failure to comply with the reporting requirements shall be deemed a violation of this chapter of the Alcoa Municipal Code.

(5) Disposal of trap and separator wastes. Acceptable disposal options for the wastes removed from traps and separators include recycling collectors and trash disposal or commercial collectors. All grease traps shall be pumped out entirely and no portion of the removed material returned to the trap or separator. Disposal methods shall comply with all state and local regulations.

(6) Periodic inspection of traps and separators. Personnel from the City of Alcoa shall be permitted ready access to inspect all traps and separators for compliance with the municipal code. A minimum inspection and pumping violation, the user shall be issued a seven (7) day notice to come into compliance. Failure to correct noncompliance within the seven (7) day period will result in termination of water service. If termination of water service will possibly result in a threat to public health, the trap or separator will be pumped and cleaned by City of Alcoa personnel. The user shall reimburse the City of Alcoa for all labor, equipment, supplies and disposal costs incurred by the city to pump and clean the trap or separator. The charges will be added to the user's utility bill.

(7) Charges and fees. Users required to install and maintain a gravity-type separator, interceptor or other such device shall be subject to payment of fees that may be adopted by the city. All fees will appear on the user's utility bill. In the event that the user fails to pay the fee, water service shall be terminated until such time as all fees and any other charges, including late charges, have been paid.

(8) Violations. Any person who willfully or negligently violates any provision of this section or any orders or permits issued hereunder shall be subject to enforcement action as set forth in § 18-208 herein. (As added by Ord. #00-003, Feb. 2000, amended by Ord. #02-021, Sept. 2002, replaced by Ord. #13-305, April 2013, and amended by Ord. #19-468, April 2019 *Ch15_12-10-19*, and Ord. #22-542, May 2022 *Ch16_06-14-22*)

18-218. Enforcement. (1) Enforcement policy. All enforcement actions taken by the control authority against users that are in violation of this chapter shall be in accordance with the Pretreatment Enforcement Response Plan as adopted and amended by the Maryville City Council and the Alcoa City Commission and with Tennessee Code Annotated, §§ 69-3-123 through 69-3-129 from which the authority for such action is derived.

(2) Administrative enforcement remedies. (a) Notification of violation. Whenever the city and/or control authority finds that any user has violated an order of the control authority or willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, the city and/or control authority may serve upon such person a written notice by registered mail stating the nature of the violation. Within ten (10) days of the date of the notification of violation a plan for the satisfactory correction thereof, to include specific required actions, shall be submitted to the city and/or control authority by the user. Submission of this plan in no way relieves the user of liability for any violation occurring before or after the receipt of the notice of violation.

(b) Consent orders. The control authority is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to § 18-218(2)(d) and (e) below.

(c) Show cause hearing. The control authority may order any user who causes or allows an unauthorized discharge to enter the POTW or contributes to violation of this chapter or wastewater permit or order issued hereunder, to show cause before the hearing authority why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting to be held by the hearing authority regarding the violation, the proposed enforcement action and the reasons for such action, and directing the user to show cause before the hearing authority why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

The hearing authority may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the city to:

- (i) Issue in the name of the hearing authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the hearing authority for action thereon.

At any hearing held pursuant to this chapter, testimony taken shall be under oath and may, at the request of either party, be recorded stenographically. 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.

After the hearing authority 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/or these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued, including the installation of pretreatment technology, additional self-monitoring and management practices.

Decisions of the hearing authority may be appealed to the appeal authority within thirty (30) days. If an appeal is not made to the local appeal authority within thirty (30) days of notification of such decision, user shall be deemed to have consented to such decision and it shall become final.

(d) Compliance order. In accordance with Tennessee Code Annotated, § 69-3-123, when the control authority finds that a user has violated an order of the control authority or willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, an order may be issued to the user responsible for the discharge directing that, following a specific time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(e) Cease and desist order. In accordance with Tennessee Code Annotated, § 69-3-123, when the control authority finds that a user who is found to have violated an order of the control authority or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, the control authority may issue an order to cease and desist all such violations and direct those persons in compliance to:

- (i) Comply forthwith;
- (ii) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or

threatened violation, including halting operations and terminating the discharge.

(f) Administrative penalties. Any user who is found to have violated an order of the control authority or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder shall be fined not more than ten thousand dollars (\$10,000.00) per day as authorized by Tennessee Code Annotated, § 69-3-115 for each offense. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. In addition to the fines provided herein, the control authority may recover reasonable attorney's fees, court costs, court reporter's 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. Such assessments may be added to the user's next scheduled sewer service charge, and the control authority shall have the same collection remedies that the city has to collect service charges.

(g) Emergency suspension. The control authority may, without notice, suspend the wastewater treatment service and/or a wastewater discharge permit of a user when such suspension is necessary, in the opinion of the control authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a user's failure to immediately stop or eliminate the contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The control authority shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge, unless the termination proceedings set forth in § 18-218(2)(h) are initiated against the user.

Any user whose wastewater treatment service and/or wastewater discharge permit is suspended shall submit a detailed written statement describing the cause of the harmful contribution and the measures taken to prevent any future occurrence to the control authority within five (5) days of the occurrence.

(h) Revocation of permit. Any user who is found to have violated an order of the control authority or who willfully or negligently failed to

comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder or any applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this section of this chapter:

- (i) Violation of conditions of the permit;
 - (ii) Failure of a user to accurately report the wastewater constituents and characteristics of his discharge;
 - (iii) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics; or
 - (iv) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- (3) Judicial remedies. (a) Legal action. If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system, in any other way violates this chapter or its industrial wastewater discharge permit, contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the control authority, the city and/or control authority, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the chancery court for the county in which the violation occurred.
- (b) Injunctive relief. Whenever a user is found to have violated an order of the control authority or willfully or negligently failed to comply with any provision of this chapter and the orders, rules, regulations and permits issued hereunder, the city and/or control authority, through counsel, may initiate proceedings in the chancery court of the county in which the activities occurred for the issuance of injunctive relief or any other relief available in law or equity.
- (c) Civil penalties. (i) Any user who is found to have violated an order of the control authority or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not more than ten thousand dollars (\$10,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein the city may recover reasonable attorney's fees, court costs, court reporter's 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.
- (ii) (A) The control authority may assess any person or user for damages to the POTW resulting from that person's or user's pollution, violation, or failure or neglect in complying with any permit(s) or order(s) issued pursuant to the provisions of the pretreatment program, this chapter, or

Tennessee Code Annotated, §§ 69-3-123, 69-3-124, or 69-3-125.

(B) If any appeal from such assessment is not made to the local appeal authority within thirty (30) days of notification of such assessment, the person or user shall be deemed to have consented to such assessment and it shall become final.

(C) Damages may include any expenses incurred in investigating and enforcing the pretreatment program, this chapter or Tennessee Code Annotated, §§ 69-3-123 through 69-3-129; in removing, correcting, and/or terminating any pollution; and also compensation for any actual damages caused by the pollution or violation.

(D) Whenever any assessment has become final because of a person's or user's failure to appeal within the time provided, the control authority may apply to the appropriate court for judgment, and seek execution of such judgment. The court in such proceedings, shall treat failure to appeal such an assessment as a confession of judgment in the amount of the assessment.

(iii) The control authority may petition the court to impose, assess, and recover such sums. In determining the amount of liability the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefits gained through the user's violation, corrective actions taken by the user, the compliance history of the user, and any other factors as justice requires.

(d) Criminal prosecution. Any user who is found to have violated an order of the control authority or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a penalty not to exceed five hundred dollars (\$500.00) per violation per day.

(4) Supplemental enforcement remedies. (a) Annual publication of significant violations. The control authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users which are found to be in significant violation of this chapter.

(b) Performance bonds. The control authority may decline to reissue a permit to any user who is found to have violated an order of the control authority or who willfully or negligently failed to comply with any provision of this chapter and the orders, rules, regulations and permits issued hereunder unless such user first files with the control authority a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the hearing authority to be necessary to achieve consistent compliance.

(c) Liability insurance. The control authority may decline to reissue a permit to any user who has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless such user first submits proof that it has obtained financial assurances sufficient to restore or repair any POTW damage caused by its discharge.

(d) Water supply severance. Whenever a user is found to have violated an order of the control authority or willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after the user has satisfactorily demonstrated its ability to comply.

(e) Public nuisances. Any violation of the prohibitions or effluent limitations of this chapter or any permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the control authority. Any person(s) creating a public nuisance shall be subject to the provisions of the city code governing such nuisances as well as all provisions of this chapter, including reimbursing the city for any costs incurred in removing, abating or remedying said nuisance.

(f) Informant rewards. The control authority is hereby authorized to pay for information leading to the discovery of noncompliance by a user. In the event that the information provided results in an administrative penalty levied against the user, the control authority is authorized to disburse up to ten percent (10%) of the collected penalty to the informant up to a maximum of ten thousand dollars (\$10,000.00) per reward payment.

(5) Affirmative defenses. (a) Treatment upsets.

(i) Any user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless and improper operation, shall inform the control authority thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report shall be filed by the user within five (5) days. The report shall contain:

(A) A description of the upset, its cause(s) and impact on the discharger's compliance status;

(B) The duration or expected duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored;

(C) All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.

(ii) A user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the council authority for any noncompliance with this chapter, or any order or permit issued hereunder to the user, which arises out of violation attributable to and alleged to have occurred during the period of the documented and verified upset.

(b) Treatment bypasses. (i) A bypass of the treatment system or any portion thereof is prohibited unless all of the following conditions are met:

(A) The bypass was unavoidable in order to prevent loss of life, personal injury or severe property damage;

(B) There was no feasible alternative to the bypass, including the use of auxiliary treatment retention of the wastewater; and

(C) The user properly notified the control authority as described in § 18-218(5)(b)(ii) below.

(ii) Users must provide immediate notice to the control authority upon discovery of an unanticipated bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(iii) A user may request approval of the control authority for a bypass which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Users anticipating such a bypass must submit notice to the control authority at least ten (10) days in advance. The control authority

may only approve the anticipated bypass if the circumstances satisfy those set forth in § 18-218(5)(b)(i) above. (As added by Ord. #00-003, Feb. 2000, and replaced by Ord. #13-305, April 2013)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.
- 18-311. Assessment of fees.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water system." The waterworks system which furnishes water to the City of Alcoa for general use and which is recognized as the public water system by the Tennessee Department of Health.

(2) "Cross-connection." Any physical arrangement 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 device which contains, or may contain, contaminated water, sewage 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. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross-connections.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Inter-connection." Any system of piping or other arrangement whereby the public water system is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(6) "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative or Federal Agency. (1971 Code, § 8-301)

18-302. Standards. The City of Alcoa Public Water System is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, and establish an effective on-going program to control these undesirable water uses. (1971 Code, § 8-301)

18-303. Construction, operation and supervision. It shall be unlawful for any person to cause a cross-connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the City Manager of the Alcoa Public Water System. (1971 Code, § 8-303)

18-304. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the city manager a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (1971 Code, § 8-304)

18-305. Inspections required. It shall be the duty of the City Manager of the Alcoa Public Water System, or authorized representative, to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the City Manager of the Alcoa Public Water System and as approved by the Tennessee Department of Health. (1971 Code, § 8-305)

18-306. Right of entry for inspections. After first obtaining the permission of the property owner, the city manager or authorized representative shall have the right to enter at any reasonable time any property served by a connection to the City of Alcoa Public Water System for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary

intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections, and shall be grounds for the disconnection of water service to the property. The city manager or authorized representative shall give notice to the property owner who refuses information or refuses access of the time and place of a hearing to determine whether or not water service should be disconnected to that particular property. Said hearing shall be conducted in accordance with the other rules and regulations of the City of Alcoa regarding discontinuance of service. (1971 Code, § 8-306)

18-307. Correction of existing violations. Any person who now has 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 existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the City Manager of the City of Alcoa Public Water System.

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 a reasonable time and within the time limits set by the City of Alcoa Public Water System, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued, and shall further give the customer notice that a hearing will be conducted to determine whether or not water service should be discontinued for that particular property belonging to the customer. If at the public hearing it is determined that the conditions are a threat to the safety of the public water system, then the city manager or his authorized representative shall have the right to discontinue water to the property creating the hazardous condition until the public water system has been separated from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross-connections, inter-connections, auxiliary intakes, or by-passes are found that constitutes an extreme hazard of immediate concern of contaminating the public water system, the management of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is corrected immediately. (1971 Code, § 8-307)

18-308. Use of protective devices. Where the nature of use of the water supplied a premises by the water system is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water system.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The City Manager of the City of Alcoa Public Water System, or his designated representative, shall require the use of an approved protective device. Said protective device shall be installed on the service line serving the premises. Said protective device is to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the City Manager of the City of Alcoa Public Water System prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation and maintenance of the protective device shall be at the expense of the owner or occupant of the premises. The failure to install and maintain the protective device when required by the City of Alcoa shall be grounds for denial of water service. If the protective device has not been installed within a reasonable time after the request by the City of Alcoa, then the city manager or authorized representative shall give the customer legal notice that water service is to be discontinued and shall further give the customer notice that a hearing shall be conducted to determine whether or not water service should be discontinued.

Personnel of the City of Alcoa Public Water System shall have this right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the city manager, or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the City Manager of the Alcoa Water System shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the

premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel, acceptable to the City Manager of the City of Alcoa Public Water System.

The failure to maintain backflow prevention device(s) in proper working order shall be grounds for discontinuing water service to a premises, after proper notice and hearing have been afforded to the customer. Likewise the removal, by-passing or altering the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service, after proper notice and hearing have been afforded to the customer. 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 City of Alcoa Public Water System. (1971 Code, § 8-308)

18-309. Unpotable water to be labeled. The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1971 Code, § 8-309)

18-310. Violations. The requirements contained herein shall apply to all premises served by the City of Alcoa Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city 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 City of Alcoa corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) and each day of continued violation after conviction shall constitute a separate offense. (1971 Code, § 8-310, modified)

18-311. Assessment of fees. Any person whose premises are regulated by this ordinance may be assessed fees adequately to recover the cost of the city

to conduct inspections, testing, maintenance of records, etc. that are necessary to ensure the person's compliance with this ordinance and/or with applicable state and federal regulations. (as added by Ord. #15-369, Oct. 2015)

CHAPTER 4

**WATER AND SANITARY SEWER SERVICE
RULES AND REGULATIONS****SECTION**

18-401. Adopted.

18-402. Amendments to rules and regulations.

18-403. Violations.

18-401. Adopted.¹ The water and sanitary sewer service rules and regulations of the City of Alcoa, contained in chapter 5, water service rules and regulations, chapter 6, sanitary sewer service rules and regulations, of this title and appendix 1, water service charges, and appendix 2, sanitary sewer service charges, are adopted for the administration of duties and services relative to the city's water and sanitary sewer systems. (Ord. #1017, Sept. 1996)

18-402. Amendments to rules and regulations. The board of commissioners shall have authority, from time to time according to the discretion of the board of commissioners, to amend said rules and regulations, including with respect to adjusting fees and charges contained therein, by ordinance. (Ord. #1017, Sept. 1996, modified)

18-403. Violations. Failure by a consumer or customer of said water and sanitary sewer services to pay any fee, charge or cost set forth in said rules and regulations, or failure by any consumer or customer to comply with any and all of said rules and regulations, shall entitle the City of Alcoa to discontinue water or sanitary sewer service to any such consumer or customer. Unauthorized operations of a fire hydrant shall subject any person who engages in or assists with any such unauthorized use to punitive action by the City of Alcoa pursuant to said rules and regulations and/or the municipal code of the City of Alcoa, Tennessee. In the event that water or sanitary sewer service is discontinued to any such customer or consumer, service to such consumer or customer will not be resumed by the City of Alcoa until any such fees, charges or costs have been paid in full and/or the violation of any of the rules and regulations has ceased or been eliminated. In the event the service discontinued be that of a private line as defined under said rules and regulations, service to such private line will not be resumed until the full amount of any such fee, charge or cost has been paid and/or the violation of any of the city's rules and regulations has ceased or been eliminated. The City of Alcoa may refuse to

¹Appendices 1 and 2 (and all amending ordinances and resolutions) are available in the office of the recorder.

furnish water or sanitary sewer to the premises of any applicant who fails to meet all of the applicable conditions and terms of said rules and regulations. (Ord. #1017, Sept. 1996)

CHAPTER 5

WATER SERVICE RULES AND REGULATIONS

SECTION

- 18-501. Water furnished subject to rules and regulations.
- 18-502. Definitions.
- 18-503. Extension of mains.
- 18-504. Service connection and meter setting charges.
- 18-505. Customer lines.
- 18-506. Deposits.
- 18-507. Private lines-future.
- 18-508. Private lines-existing.
- 18-509. Private fire lines.
- 18-510. Meters.
- 18-511. Meter tests.
- 18-512. Meter reading and billing.
- 18-513. Location of meters.
- 18-514. Consumers not to supply water to others.
- 18-515. Discontinuance of service.
- 18-516. Connection/restoration of service.
- 18-517. Cross connections.
- 18-518. Special service.
- 18-519. Cutoffs for repairs.
- 18-520. Interruption of service.
- 18-521. Test fire hydrants.
- 18-522. Failure of customer to comply with regulations.

18-501. Water furnished subject to rules and regulations. Water will be furnished subject to rules and regulations of the City of Alcoa, hereinafter called the city, which rules and regulations are made a part of every application, contract, agreement or license entered into between the property owner or consumer and the city. Rules, regulations and rates associated with this section shall be revised, amended or otherwise changed in accordance with § 18-102 of the Alcoa Municipal Code. (Ord. #1017, Sept. 1996, as amended by Ord. #15-366, Oct. 2015)

18-502. Definitions. (1) City manager - The words "city manager" will be used to designate the person appointed as manager of the City of Alcoa, or his/her designee.

(2) Consumer/customer - The words "consumer" and "customer" will be used in these rules and regulations to designate a person, firm or corporation contracting with the city for the furnishing of water to property classified as follows:

(a) A building under one roof and ownership and occupied for one business or as one residence;

(b) One or more buildings on a single tract of land, all under one ownership and served by a single water meter, and occupied by one family or business;

(c) The one side of a double house having a solid vertical partition wall, and using a separate hall or entrance;

(d) A building under one roof and one ownership but which contains a number of apartments or offices;

(e) A private line;

(f) A vacant lot or tract of land;

(g) Each mobile home in a mobile home park, subdivision, or other such development, unless said development is served by a single meter.

(3) Service connection - The words "service connection" will be used in these rules and regulations to designate the tap of the main and that portion of the line extending from the tap to the meter.

(4) Customer line - The words "customer line" will be used in these rules and regulations to designate the water lines extending from the service connection to and within the improvements on such property.

(5) Private line - The words "private line" will be used in these rules and regulations to designate:

(a) A water line owned by an entity other than the city and extending from the meter at the service connection to property or properties which are not contiguous to a city main, or

(b) Any service line which does not furnish water to any water outlet located within two hundred feet from the property line on the abutting street, highway, or city right-of-way on which such property is located; and for which application is made for a private line.

(6) Mains - The word "main" will be used in these rules and regulations to designate the city-owned water lines installed in or along the public streets or highways or on city acquired easements but shall not include service connections. (Ord. #1017, Sept. 1996)

18-503. Extension of mains. (1) The city will extend a main along an improved street or highway for the benefit of consumers who have property abutting on the street or highway along which the main is being extended, and whose property after the extension will be contiguous to said main. Such extensions will be made upon application by one or more consumers and only after the applicant or applicants have made a deposit equal to the estimated cost of the extension. All extensions shall be at the expense of the initial applicant or applicants. Groups of residents in rural sections of the City's service area may request extension of water mains by presenting a signed petition representing no less than eight (8) customers per one thousand (1,000) feet of

main extension. Connection fees assessed to such customers shall be in accordance with Appendix 1¹ for rural areas. Consumers requesting connection to such line after its construction who were not part of the original petition shall be assessed the "rural area" connection fee as long as the area is classified as rural. To clarify such classifications, the city commission shall adopt and modify from time to time a map designating portions of Alcoa's service area as "inside city", "outside city", and "rural area".

(2) Developers of new subdivisions or developers installing water lines within new subdivisions for the purpose of developing property for sale shall bear the full cost of the design and construction of the lines. When the city desires a main larger than that required for the development the city will reimburse the applicant for the difference between the two. The city may also participate in main extensions when warranted by high volume consumption, favorable return on investment, or overall economic impact on the community. Testing and sterilization of mains upon completion shall be furnished by the developer.

(3) The specifications of the material used in the main to be installed shall be designated by the city. All mains within the corporate limits of the City of Alcoa shall be designed for installation of fire hydrants.

(4) Complete plans and specifications for main extensions in private developments shall be submitted for approval by the city. After approving the plans, the city will furnish the necessary inspection of the installation of said main or mains. Upon satisfactory completion and final inspection, the city will give written notice of acceptance. Twelve (12) months following the date of acceptance, said main(s) will become the property of the city subject to the rules and regulations as set forth herein. Within that twelve (12) month period, the applicants will be liable for all maintenance and repairs on said main(s) that are the result of defective materials and/or workmanship.

(5) Under the preceding paragraphs of this section, should the extension of mains require easements or rights of ingress or egress, said agreements shall be provided by the applicant for use by the city.

(6) There will be no extension of mains into newly platted areas which have not had prior approval of the local planning commission. The city may also limit the extension(s) of mains not hydraulically capable of supplying anticipated demands. Costs of any improvements necessary to correct such deficiencies shall be borne by the applicant(s). (Ord. #1017, Sept. 1996)

18-504. Service connection and meter setting charges. All service connections and all meter settings for use in connection therewith, shall be made by the city upon approval of written applications. These meter settings

¹Appendix 1 (and all amending ordinances and resolutions) is available in the office of the recorder.

shall be placed at suitable locations selected by the city. For such connections and meter settings the consumer or property owner at the time of making applications therefor shall pay to the city as the expense thereof the charge as set forth in the schedule found in Appendix 1.¹ (Ord. #1017, Sept. 1996)

18-505. Customer lines. Customer lines shall be installed by the consumer at the consumer's expense. All customer lines shall be installed at least two (2) feet deep. Materials and installation shall comply with the latest edition of the Southern Standard Plumbing Code, as adopted by the city. All consumers shall be subject to the city's cross-connection ordinance. (Ord. #1017, Sept. 1996)

18-506. Deposits. (1) When premises have been supplied with customer line and consumer desires a supply of water thereto, the consumer shall sign an application for the furnishing of water and shall make a cash deposit to secure payment for the water to be used and to secure payment of damages, if any, to the meter and/or meter setting. The amount of deposit, where the consumer desires ordinary or usual service, shall be in accordance with the schedule included in Appendix 1.¹ Where, at the time of making application for the furnishing of water, it is apparent to the city manager that the consumer will require a substantially larger quantity of water than is used by the average consumer supplied through a meter of the size applied for, the city may require a larger deposit than that just specified; such deposit, however, in no event to exceed the annual minimum charge for water service for such sized meter.

(2) Deposits shall not be applied in payment of current monthly bills and such deposit shall in no wise affect the city's rights to discontinue service arising from non-payment of bills as provided for in these rules and regulations. The city will pay interest on deposits using the same schedule used in the electric utilities rules and regulations.

(3) The city will refund deposit upon written application to discontinue its service and upon receipt of payment in full for water metered to such consumer and for any meter damage, and/or damage to meter setting, for which such consumer may be liable under these rules and regulations.

(4) The consumer or property owner shall notify the city at the time each property becomes vacant. Otherwise, the consumer or property owner shall be responsible for any damage to the property of the city, and for all water metered to such property up until receipt of such vacancy notice.

(5) The city will presume service is being rendered from the time water is turned on by application of the consumer until the consumer or

¹Appendix 1 (and all amending ordinances and resolutions) is available in the office of the recorder.

property owner gives it written notice to discontinue the service, and charges will be made accordingly.

(6) Deposits may be waived for customers with good credit ratings and may be returned after one year to customers who make timely bill payments with no returned checks. (Ord. #1017, Sept. 1996, as amended by Ord. #15-366, Oct. 2015)

18-507. Private lines-future. From and after the effective date of these rules and regulations, the city will make one, and only one, service connection and one meter setting and will furnish one meter for each private line. Such connection and meter setting will be made upon written application of a responsible person, firm or corporation, and which person, firm or corporation is eligible for private line service as defined in § 18-502 hereof. Each such application shall be accompanied by an additional application for a service connection on said private line. The applicant in such application shall assume full liability for all water metered to such private line.

At the time of making such application the applicant shall pay to the city the standard charge of the city as set forth in § 18-504 hereof. Every consumer shall also make application and pay the charges as set forth in § 18-504.

All charges for water metered to a private line, and for damage to the meter setting and/or meter as provided for in § 18-510 hereof, will be billed to the person, firm or corporation who applies for such line, and such person, firm or corporation will be responsible for all sums so billed.

The private line shall be installed and maintained by, and at the expense of, the person, firm, or corporation making application therefor, and such line shall be and remain the property of such person, firm, or corporation.

However, the city reserves the right to extend, at any time at its discretion, its mains, and if by the construction and extension of any city main such main is placed in or along a street, highway, or city right-of-way, contiguous to the property of any user of water furnished by a private line, for which private line application has been made after the effective date of these rules, and which main is within two hundred feet of any water outlet of such user, the city may, after the completion of such construction or extension, refuse to furnish water to such private line until such time as such user is disconnected therefrom. Such user, if water is desired by him from any of the city's mains, shall obtain such water through a service connection from the main. A customer line shall be constructed from such service connection in accordance with § 18-505 hereof. Service connection and meter setting for such line shall be made and charges therefor shall be paid in accordance with § 18-504 hereof. After connections have been made water will be supplied to such consumer in accordance with § 18-506 hereof.

In all applications made from and after the effective date of these regulations for service connection for a private line, the applicant shall expressly agree that the foregoing provisions of this rule shall be binding upon him and

upon any and every other party served by or through such private line, and the application for such private line shall expressly authorize the city to discontinue furnishing any water to such private line until any service line connection required by this rule has been made. (Ord. #1017, Sept. 1996)

18-508. Private lines-existing. Subsequent to the effective date of these rules and regulations, whenever a main is placed in or along a street, highway or city right-of-way contiguous to the property of any user of water furnished by a private line (including any hereafter constructed addition to or extension of such private line) and which main is within two hundred feet of any water outlet of such user, the city may refuse to furnish water to such user through such private line. If such user desires to obtain water from the city mains, the same shall be furnished through a service connection and a customer line constructed in accordance with § 18-505 hereof. Service connection and the meter setting for such service line shall be made in accordance with § 18-504 hereof. Water will then be supplied to such consumer in accordance with § 18-506 thereof.

The city will not make or permit to be made any additional connections to any private line which is in use on the effective date of these rules and regulations unless the city has in its possession a written contract executed by all individuals, firms, and corporations to whom water is metered and billed from such line, and by which written agreement there is an acceptance of full responsibility for maintenance of such private line and for any line loss of water thereof.

Where the city has in its possession such written contract, such private line may be extended, or additions made thereto, provided all persons, firms, and corporations responsible for the maintenance and water loss on such line agree in writing to such extension or addition, and provided written application for connection to such private line is filed with the city. One meter must be set for each additional consumer hereafter made to such private line, and all water furnished through each such addition, will be metered through such meter, and all charges therefor and for damages, if any, to the meter as provided in § 18-510 hereof, will be billed to such applicant who will be responsible for the payment thereof.

Any such extension of, or addition to, an existing private line (including the connection with the existing private line) shall be installed and maintained by, and at the expense of, the person, firm or corporation making application therefor, and such addition or extension shall be and remain the property of such applicant. Any such meter setting shall be provided and installed by the city in accordance with § 18-504 hereof, upon written application. Before any meter is placed in such meter setting, and before any water is furnished to such extension or addition, deposit shall be made with the city in accordance with the provisions of § 18-506 hereof. (Ord. #1017, Sept. 1996)

18-509. Private fire lines. Private fire lines will be installed by and at the expense of the consumer; such construction to be made in accordance with the specifications of the city. Such lines shall be owned and maintained by the consumer. (Ord. #1017, Sept. 1996)

18-510. Meters. Each consumer will be supplied through a separate meter. A building under one ownership and having a number of apartments or offices under one roof may, at the owner's discretion, be served by individual meters for each such apartment, office, or other unit. The charge for such installation and setting shall be made at the service charge provided for in § 18-504. Thereafter each regular tenant in such building shall be a consumer and shall be subject to all of the applicable rules and regulations hereof.

All meters and meter settings shall be furnished, owned and maintained by the city, except as otherwise provided in these regulations. Meters and meter settings must be accessible at all times and not covered with rubbish or material of any kind. No one other than an authorized agent of the city shall be permitted to repair, adjust, remove or replace any meter or any part thereof.

The consumer shall be responsible for damage to meters and/or meter settings where such damage is caused by a change in grade of the lot or by carelessness or negligence of the consumer or his agent or employee, or of any member of his family. Such consumer will be billed for the actual cost of repair or replacement, and such bill shall be paid within ten days from the date of mailing thereof. (Ord. #1017, Sept. 1996)

18-511. Meter tests. Should any consumer within twelve months from the date of the last test of a meter doubt its correctness, the consumer may have the meter tested by making written application to the city and by making a deposit in accordance with the table found in Appendix 1.¹

If in such test any error in the meter exceeding 4% is found, allowance shall be made by the proper party to the other according to such error and covering a period not to exceed the prior billing and the current consumption to date of removal of the meter. Should the error be found to exceed 4%, all the expenses incurred in the meter removal and test shall be borne by the city and the deposit shall be refunded. If, however, the error of the meter does not exceed 4%, the deposit shall be accepted by the city in payment of the expense of such removal and test. If a meter 6 inches or larger is tested, no deposit shall be required; but in the event the error of the meter does not exceed 4%, the entire cost of such removal, test, and re-installation shall be billed by the city to the consumer. The amount of such bill shall be paid by the consumer within

¹Appendix 1 (and all amending ordinances and resolutions) is available in the office of the recorder.

ten days from date of billing or be subject to discontinuance of service. (Ord. #1017, Sept. 1996)

18-512. Meter reading and billing. Meters will be read and billed monthly, as set forth in the schedule found in Appendix 1.¹ All bills shall be payable at the city's office, or at places designated by the city, for the convenience of consumers.

The city's inspector, meter reader, or other properly authorized employee, shall have access at all reasonable hours to premises supplied with water, for the purpose of reading, inspecting, repairing or removing meters.

If a meter is found stopped at a meter-reading period, the bill will be estimated from similar periods, but due consideration shall be given for any excessive use of water or water wasted during such period.

All bills to consumers shall be due and payable immediately upon receipt of notice. If a bill remains unpaid longer than ten days after its penalty date, the city will discontinue water service. (Ord. #1017, Sept. 1996)

18-513. Location of meters. All new meters shall be installed adjacent to the edge of a street right-of-way or utility easement and at locations approved by the city. Unless by special exception, all new meters will be installed outside of all driveways, streets, parking lots, and sidewalks.

All meters which, as of the effective date of these rules and regulations, are located inside of buildings or in meter settings which the city deems to be unsatisfactory may be moved to more suitable locations at the discretion of, and at the expense of, the city.

The city may discontinue water service to any consumer who refuses permission to remove a meter in accordance with this regulation.

If any meter is relocated upon application by, and to suit the convenience of, the consumer, or where relocation of meter is required because of change in grade of lot, such relocation and setting shall be made by the city at the expense of the consumer. Bill rendered to the consumer for the expense thereof shall be paid within ten days from the date of mailing of such bill. (Ord. #1017, Sept. 1996)

18-514. Consumers not to supply water to others. Consumers (other than a private line system) shall not supply water, or allow water to be carried or run through a hose or pipe, to any premises other than that described in the application, agreement or contract, without first having received written permission from the city. (Ord. #1017, Sept. 1996)

¹Appendix 1 (and all amending ordinances and resolutions) is available in the office of the recorder.

18-515. Discontinuance of service. If service has been discontinued for non-payment of bills, or for violation of the rules of the city, service to such consumer will not be resumed by the city until the unpaid bill including penalties have been paid in full and/or the violation of any of the city's rules and regulations has ceased or been eliminated.

In the event the water service discontinued be that of a private line (either "existing" or "future" as such lines are designated in these rules), service to such private line will not be resumed until the full amount of such unpaid bill including penalties have been paid.

If a customer experiences an excessive leak that is a nuisance to a neighbor or that results in an exorbitant bill that the customer is unable to or refuses to pay, the city may discontinue water service. (Ord. #1017, Sept. 1996)

18-516. Connection/restoration of service. Water shall not be turned into any water line and/or fire hydrants for any purpose by anyone except an authorized employee of the city. Unauthorized operations will be subject to further punitive action by the city.

In the event of termination of service due to any violation of any of these rules and regulations, or upon any request of the consumer, a charge (see Appendix 1¹) shall be made to cover the cost of special handling of the customers account. This fee shall apply ten days after the penalty date and is collectible when service shall be considered discontinued though not actually cut off. (Ord. #1017, Sept. 1996)

18-517. Cross connections. In no event will cross connections between the city's water and any other source of water or any hazardous or potentially hazardous substance be allowed. Violations will result in loss of service until cross connection is corrected. (Ord. #1017, Sept. 1996)

18-518. Special service. Persons, firms, or corporations desiring small amounts of water for a short time, or service which will require the special attention of an employee of the city, will be required to make a deposit, the amount of which will be fixed by the city manager. For water used by such person a charge will be made at rates fixed by the city manager in keeping with the service rendered, and the deposit made shall be applied against such charge. Any difference between the deposit and the charge shall be paid by the party owing the same. (Ord. #1017, Sept. 1996)

18-519. Cutoffs for repairs. The city reserves the right to shut off the water in the mains at any time for the purpose of making repairs or extensions,

¹Appendix 1 (and all amending ordinances and resolutions) is available in the office of the recorder.

or for other necessary purposes. It will endeavor to give notice of such shut-off except in cases of accident or emergency. All owners and consumers having boilers on their premises are hereby cautioned against dangers arising from interrupted service. (Ord. #1017, Sept. 1996)

18-520. Interruption of service. All contracts for furnishing water shall be made subject to interruptions or inability to fulfill same from any and all causes whatsoever beyond the control of the city, and the city will not be liable for damages for such failure to furnish water or to carry out its contracts to furnish water from any cause or causes beyond its control. The city will be held harmless from any damage claims resulting from water discoloration or other change which may result from such interruptions. (Ord. #1017, Sept. 1996)

18-521. Test fire hydrants. The city reserves the right to use or test fire hydrants without liability for any damage claims resulting from water discoloration or chemical or other change that might be caused by such practice. (Ord. #1017, Sept. 1996)

18-522. Failure of customer to comply with regulations. The city may refuse to furnish water to the premises of any applicant who fails to meet all the applicable conditions and terms of the foregoing regulations, or it may discontinue water service in the event the consumer violates or fails to comply with any of the foregoing regulations. (Ord. #1017, Sept. 1996)

CHAPTER 6

SANITARY SEWER SERVICE RULES AND REGULATIONS

SECTION

- 18-601. Application for sewer service.
- 18-602. Extension of sewer mains.
- 18-603. Service connections.
- 18-604. Deposits.
- 18-605. Billing.
- 18-606. Customers' service lines not to serve others.
- 18-607. Illegal use of sewer connection.
- 18-608. Connection and replacement of customer lines.
- 18-609. Sewer service line stoppage.
- 18-610. Failure of customer to comply with regulations.

18-601. Application for sewer service. Persons, firms, or corporations desiring sewer service connections shall make application to the City of Alcoa in writing, upon such forms as shall be prescribed and furnished by the city.

The application shall state that the applicant shall abide by the rules and regulations of the city, and rates for sewer service then in force, or which shall hereafter be adopted. The application shall be signed by the owner of the premises, tenant, or customer, and shall state the location of the premises to be serviced, the street number and lot. The owner, tenant, or customer shall pay rates associated with sanitary sewer service as may be adopted, revised, amended and otherwise changed in accordance with § 18-102 of the Alcoa Municipal Code. (Ord. #1017, Sept. 1996, as amended by Ord. #15-367, Oct. 2015)

18-602. Extension of sewer mains. (1) The city will extend a main along an improved public street or highway within the city for the benefit of applicants who have property abutting on the street or highway along which the main is being extended, and whose property after the extension will be contiguous to said main. Such extensions will be made on application of one or more applicants and only after the applicant has made a deposit equal to the estimated cost of the extension. All extensions shall be at the expense of the applicant. When the city desires a main larger than that required for the development the city will reimburse the applicant for the difference between the two. The city may also participate in main extensions when warranted by high volume consumption, favorable return on investment, or overall economic impact on the community.

(2) Extension of sanitary sewers outside the city will be considered on a case-by-case basis. Factors to be considered may include, but not be limited to, any one or more of the following:

- (a) Petitions for and/or viability of annexation;
- (b) Existing sewer service in the immediate vicinity by the city;
- (c) Viability of existing subsurface disposal fields;
- (d) Planned growth of the city;
- (e) Favorable return on investment; and
- (f) Overall economic impact on the community.

(3) The necessary engineering and construction of said sewer mains shall be furnished by the applicant. The specifications of the material used for the main to be installed shall be determined by the city. Complete plans and specifications shall be submitted for approval by the city. After approving the plans, the city will furnish the necessary inspection of the installation of said main or mains. Upon satisfactory completion of the extension, the city will give written notice of acceptance. Twelve (12) months following the date of acceptance, said main or mains will become the property of the city subject to the rules and regulations as set forth herein. Within that twelve (12) month period, the applicant will be liable for all maintenance and repairs on said main(s) that are the result of defective materials and/or workmanship.

(4) Under the preceding paragraphs of § 18-602, should the extension of mains require easements or rights of ingress and egress, said agreements shall be provided by the applicant for use by the city.

(5) In the case of major extensions of sewers into previously developed areas of the city (not including new subdivisions under development), the city may at the discretion of the board of commissioners adopt a special assessment or some other policy different from that provided in § 18-602(4). (Ord. #1017, Sept. 1996)

18-603. Service connections. (1) All service connections to the city mains shall be made by the city upon written application. These service connections shall be made at suitable locations selected by the city. The city will establish proper grades for service connections after written application for service connection. The service lateral will be installed from the sewer main to the property line of the applicant by the city. For such connections the customer, or property owner, at the time of making application therefor shall pay to the city a fee according to the schedule found in Appendix 2.¹

(2) Customer lines within the property line shall be installed at the expense of the customer and shall be in accordance with the most recent edition of the International Plumbing Code adopted by the city, and as amended by the city.

(3) During the construction of improvements for residential, commercial, and industrial developments, pipe and fittings for individual service

¹Appendix 2 (and all amending ordinances and resolutions) is available in the office of the recorder.

assemblies shall be furnished and installed by the developer in the sanitary sewer improvements. (Ord. #1017, Sept. 1996, as amended by Ord. #19-468, April 2019 *Ch15_12-10-19*)

18-604. Deposits. The applicant shall pay deposits to secure payment for sanitary sewer services. Deposits may be waived for customers with good credit ratings and may be returned after one year to customers who make timely bill payments with no returned checks. (Ord. #1017, Sept. 1996, as amended by Ord. #15-367, Oct. 2015)

18-605. Billing. (1) When the customer is provided water and sanitary sewer service by the city, sewer service charges will be included monthly along with the customers water bill. Payment of one bill without the other will not be accepted. Failure to pay either bill will be cause to discontinue water service and penalties imposed on water customers apply to sewer customers.

(2) When the customer is not provided water service by the city, a monthly bill for sewer service will be issued. Failure to pay the sewer bill will result in disconnection of sewer service, termination of water service (if agreed to by the water utility), and the assessment of penalties applicable to water customers. (Ord. #1017, Sept. 1996)

18-606. Customers' service lines not to serve others. Customers (other than a private line system) shall not allow sewage, or allow sewage to be carried or run through a hose or pipe, from any premises other than that described in the application, agreement or contract, without first having received written permission from the city. (Ord. #1017, Sept. 1996)

18-607. Illegal use of sewer connection. In no event shall roof drain and/or surface water drain be connected to sewer customer lines. (Ord. #1017, Sept. 1996)

18-608. Connection and replacement of customer lines. (1) When the customer desires to connect the customer line within the property line to that of the city's service line, or desires to replace said customer line, he shall notify the city and secure the necessary permit to make such connection in accordance with the city code.

(2) The following fees shall be instituted:

<u>ACTIVITY</u>	<u>FEE</u>
Replacement of sanitary sewer line permit fee	\$25.00 city/\$35.00 county
Inspection fee to be added to sanitary sewer connection fee	\$25.00 city/\$35.00 county

(Ord. #1017, Sept. 1996, as replaced by Ord. #10-230, July 2010)

18-609. Sewer service line stoppage. (1) Maintenance of the entire customer line from the building to the edge of the street right-of-way or utility easement shall be the responsibility of the property owner. In the case of stoppage, if there is question as to whether the stoppage is in the sewer main, the city will promptly, upon call, determine whether there is stoppage in the main and will clear the main if necessary.

(2) If it is uncertain whether a stoppage is in the service connection or the customer line, the city may assist in the determination. If the stoppage is in the service connection, the city will make such repairs as necessary to restore service. If the stoppage is in the customer line, the city may assist the customer with the restoration of service. In such cases, the customer will be responsible for all costs incurred by the city. (Ord. #1017, Sept. 1996)

18-610. Failure of customer to comply with regulations. The city may refuse service to the premises of any applicant who fails to meet all the applicable conditions and terms of the foregoing regulations; or it may discontinue water and/or sewer service in the event the customer violates or fails to comply with any of the foregoing regulations. (Ord. #1017, Sept. 1996)

CHAPTER 7**WATER AND WASTEWATER CONSTRUCTION SPECIFICATIONS****SECTION**

18-701. Construction specifications for water distribution and wastewater collection.

18-701. Construction specifications for water distribution and wastewater collection. Any extension, maintenance, or other construction activity associated with the city's water distribution and/or wastewater collection systems shall be governed by The City of Alcoa's Current Tennessee Department of Environment and Conservation (TDEC) Approved - Water Distribution Construction Specifications and The City of Alcoa's Current Tennessee Department of Environment and Conservation (TDEC) Approved - Wastewater Collection Construction Specifications. (as added by Ord. #03-010, April 2003, replaced by Ord. #09-206, July 2009, amended by Ord. #15-357, Oct. 2015, and replaced by Ord. #22-545, June 2022 *Ch16_06-14_22*)

CHAPTER 8**RULES, RATES AND FEES FOR THE
STORMWATER UTILITY****SECTION**

- 18-801. Rules, rates, and charges adopted.
- 18-802. Findings.
- 18-803. Definitions.
- 18-804. Creation of stormwater utility.
- 18-805. Scope of responsibility for the city drainage system.
- 18-806. Funding of stormwater utility.
- 18-807. Stormwater fund.
- 18-808. Operating budget.
- 18-809. Determinations and modification of stormwater utility fees.
- 18-810. Effective date of stormwater utility fees.
- 18-811. Alcoa Stormwater Utility Manual.
- 18-812. Stormwater utility fee rates.
- 18-813. Exemptions and credits applicable to stormwater utility fees.
- 18-814. Stormwater utility fee billing, delinquencies, and collections.
- 18-815. Application of utility fees billed in common.
- 18-816. Removal or cessation of utility services.
- 18-817. Alcoa Stormwater Board of Appeals.

18-801. Rules, rates, and charges adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 68-221-1101 through 68-221-1116, and for the purpose of providing stormwater management operations and establishing a stormwater utility within the City of Alcoa, the Alcoa Stormwater Utility Manual - Rules, Rates, Fees and Credits, is hereby adopted and incorporated by reference as part of this code. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

18-802. Findings. The Board of Commissioners of the City of Alcoa (hereinafter referred to as the city) makes the following additional findings and conclusions.

(1) Stormwater systems which provide for the collection, treatment, storage and disposal of stormwater, provide benefits and services to all property within the incorporated city limits. Such benefits include, but are not limited to:

(a) The provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater.

(b) The reduction of hazards to property and life resulting from stormwater runoff.

(c) Improvements in general health and welfare through reduction of undesirable stormwater conditions.

(d) Improvements to the water quality in the stormwater and surface water system and its receiving waters.

(2) An equitable approach to funding stormwater management services and facilities can be provided by adopting a schedule of service fees upon properties that is related to burden of stormwater quantity and quality control service requirements and costs posed by properties throughout the city.

(3) A utility fee credit is an appropriate means of adjusting fees in recognition that private stormwater systems and/or actions can effectively reduce or eliminate the burden of stormwater quantity and quality control service requirements and costs that a property or properties pose for the city. In addition, the value to the stormwater utility of certain actions and practices performed by property owners and other stormwater utility customers may be recognized by credits based on other factors, including but not limited to the avoided cost of public information and education realized by the utility when public information and education about stormwater management is provided by the public school system.

(4) Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the city, and therefore is an appropriate parameter for calculating stormwater utility fees and associated credits. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

18-803. Definitions. As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Credit" shall mean a conditional reduction in the amount of a stormwater utility fee to a qualifying individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility or the provision of a service or activity by the property owner, which system, facility, service, or activity reduces the stormwater utility's cost of providing stormwater services and facilities. Credits for on-site stormwater systems shall be generally proportional to the positive affect that such systems have on the peak rate of runoff and/or improved water quality from the individual property. Credits shall be defined and implemented in a stormwater utility manual, which shall be adopted and amended from time to time, as necessary, by resolution of the Alcoa Board of Commissioners, and shall be maintained and published in such form and manner as directed by the Alcoa City Manager or his designee.

(2) "Customers of the stormwater utility" shall include all persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the stormwater management programs, systems, and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and

persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program as determined by applicable law.

(3) "Detached dwelling unit" shall mean developed land containing one (1) structure which is not attached to another dwelling and which contains one (1) or more rooms with a bathroom and kitchen facilities designed for occupancy by one family. Detached dwelling units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land. "Developed land" shall be classified as a detached dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings. Detached dwelling unit can also include developed land that has a non-residential use of a dwelling unit designed for occupancy for one (1) family so long as such use does not result in additional impervious areas, such as parking spaces, impervious surfaced playgrounds, or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship, or similar non-residential uses. Detached dwelling unit shall not include developed land containing: manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes; or multiple-unit residential properties.

(4) "Developed land" shall mean property altered from a natural state by construction or installation of more than five hundred (500) square feet of impervious surfaces as defined in this chapter.

(5) "Equivalent Residential Unit (ERU)" of impervious area shall mean the median impervious coverage of detached dwelling unit properties in the City of Alcoa as determined by the city, and shall be used as the basis for determining stormwater utility fees to detached dwelling unit properties or classes of detached dwelling unit properties and other developed land.

(6) "Flood control facilities" shall mean all natural and manmade conveyances and structures for which the partial or full purpose or use is to convey surface flood runoff water within the jurisdictional boundaries of the city of Alcoa. This includes all natural conveyances for which the city has assumed a level of maintenance responsibility, or has made improvements to prevent flooding in order to satisfy the city's responsibility or obligation to protect public and private property, or for to which the city has made improvements, against the flooding of which the city must make provision to protect public and private property, or for which the city is accountable under federal or state regulations for protecting the water quality within its jurisdictional boundaries.

(7) "Impervious surfaces" shall mean those areas that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots,

storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.

(8) "Multiple dwelling unit residential properties" shall mean other developed land whereon two (2) or more attached residential dwelling units are located and shall include, but not be limited to, apartment houses, condominiums, town homes, attached single-family homes, duplexes, triplexes, boarding houses, group homes, hotels and motels, retirement centers, and other structures in which two (2) or more family groups commonly and normally reside or could reside. In the application of stormwater utility fees, multiple dwelling unit properties shall generally be treated as other developed lands. However, multiple dwelling unit residential properties where individual residential dwelling units are owned or occupied independently, such as residential condominiums or apartments, may be treated as detached dwelling unit properties in the application of stormwater utility fee rates.

(9) "Other developed land" shall mean, but shall not necessarily be limited to, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs, and water and wastewater treatment plants.

(10) "Public airport" shall mean any airport that is used or to be used for public purposes, under the control of a public agency, of which the area used or intended to be used for landing, take off or surface maneuvering of aircraft is publicly owned (see, section 47102(20) of title 49 of the United States Code).

(11) "Stormwater" shall mean stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration (other than infiltration contaminated by seepage from sanitary sewers or by other discharges) and general drainage related to a precipitation event.

(12) "Stormwater utility fee" shall mean the stormwater management fee and/or charges applicable to a parcel of developed land, which fee/charges shall be reflective of the City of Alcoa stormwater utility's cost of providing stormwater management services and facilities. Stormwater utility fee may also be termed "stormwater utility service charge."

(13) "Stormwater management facilities" shall mean those natural and man-made drainage structures, conveyances, conduits, combined sewers, sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated and/or disposed of.

(14) "Undeveloped land." Land in its unaltered state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel

surfaces or structures which create an impervious surface that would prevent infiltration of storm water or cause storm water to collect, concentrate, or flow in manner materially different than that which would occur if the land was in an unaltered natural state. For purposes of this chapter, undeveloped land shall also include property altered from its natural state by the creation or installation of less than five hundred (500) square feet of impervious surfaces. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, replaced by Ord. #08-153, Feb. 2008, and amended by Ord. #08-181, Oct. 2008)

18-804. Creation of stormwater utility. A stormwater utility is created which shall consist of staff as designated by the city manager for the operation and maintenance of the city's stormwater/drainage system.

The stormwater utility shall:

(1) Administer the acquisition, design, construction, maintenance and/or operation of the stormwater utility system, including capital improvements as may be designated in the capital improvement program;

(2) Administer and enforce this ordinance and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the utility stormwater system, including, but not limited to, the quantity, quality and/or velocity of the stormwater conveyed thereby;

(3) Advise the municipality's governing body and other city departments on matters relating to the utility;

(4) Review and approve or deny plans; inspect and accept extensions and connections to the system; and require submission of as-built plans of completed drainage improvements;

(5) Enforce regulations to protect and maintain water quality and quantity within the system in compliance with water quality standards established by local, state, regional and/or federal agencies as now adopted or hereafter amended;

(6) Analyze the cost of services and benefits provided, and the system and structure of fees, charges, civil penalties and other revenues of the utility. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

18-805. Scope of responsibility for the city drainage system. The city drainage system consists of all rivers, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or manmade, within the political boundaries of the City of Alcoa which:

(1) Are located within publicly dedicated streets, rights-of-way, and easements;

(2) Are subject to publicly dedicated easements, easements-by-use, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions of

adequate access of operation, maintenance, and/or improvement of systems and facilities; or

(3) Are located on public lands to which the city has adequate access for operations, maintenance, and/or improvement of systems and facilities.

Operation and maintenance of stormwater systems and facilities which are located on private property or public property not owned by the City of Alcoa and for which there has been no public dedication of such system and facilities to the City of Alcoa for operation and maintenance, and/or improvements or the system and facilities shall be and remain the legal responsibility of the property owner, or its occupant, except as that responsibility may be otherwise affected by the laws of the State of Tennessee and the United States of America. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

18-806. Funding of stormwater utility. Funding of the stormwater utility's activities may include, but not necessarily limited to, the following:

(1) Stormwater utility fees.

(2) Civil penalties and damage assessments imposed for or arising from the violation of the city's stormwater management ordinance(s), regulations, etc. as may be adopted and amended from time to time.

(3) Stormwater permit and inspection fees.

(4) Other funds or revenue obtained from federal, state, local, and private grants, or revolving funds, and from revenue derived from the issuance of debt obligations of the city or the stormwater utility pursuant to the Local Government Public Obligations Act of 1986 (Tennessee Code Annotated, title 9, chapter 21, as amended, or any other lawful source of revenue).

To the extent that the stormwater drainage fees collected are insufficient to construct, operate, and maintain needed stormwater drainage facilities and to comply with the requirements of this and other related ordinances, regulations, etc., the cost of the same may be paid from such city funds as may be approved by the Alcoa Board of Commissioners. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

18-807. Stormwater fund. All revenues generated by or on behalf of the stormwater utility shall be deposited in a stormwater utility fund and used exclusively by the city for the stormwater utility. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

18-808. Operating budget. The Alcoa Board of Commissioners shall adopt an operating budget for the stormwater utility each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement

and debt service. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

18-809. Determinations and modification of stormwater utility fees. Stormwater utility fees may be adopted and modified by resolution from time to time by the Board of Commissioners of the City of Alcoa so that the total revenue generated by said charges, in addition to all other revenue of the stormwater utility, will be sufficient and any other sources of revenue that may be made available to the stormwater utility will be sufficient to meet the cost of services and facilities, including but not limited to:

(1) The payment of principal and interest on debt obligations of the stormwater utility.

(2) Other expenses reasonably necessary or convenient in the acquisition, construction, operation, maintenance, and regulation of the stormwater system and of properties affecting the stormwater system.

Graduated stormwater utility fees shall be based on actual or estimated use of the storm water and/or flood control facilities of the municipality and stormwater utility. Each user or user class shall be required to pay its proportionate share of the construction, administration, operation and maintenance, including replacement costs, of such facilities based on the user's actual or estimated proportionate contribution to the total storm water runoff from all users or user classes.

To ensure a proportionate distribution of all costs to each user or user class, the user's contribution shall be based on factors such as, but not necessarily limited to, the amount of impervious area utilized by the user, the water quality of user's storm water runoff, the volume, rate and/or velocity of storm water runoff.

The use of any particular characteristic as a utility fee rate parameter shall not preclude the use of other parameters, or of grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat-rate charges for one (1) or more classes of similarly-situated properties whose impact on the stormwater utility's cost of providing stormwater management services and facilities are relatively consistent. Stormwater utility fees may also include special charges to individual customers for services or facilities related to stormwater management, including but not limited to fees for plan review of development, inspection of development projects and on-site stormwater control systems, and enhanced levels of stormwater services above those normally provided by the city. The purpose of classifications of properties through this process shall be to establish and maintain fees, rates, and charges which are based upon objective characteristics of the affected properties, and are levied and applied throughout the stormwater utility so as to assess properties in a manner consistent with other similarly situated properties. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

18-810. Effective date of stormwater utility fees. Stormwater utility fees shall accrue beginning with the adoption of and as indicated in the first schedule of fees by the Board of Commissioners of the City of Alcoa and shall be billed periodically thereafter to customers except as specific exemptions and adjustments may apply. Fees shall be due, delinquent charges applied, and/or utility service terminated as specified in said fee schedule or as otherwise specified by applicable city ordinances and/or regulations. (as added by Ord. #08-153, Feb. 2008)

18-811. Alcoa Stormwater Utility Manual. The city manager or his designee shall prepare an Alcoa stormwater utility manual containing the Equivalent Residential Unit schedule (ERU), utility fee credits criteria and a separate rate schedule for approval by the board of commissioners. Said manual and rates shall be subject to review and adoption by resolution of the board of commissioners and may be revised, amended or otherwise changed from time to time by resolution. Copies of said manuals and rates shall be available at the office of the Alcoa City Recorder. (as added by Ord. #08-153, Feb. 2008)

18-812. Stormwater utility fee rates. In order to fully recover the cost of providing stormwater services and facilities while fairly and reasonably apportioning the cost among developed properties throughout the city, the following stormwater rates shall apply.

(1) Detached dwelling units. Detached dwelling units shall be charged based upon one (1) Equivalent Residential Unit (ERU), or multiplied thereof, as specified in the Alcoa Stormwater Utility Manual.

(2) Other developed lands. All developed lands not classified as detached dwelling units shall be billed for one (1) ERU, or multiplier thereof, as specified in the Alcoa Stormwater Utility Manual.

(3) Multiple dwelling unit residential properties. Multiple dwelling unit residential properties where individual residential units are owned or occupied independently, such as residential condominiums or apartments, may be treated as detached dwelling unit properties in the application of the stormwater utility fee.

(4) Exempt properties. There shall be no utility fee for exempt property. (as added by Ord. #08-153, Feb. 2008)

18-813. Exemptions and credits applicable to stormwater utility fees. Except as provided in this section, no public or private property shall be exempt from stormwater utility fees or receive a credit or offset against such service charges. No exemption, credit, offset, or other reduction in stormwater utility fees shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater utility's cost of providing stormwater services and facilities.

(1) The following exemptions from stormwater utility fees shall be allowed:

(a) Undeveloped land (less than five hundred (500) square feet of impervious area) as defined in this chapter shall be exempt from stormwater utility fees;

(b) Railroad tracks shall be exempt from stormwater utility fees. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater utility fees.

(c) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by the City of Alcoa and/or Federal governments, or any political subdivision thereof and are available for use in common for vehicular transportation by the general public.

(d) Agricultural property. Any farming practice having a total impervious area of less than ten percent (10%).

(e) Public parks, greenways, and other public recreational facilities having a total impervious area of less than fifty percent (50%).

(f) Developed property having stormwater that discharge into a zero-discharge pond, sinkhole or impounded reservoir of the Tennessee Valley Authority without traveling through, over, or benefitting from any portion of the city's stormwater system.

(g) Public airport runways and taxiways shall be exempt from stormwater utility fees. However, terminals, maintenance buildings, service roads or other developed land used for airport purposes shall not be exempt from stormwater utility fees.

(2) Stormwater utility fee credits shall be allowed for the following activities/occurrences when initiated at the discretion of the City of Alcoa and in accordance with the Alcoa Stormwater Utility Manual as described in § 18-811 or as may be specified in duly adopted fee schedules:

(a) Other developed lands that have, and maintain in proper working order, on-site stormwater detention and retention systems that reduce the peak rate of stormwater discharge. Certification and maintenance criteria shall be set forth in the Alcoa Stormwater Utility Manual.

(b) Public and private schools and school systems located in the City of Alcoa that teach approved stormwater conservation curricula. This credit will be allowed when that portion of the city's NPDES phase II permitted education program is in place.

(c) Other developed lands that have, and maintain in proper working order, on-site stormwater best management practices that reduce the impact of stormwater runoff on water quality in accordance with water quality standards set forth in the Alcoa Stormwater Utility Manual.

(d) Other developed lands that have, and maintain, a Tennessee multi-sector general permit for industrial activities.

(e) Other developed lands that have, and maintain, a national pollutant discharge elimination system industrial stormwater discharges associated with industrial activity permit.

(f) Other developed lands that have a direct stormwater discharge that is generated on the property immediately adjacent to a stream and flows directly to the waterbody in accordance with criteria set forth in the Alcoa Stormwater Utility Manual.

(3) The Alcoa Stormwater Utility Manual shall specify the design and performance standards of on-site systems, facilities, activities, and services which qualify for application of a fee credit, and how such credits shall be calculated.

(4) The stormwater utility fee credit shall be determined based on the technical requirements and standards contained in the Alcoa Stormwater Utility Manual. The stormwater utility fee credit shall be proportional to the extent that on-site systems, facilities, services, and activities provided, operated, and maintained by the property owner reduce or mitigate the stormwater utility's cost of providing services and facilities.

(5) Groups of detached dwelling units represented by a homeowner's association providing on-site systems or facilities that reduce or mitigate the stormwater utility's cost of providing stormwater management services and facilities may receive a stormwater utility fee credit. The stormwater utility fee credit shall be determined based on the technical requirements and standards contained in the Alcoa Stormwater Utility Manual. The stormwater utility fee credit available to groups of detached dwelling units shall be proportional to the extent that on-site systems and facilities provided, operated, and maintained by the homeowners association reduce or mitigate the stormwater utility's cost of providing services and facilities.

(6) Any credit allowed against the stormwater utility fee is conditioned on continuing compliance with the city's design and performance standards as stated in Alcoa Stormwater Utility Manual and/or upon continuing provision of the systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. A credit may be revoked by the city at any time for non-compliance. A thirty (30) days notice of a non-complying condition and intent to revoke a stormwater utility fee credit shall be provided to the stormwater utility customer receiving a credit before the credit is revoked thereby allowing the customer the opportunity to attain compliance. (as added by Ord. #08-153, Feb. 2008, as amended by Ord. #08-181, Oct. 2008)

18-814. Stormwater utility fee billing, delinquencies, and collections. A stormwater utility fee bill may be sent through the United States mail or by alternative means, notifying all customers of the amount of the

bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for non-payment. Regardless of the status of the party to whom the bill is initially directed, the owner of each parcel of developed land shall be ultimately obligated to pay the stormwater utility fee. If a customer is under billed or if no bill is sent for developed land, the city may backbill for a period of up to the maximum allowed by state statute, but in such cases shall not assess penalties for any delinquency. A late charge will be based upon the unpaid balance in accordance with the applicable utility service policies of the City of Alcoa. (as added by Ord. #08-153, Feb. 2008)

18-815. Application of utility fees billed in common. The stormwater utility fee shall be billed and collected along with other city utility services. Any payment of utility fees billed in common shall be applied to the customer's bill as established through the prevailing policies and ordinances of the City of Alcoa. (as added by Ord. #08-153, Feb. 2008)

18-816. Removal or cessation of utility services. The City of Alcoa may remove or cease to provide any utility service(s) as it determines necessary to enforce the payment of any/all city utility fees including the stormwater utility fee. (as added by Ord. #08-153, Feb. 2008)

18-817. Alcoa Stormwater Board of Appeals. 1. Creation. An Alcoa Stormwater Board of Appeals (ASBA) is hereby established, consisting of three (3) members to hear appeals filed by any person(s) appealing a utility fee, civil penalty or damage assessment, or appealing / requesting a variance for other action imposed pursuant to stormwater related ordinances.

The following criteria shall pertain to the ASBA:

(a) The board of commissioners shall appoint the members of the ASBA;

(b) All members of the ASBA shall be citizens of the City of Alcoa;

(c) The board of commissioners shall select appointees so that the ASBA will consist of individuals with an expertise as follows:

(i) A representative of the engineering profession who meets one (1) of the following criteria:

(A) A professional engineer with three (3) years of civil or environmental engineering experience as a professional engineer; or

(B) Other professional in the civil or environmental engineering field with extensive knowledge and experience in stormwater management issues.

The ASBA engineering representative may reside outside the City of Alcoa but should be a Blount County resident.

(ii) One (1) representative of the development or industrial community;

(iii) One (1) member at large;

(iv) In addition to the above qualifications one through four, one (1) of the three (3) members must have at least three (3) years civil or environmental engineering experience.

(v) Any member may be actively employed or a retiree.

(d) ASBA members shall serve for a term of three (3) years. An ASBA member shall continue to serve, however, until a successor has been appointed, or until the ASBA member has been reappointed. The terms of the original ASBA members shall be staggered so that the term of one member shall expire each year. In making the initial appointments to the ASBA, the commission shall designate the initial term of the appointees so as to provide for staggering the expiration of terms of the appointees.

(e) An appointment to succeed a ASBA member who is unable to serve said member's full term shall be for the remainder of said member's term.

(f) ASBA members may be reappointed, but shall not succeed themselves without appointment as provided above.

(g) ASBA members shall serve without compensation.

(h) No ASBA member shall participate in the appeal of any matter in which the member has a direct personal or financial interest.

(2) Organizations. When said board has been duly appointed, they shall take an oath as prescribed by the Charter of the City of Alcoa, applicable to all other officials of said city.

(a) Said Alcoa Stormwater Board of Appeals shall annually elect one of its members to serve as chair and another member to serve as vice-chair through a majority vote of all members. The terms of the chair and vice-chair shall be one (1) year with eligibility for re-election.

(b) The ASBA shall keep complete and accurate records of the proceedings of all their meetings. The city manager or his designee shall designate a person to serve as secretary to the ASBA.

(3) Procedure. Meetings of the Alcoa Stormwater Board of Appeals shall be held at the call of the chair, and at such other times as the board may determine. Such chair, or, in his absence, the acting vice-chair, may administer oaths and compel the attendance of witnesses.

(a) Two (2) members of said board shall constitute a quorum for the transaction of business, and shall be necessary for the adoption of any resolution or the passage of any motion.

(b) All meetings of the board shall be open to the public.

(c) The board shall adopt rules of procedure and shall keep records of appeals and action thereon, and its reasons for the decision, which shall be a public record.

(4) Appeals. Any person requesting a variance, aggrieved by the imposition of a civil penalty, damage assessment or enforcement of any provision as provided in any stormwater ordinances may appeal said penalty or damage assessment to the Alcoa Stormwater Board of Appeals (ASBA).

(a) The notice of appeal shall be in writing on a form provided and filed with the public work and engineering department within thirty (30) days after the contested action, assessment, penalty, etc. is served in any manner authorized by law.

(b) The director of public works and engineering or his designee shall transmit to the Alcoa Stormwater Board of Appeals the notice of appeal and support documentation constituting the record upon which the action appealed was taken. Upon the hearing any person or party may appear in person or by agent or by attorney.

(c) Upon receipt of an appeal, the ASBA shall hold a public hearing within sixty (60) days, or a later date mutually agreed upon by the parties. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a local daily paper of general circulation. Ten (10) days notice shall be provided to the aggrieved party at the address provided at the time of appeal.

(d) Any alleged violator may appeal a decision of the ASBA pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8.

(e) If a petition for review of such action, assessment, penalty, etc. is not filed within thirty (30) days after the action, assessment, penalty, etc. is served in any manner authorized by law, the violator shall be deemed to have consented to the damage assessment or civil penalty, and it shall become final.

(5) Powers. The Alcoa Stormwater Board of Appeals shall have the following powers:

(a) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by public works and engineering or other administrative official in the carrying out or enforcement of any provision of any stormwater related ordinance.

(b) Variance. To hear and decide appeals for variance from the terms of a stormwater related ordinance, by reason of extraordinary or exceptional situation or condition of a piece of property, whereby the strict application of the provisions of any stormwater related ordinance would result in impractical difficulties to or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any stormwater related ordinance. In granting a variance the ASBA may attach thereto such conditions regarding the location, character and other related stormwater features

use, as it may seem advisable in furtherance of the purpose of this chapter.

(c) Subpoenas. The ASBA may issue subpoenas requiring attendance of witnesses and production of such evidence as requested, administer oaths, and take testimony, as the board deems necessary to fulfill its purpose.

(6) Stormwater utility fee appeals. Any stormwater utility customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

(a) An appeal must be filed in writing with the City of Alcoa Department of Public Works and Engineering. In the case of utility fee appeals, the appealing customer may provide either of the following:

(i) If aerial photography or other mapping is available that may be used to accurately depict the subject property's existing conditions, the appellant may utilize such mapping to demonstrate the total impervious area and the relationship of the same to the prevailing schedule of stormwater fees.

(ii) A plan of the property prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events

(iii) The appellant may submit any other relevant evidence available to support their appeal.

(b) Using the information provided by the appellant, the city manager or his designee shall conduct a technical review of the conditions on the property and respond to the appeal in writing within sixty (60) days. If no response is prepared within sixty (60) days of the date of the receipt of the appeal or a written extension, the appeal will be considered approved.

(c) In response to an appeal the city manager or his designee may adjust the stormwater utility fee applicable to a property in conformance with the general purpose and intent of the chapter.

(d) A decision of the city manager or his designee, which is adverse to an appellant, may be further appealed to the Alcoa Stormwater Board of Appeals (ASBA) within sixty (60) days of the adverse decision. Notice of the appeal shall be delivered to the secretary of the ASBA by the appellant, stating the grounds for further appeal.

(e) The appeals process contained in this section shall not prevent an appellant from seeking relief in the approved manner and form from a court of competent jurisdiction. (as added by Ord. #08-153, Feb. 2008, and amended by Ord. #10-222, Feb. 2010)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20**MISCELLANEOUS****CHAPTER**

1. FISHING AND BOATING REGULATIONS.
2. CEDARLAWN CEMETERY.
3. PUBLIC PARKS.
4. CIVIL EMERGENCY.
5. ALARM SYSTEM REGULATIONS.
6. GARAGE SALE REGULATIONS.
7. ROADSIDE MEMORIALS.
8. SPECIAL EVENTS.

CHAPTER 1**FISHING AND BOATING REGULATIONS****SECTION**

- 20-101. Fishing permitted.
- 20-102. Fishing hours regulated.
- 20-103. Size and catch limit.
- 20-104. Bait regulated.
- 20-105. Method of fishing regulated.
- 20-106. Boats prohibited.
- 20-107. Swimming prohibited.
- 20-108. Game warden.
- 20-109. Penalties.

20-101. Fishing permitted. Individuals shall be permitted to fish the public bodies of water within the City of Alcoa, subject to compliance with the laws of the State of Tennessee and the rules and regulations of the Tennessee Wildlife Resources Agency or any other department or agency governing fishing in the State of Tennessee. Nothing in this chapter shall be construed to permit fishing upon any privately owned waters without express permission of the owner. (1971 Code, § 12-201, as replaced by Ord. #11-263, Aug. 2011)

20-102. Fishing hours regulated. Fishing shall be permitted daily at any time; provided, however, the city manager may temporarily prohibit fishing in the interest of the public's health and safety, emergencies, special events, periods immediately following re-stocking ponds, or for any other necessary and appropriate reason. (1971 Code, § 12-202, as replaced by Ord. #11-263, Aug. 2011)

20-103. Size and catch limit. There shall be no size limit to fish which may be taken from the public bodies of water; provided, however, it shall be unlawful for any person to take in any one (1) day more than five (5) large mouth bass or ten (10) bream. (1971 Code, § 12-203, as replaced by Ord. #11-263, Aug. 2011)

20-104. Bait regulated. Any type of natural or artificial bait may be used in fishing the public bodies of water within the City of Alcoa; provided, however, it shall be unlawful to fish with minnows in the waters commonly known as the duck pond (Springbrook Lake) and the Corporate Center Lake in Springbrook Corporate Center. (1971 Code, § 12-204, as replaced by Ord. #11-263, Aug. 2011)

20-105. Method of fishing regulated. It shall be unlawful to fish the public waters within the City of Alcoa with more than one (1) rod and reel, pole, hook and line or any other device deploying more than one (1) bait in the water at a time. It shall further be unlawful to employ the use of nets (except dip nets to retrieve lawfully caught fish), seines, snag lines, drag lines, grab hooks, dynamite or any other explosive material, or to shoot into the waters of the City of Alcoa a rocket, arrow, bullet, BB, pellet or any other projectile capable of killing, stunning or otherwise harming fish whether powered by explosive gases, compressed gases, human strength or any other force. (1971 Code, § 12-205, as replaced by Ord. #11-263, Aug. 2011)

20-106. Boats prohibited. It shall be unlawful to place or use any boat, canoe, raft or other vessel on either the duck pond or Corporate Center Lake; provided, however, the city manager or the city manager's designee may waive all or part of this section in conjunction with the granting of a special event permit. (1971 Code, § 12-206, as replaced by Ord. #11-263, Aug. 2011)

20-107. Swimming prohibited. It shall be unlawful to wade or swim in either the duck pond or Corporate Center Lake; provided, however, the city manager or the city manager's designee may waive all or part of this section in conjunction with the granting of a special event permit. (1971 Code, § 12-208, as replaced by Ord. #11-263, Aug. 2011)

20-108. Game warden. The chief of police shall be appointed and designated game warden for the purpose of policing and enforcing the provisions of this chapter, and authority is specifically given the chief of police to withdraw or suspend the privileges extended to any person by this chapter upon the violation of any of the provisions here or for any misconduct, unsportsmanlike conduct, breach of the peace or any other action or conduct calculated to interfere with the proper and general enjoyment of the public waters within the

City of Alcoa for the purposes intended by this chapter. (1971 Code, § 12-209, as replaced by Ord. #11-263, Aug. 2011)

20-109. Penalties. Any person violating any of the provisions of this chapter upon conviction shall be fined fifty dollars (\$50.00) for each such violation and each provision violated shall be deemed a separate violation. Further, any violation will be subject to the person to penalties under § 20-108. (1971 Code, § 12-210, as replaced by Ord. #11-263, Aug. 2011)

CHAPTER 2

CEDARLAWN CEMETERY

SECTION

- 20-201. General operation of cemetery.
- 20-202. Purchase of cemetery lots.
- 20-203. Use of proceeds from sales.
- 20-204. Speed limit.
- 20-205. Unlawful conduct.

20-201. General operation of cemetery. The operation and maintenance of the Cedarlawn Cemetery shall be under the control and supervision of the city manager, and he shall have the right to appoint such necessary clerks and officials and employ such labor as he shall deem necessary and proper.

It shall be the duty of the city manager to make, from time to time, such rules and regulations for the governing of the cemetery as he may deem necessary and proper, and he shall cause to be set up such records and books as he shall deem necessary and proper for the operation of the cemetery.

The rules and regulations formulated by the city manager for the operation of the cemetery shall be submitted to the board of commissioners for approval. (1971 Code, § 12-301)

20-202. Purchase of cemetery lots. The burial lots in the cemetery shall be sold for such prices and on such terms as shall be set up and determined by the city manager. (1971 Code, § 12-302)

20-203. Use of proceeds from sales. All moneys received from the sale of burial lots in the cemetery shall be placed in the general funds of the city and shall be used, together with any other moneys appropriated from time to time by the city for the operation, maintenance and improvement of the cemetery, under the direction and supervision of the city manager. (1971 Code, § 12-303)

20-204. Speed limit. It shall be unlawful for any driver of any motor vehicle to drive the same faster than fifteen miles per hour on any of the driveways or roadways of said cemetery. (1971 Code, § 12-304)

20-205. Unlawful conduct. (1) It shall be unlawful for any person to disturb the quiet and good order of any cemetery within the corporate limits by any noise or other improper conduct, and any person refusing to leave the cemetery when notified by the keeper or any police officer shall be guilty of a misdemeanor.

(2) It shall be unlawful for any person to in any way disturb any grave, or deface, pull up, or remove anything put or placed to mark a grave in any cemetery without permission of the caretaker.

(3) It shall be unlawful for any person to destroy, mutilate, deface, injure, or remove, without permission from the caretaker, any tomb, monument, gravestone, or any other structure in any cemetery, or to injure, destroy or remove any flowers from said cemetery, or from any graves therein, or to pluck any flowers or shrubs, or to destroy, break, or remove any tree, shrub, or plant that may be growing in any cemetery. (1971 Code, 12-305)

CHAPTER 3

PUBLIC PARKS

SECTION

20-301. Parking in public parks.

20-302. Hours of operation for parks.

20-301. Parking in public parks. It shall be unlawful for any person to park any motor vehicle or trailer in any public park in the City of Alcoa, Tennessee, except at those locations where parking is specifically designated by painted lines upon the pavement or signs. (1971 Code, § 12-501)

20-302. Hours of operation for parks. (1) Except as otherwise herein provided, is shall be unlawful for any person, organization or group to use or occupy the public parks in the City of Alcoa, Tennessee, for any purpose as follows:

(a) Howe Street Park, Rock Gardens Park and Oldfield Park, including any vehicular parking areas in connection therewith, from sunset until sunrise as published by the National Oceanic and Atmospheric Administration; and

(b) All other public parks, including any vehicular parking areas in connection therewith, during the hours between midnight and 6:00 A.M.

(2) Permission to use and occupy any of said parks or any vehicular parking areas in connection therewith may be granted on special occasion by application to the Chief of Police of the City of Alcoa and the same may be issued in writing by the chief of police with the concurrence and approval of the Director of the Maryville/Alcoa/Blount County Recreation and Parks Commission.

(3) Nothing in this section is to be construed as restricting any official work or activity in said parks during said hours by any department of the City of Alcoa or of the Maryville/Alcoa/Blount County Recreation and Parks Commission. (1971 Code, § 12-502, as amended by Ord. #08-173, July 2008)

CHAPTER 4

CIVIL EMERGENCY

SECTION

- 20-401. Civil emergency and curfew defined.
- 20-402. Proclamation of civil emergency.
- 20-403. Curfew authorized.
- 20-404. Authority to issue other orders.
- 20-405. Exceptions to curfew.
- 20-406. Violation of orders.

20-401. Civil emergency and curfew defined. (1) A civil emergency is defined to be:

(a) A riot or unlawful assembly characterized by the use of actual force or violence or a threat to use force if accompanied by the immediate power to execute by three or more persons acting together without authority of law.

(b) Any natural disaster or man-made calamity including but not limited to flood, conflagration, cyclone, tornado, earthquake, or explosion within the geographic limits of a municipality resulting in the death or injury of persons, or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(c) The destruction of property, or the death or injury of persons brought about by the deliberate acts of one or more persons acting either alone or in concert with others when such acts are a threat to the peace of the general public or any segment thereof.

(2) Curfew is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the municipality except persons officially designated to duty with reference to said civil emergency or those lawfully on the streets as defined in this chapter. (1971 Code, § 1-601)

20-402. Proclamation of civil emergency. When in the judgment of the city manager a civil emergency as defined in this chapter is determined to exist, he shall forthwith proclaim in writing the existence of same, a copy of which proclamation will be filed with the recorder. (1971 Code, § 1-602)

20-403. Curfew authorized. After proclamation of a civil emergency by the city manager, he may order a general curfew applicable to such geographical areas of the municipality or to the municipality as a whole, as he deems advisable, and applicable during which hours of the day or night as he

deems necessary in the interest of the public safety and welfare. Said proclamation and general curfew shall have the force and effect of law and shall continue in effect until rescinded in writing by the city manager, but not to exceed fifteen days. (1971 Code, § 1-603)

20-404. Authority to issue other orders. After proclamation of a civil emergency the city manager may at his discretion, in the interest of public safety and welfare:

- (1) Order the closing of all retail liquor stores.
- (2) Order the closing of all establishments wherein beer or alcoholic beverages are served.
- (3) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted.
- (4) Order the discontinuance of the sale of beer.
- (5) Order the discontinuance of selling, distribution, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- (6) Order the closing of gasoline stations, and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products.
- (7) Order the discontinuance of selling, distributions, dispensing or giving away any firearms or ammunition of any character whatsoever.
- (8) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition.
- (9) Issue such other orders as are necessary for the protection of life and property. (1971 Code, § 1-604)

20-405. Exceptions to curfew. Any curfew as defined in this chapter shall not apply to persons lawfully on the streets and public places during a civil emergency who have obtained permission of the chief of police or other law enforcement officer then in charge of municipal law enforcement, which permission shall be granted on good cause shown. This curfew also shall not apply to medical personnel in the performance of their duties. (1971 Code, § 1-605)

20-406. Violation of orders. Any person violating provisions of orders issued by the city manager pursuant to the authorization of Tennessee Code Annotated, § 38-9-101 et seq. and this chapter shall be punishable under the general penalty clause of this code. (1971 Code, § 1-606)

CHAPTER 5

ALARM SYSTEM REGULATIONS

SECTION

20-501. Definitions.

20-502. Automatic telephone dialing alarm system.

20-503. Alarm requirements.

20-504. False alarms.

20-505. Fee assessment.

20-506. Penalty for offenses.

20-501. Definitions. Unless it is apparent from the context that another meaning is intended, the following words when used in this ordinance shall have the meanings indicated herein:

(1) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the police and/or fire department by any means that an emergency exists or that the services of either or both of those departments are needed. "Alarm system" shall also mean any alarm device which automatically emits an audible, visual, or other response upon the occurrence of any hazard or emergency and is intended to alert persons outside the building to the existence of said hazard or emergency.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure, or facility or portion thereof wherein an alarm system is maintained.

(3) "Automatic telephone dialing alarm system" means any alarm system which is a device which automatically or electronically transmits by telephone or telephone line connected to the central dispatch facility a recorded message or code signal indicating a need for emergency response; or a system which, upon activation, connects to an answering service whose function it is to transmit to the police and/or fire department a need for emergency response.

(4) "False alarm" means an alarm signal eliciting a response by the police and/or fire department when a situation requiring a response by the police and/or fire department does not in fact exist; but, this definition does not include an alarm signal caused by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. Also this definition does not include an alarm signal caused by a situation that may have been brought under control prior to the arrival of the responding police and/or fire department, that otherwise would have required a response.

(5) "Central dispatch facility" means the central communications center designated to receive, route, and otherwise handle all incoming police, fire, or other emergency service communications traffic.

(6) "Answering service" refers to a telephone answering service providing among its services the receiving on a continuous basis emergency signals from alarm systems and thereafter relaying the message to the central dispatch facility. (Ord. #991, Sept. 1995)

20-502. Automatic telephone dialing alarm system. It shall be unlawful for any person, natural or corporate, to operate an automatic telephone dialing alarm system over any telephone lines exclusively used by the public to directly request emergency service from the fire and/or police department. (Ord. #991, Sept. 1995)

20-503. Alarm requirements. (1) It will be the responsibility of the alarm user to provide the central dispatch facility with current emergency telephone numbers of the user and two representatives to permit prompt notification of alarm calls and prompt response of key holder to assist police and/or fire personnel in the inspection of the property.

(2) All alarm systems will have an automatic reset which silences the annunciator within thirty (30) minutes after activation and which will not sound again as a result of the same event that resulted in the original activation. (Ord. #991, Sept. 1995)

20-504. False alarms. (1) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by police and/or fire personnel, a police and/or fire supervisor shall determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) If the police or fire supervisor, determines the alarm to be false and no emergency seems necessary, then said supervisor shall submit a report of the false alarm to the respective chief. A written notification of emergency response and determination of the response shall be mailed or delivered to the alarm user at the address where the alarm was activated. The alarm user upon receipt of the notification shall be entitled to a hearing before the respective chief or his designee and the alarm user desiring a hearing shall request said hearing within ten days of date of notification.

(3) In occupancies where fire alarm systems are a requirement of the adopted fire code, said alarm systems are a requirement of the adopted fire code, said alarm systems shall be restored to proper working order in a timely manner.

(4) It shall be a violation of this chapter to intentionally cause a false alarm, and any person who intentionally causes a false alarm shall be subject to the penalty provisions hereof.

(5) There shall be provided to the alarm user, a ten-day grace period during the initial installation of the alarm system.

(6) It shall be required and provided that any alarm business testing or servicing any alarm system notify the police and/or fire departments and instruct said departments of the location and time of said testing and servicing. This section will not apply to the alarm user if prior notice of said testing has been made to the respective departments as outlined in this section. (Ord. #991, Sept. 1995)

20-505. Fee assessment. It is hereby found and determined that more than five (5) false alarms within a fiscal year (July 1 - June 30) are excessive and constitute a public nuisance. The activation of six (6) or more false alarms within a fiscal year will be handled in the following manner: A service charge shall be automatically levied against the alarm user of twenty-five dollars (\$25.00) upon the occurrence of the sixth (6th) false alarm and a service charge of fifty dollars (\$50.00) for each false alarm in excess of nine (9). All service charges levied shall be paid to the city by the alarm user within thirty (30) days of the date of the written notice of said charges. (Ord. #991, Sept. 1995)

20-506. Penalty for offenses. Any person who violates any provisions of this chapter shall be guilty of a violation, and upon conviction in city court, shall be subject to a fine not to exceed \$500. Each occurrence shall constitute a separate offense. (Ord. #991, Sept. 1995, modified)

CHAPTER 6

GARAGE SALE REGULATIONS

SECTION

20-601. Definitions.

20-602. Regulations.

20-601. Definitions. For the purposes of this chapter, the following terms are defined and shall be construed as follows:

(1) "Garage sale" shall be the offering for sale or exchange, or the sale or exchange, to the public of any personal property of any kind or description at a sale held upon privately owned residential property.

(2) "Residential property" is any real estate, lot or tract in the City of Alcoa, which is used primarily for residential purposes. (as added by Ord. #03-005, March 2003)

20-602. Regulations. It shall be unlawful for any person, firm, partnership, corporation or association to advertise, promote, conduct or hold any garage sale within the corporate limits of the City of Alcoa, except as herein provided:

(1) That not more than two (2) garage sales may be held during any calendar year at any one (1) residential property, the duration of each sale not to exceed three (3) days, and provided further that before any such sale may be held application to hold said sale must be made by the occupant of said property to the city inspection officer who shall issue a written permit without charge or fee therefor, and provided further that all personal property offered for sale or sold at said sale shall be owned at the time of sale by the occupant of said residential property and shall not have been purchased by the occupant for the purpose of resale.

(2) That court-ordered sales and sales by executors or administrators in the settlement of estates are exempt from the provisions of this chapter.

(3) That sales of personal property which are advertised by newspaper or radio for private appointment only and are, in addition, not advertised by sign or signs either on or off of the premises, and are, in addition, not exhibited on the premises in such manner as to indicate a public sale, are exempt from the provisions of this chapter.

(4) That all businesses and all business establishments which are properly licensed to conduct retail or wholesale sales are exempt from the provision of this chapter.

(5) That any person, firm or corporation who shall violate the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$1.00 nor more than \$50.00 for each day of violation. (as added by Ord. #03-005, March 2003)

CHAPTER 7

ROADSIDE MEMORIALS

SECTION

20-701. Definition.

20-702. Purpose.

20-703. Standards.

20-704. Safety.

20-705. Removal of roadside memorial markers.

20-701. Definition. Roadside memorial marker means any of the various kinds of tributes, typically ornamental, placed alongside the roadway to memorialize people who have died as a result of vehicular accidents. For the purpose of this code, temporary memorial markers include, but are not limited to, the various types of decorations, flags, flowers (cut and artificial) and other lightweight objects or ornamentation commonly used at funerals or at gravesides as a tribute to the dead. (as added by Ord. #07-122, April 2007)

20-702. Purpose. To establish regulations in allowing the placement of temporary (not to be displayed more than thirty (30) days from the date of the incident) roadside memorial markers within the public rights-of-way, located within the City of Alcoa corporate limits. Currently, there are no defined regulations regarding roadside memorials. To avoid potential traffic hazards and problems within public rights-of-way, and to allow mourning families and friends their time to grieve, these regulations have been established. (as added by Ord. #07-122, April 2007)

20-703. Standards. Temporary roadside memorial markers are allowed as follows:

(1) Displays are limited to thirty (30) days from the date of the incident;

(2) Displays shall be constructed of materials that, if struck, do not cause a hazard to the motoring public, bystanders, etc. (examples, no wooden component greater than two by two nominal size, easily collapsible if struck, etc.);

(3) Placed within the public right-of-way, as far from the travel lanes as reasonably possible (as near the right-of-way line as practical) and not on private property unless express permission is granted by property owners;

(4) Placed so that they are clear of ditches, culvert pipes, bridges and other road features that require access for maintenance;

(5) Displays are not allowed within the median of a divided highway/road, on any bridge, attached to trees, fences, signs, signals, utility poles, etc.;

(6) Displays must be behind the guardrail, if one is present, or with approval by city engineering, tied to a guardrail post with lightweight string, wire or tape and must be easily removable for maintenance purposes;

(7) Displays shall not be a hazard to the motoring public in any way, including but not limited to, obstructing the vision of motorists traveling along and/or entering the roadway, having any light reflecting materials or illumination by any means, or interfering with or obscuring any traffic control device. Displays that violate any of these standards may be removed by the City of Alcoa. Said displays will be stored for seven (7) days and, if not claimed said memorials will be disposed. (as added by Ord. #07-122, April 2007)

20-704. Safety. Persons placing roadside memorial markers are responsible for doing so by acting in a safe manner, including parking completely clear of the travel lanes. The memorial may need to be placed near the accident location, rather than exactly at the accident location, in order to avoid endangering the persons placing or maintaining the memorial and to avoid endangering the motoring public. (as added by Ord. #07-122, April 2007)

20-705. Removal of roadside memorial markers. Roadside memorial markers must be removed thirty (30) days following the date of the incident. Should the same not be removed in a timely manner, they will removed by city staff and stored for seven (7) days. If not claimed, they will then be disposed of. The city engineer has the authority to direct or cause the removal of any such marker, without notice, within a public right-of-way upon determining that removal is necessary for construction, maintenance, safety or other purpose, following the same procedure stated above. (as added by Ord. #07-122, April 2007)

CHAPTER 8

SPECIAL EVENTS

SECTION

- 20-801. Special events defined.
- 20-802. Use of public property restricted.
- 20-803. Application process.
- 20-804. Application fees and facilities charges.
- 20-805. Reimbursement for municipal services.
- 20-806. Compliance with laws.
- 20-807. Cancellation and refunds.
- 20-808. Rescheduled events (rain dates).
- 20-809. Permit non-transferable.
- 20-810. Permit revocation.

20-801. Special events defined. Special events shall be defined as any planned event: That is intended to attract larger crowds of individuals to one or more locations within the city than would naturally occur in the absence of said event; and, or

(1) Which will require extra assistance from city personnel to successfully conduct the event and to ensure the health and safety of the attendees as well as the general public; or

(2) Which will involve the closure, partial closure or will otherwise interfere with the public use of any road, street, sidewalk, greenway, park or any other publically owned property or facility.

(a) Special events include but are not limited to organized walks, runs, bicycle tours, motor vehicle rallies, parades, festivals, concerts, fairs, exhibits, trade shows, carnivals, picnics, reunions, weddings, block parties and street or parking lot dances.

(b) Special events shall not include: Events organized solely by local governmental, or quasi-governmental entities. (as added by Ord. #15-349, April 2015)

20-802. Use of public property restricted. Special event permits requiring the closure, partial closure or will otherwise interfere with the public use of any road, street, sidewalk, greenway, park or any other public property or facility will only be considered for issuance to individuals or organizations offering attendance or participation in the event to the public free of charge or where entry fees or donations, net of event costs, are designated to one or more bona fide charities or for a specific charitable purpose. Charitable purpose will be determined on a case by case basis determined by the city manager.

(1) Permitting generally. No person or persons shall engage in or conduct a special event unless a permit is issued by the city manager or his

designee. No person or persons shall engage in a special event as determined by the city manager involving the use or disruption of the public right-of-way or other public property within the corporate boundary of the City of Alcoa, unless a permit is issued by the city manager or his designee.

(a) There shall be a maximum of four (4) special event permits per entity per year.

(b) The duration of each special event shall not exceed ten (10) calendar days unless granted an exception for cause which shall be determined by the city manager.

(2) Permitting process. A special events permit application and fee shall be submitted to the city recorder's office for forwarding to the special events coordinator prior to the commencement of the event. The approved permit and receipt for fees must be in hand prior to holding the event.

(3) Application shall include. All special event permit applications shall include the following information:

(a) Applicant's name, street address, telephone number, and e-mail address.

(b) Name, street address, telephone number, e-mail address and signature of the individual identified who assumes the responsibility of meeting the conditions of the permit.

(c) Location of event.

(d) Nature/name of event.

(e) Date and time of event.

(f) Indication of vendors at special event.

(g) Statement indicating the number of individuals reasonably expected to participate in the special event.

(h) If having tent(s), sidewalk sales, or any other outdoor activities, include a site plan showing location for such activities.

(i) If the event includes group movement such as a race or parade the applicant shall provide a written diagramed traffic plan setting forth the route to be utilized by the special event. (as added by Ord. #15-349, April 2015)

20-803. Application process. For every type of special event for which a permit is required, the sponsor shall complete an application on a form provided as follows:

(1) Deadline. Applications shall be filed no later than thirty (30) days prior to the date of the special event for events that do not require the closure or partial closure of any public right-of-way and will require no more than minimal or routine support from city personnel. Events involving closure or partial closure of public rights-of-way and/or require dedicated assistance from city personnel either prior to, during or after the event must be filed a minimum of sixty (60) days prior to the requested date. Applications that fail to meet the thirty (30) or sixty (60) day requirement outlined above will be denied unless it

is determined that sufficient time available to process the application. Said determination will be at the sole discretion of the city.

(2) Planning. Depending on the complexity of the proposed event, applicants may be required to attend meetings with city personnel on one or multiple occasions as well as submit supplemental documentation as necessary to adequately plan the event.

(3) Estimated reimbursement charges. Based on the application and any subsequent meetings or supplemental information provided, the city will furnish the applicant with a summary of the reimbursement required to be remitted upon permit approval.

(4) Advertising. Applicants, organizers, or sponsors shall not publically advertise or announce the date of the event via physical or digital media or by use of the airwaves prior to receiving permit approval.

(5) Conditional approval. Based on review of the application, the city may impose certain reasonable requirements as a condition for approval. Failure to comply with those conditions may result in permit revocation by the city prior to or during the event.

(6) Insurance and indemnity agreement. Upon permit approval, applicants must provide any required certificates of insurance and execute an indemnity statement. Insurance requirement shall be determined upon a case by case basis by the city manager.

(a) Applicants shall agree in writing to assume the defense of and indemnify and save harmless the city, its aldermen, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the city may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of special event and the activities permitted in connection therewith.

(b) The applicant must submit a certificate of insurance from a Tennessee state-licensed entity prior to the event. Waiver of this requirement is within the discretion of the city manager, and is dependent upon the nature, size and duration of the event. (as added by Ord. #15-349, April 2015)

20-804. Application fees and facilities charges. A schedule of charges for special event application processing as well as use charges for municipal properties available for special events will be established by resolution.

(1) Application fees are required to be remitted at the time of application submission and are non-refundable.

(2) Applications fees will be waived for special events sponsored by the local governmental, or quasi-governmental entities, or events co-sponsored or endorsed by the City of Alcoa such as the annual Christmas Parade; however, applications will still be required to be filed.

(3) Facilities will be reserved on a first come first serve basis and the appropriate fee shall be remitted upon receiving the approved special event permit.

(4) Special event application fees are in addition to other fees as set forth herein. Application fees under this (ordinance, policy, etc.) are not all-inclusive of other fees or charges such as alcoholic beverage permit fees or utility service connection fees and consumption charges which may be required based on the needs of the special event. All other fees and charges will be assessed in accordance with the laws, rules or regulations governing those additional permits or services. (as added by Ord. #15-349, April 2015)

20-805. Reimbursement for municipal services. Individuals or organizations requesting a special events permit shall reimburse the cost of city personnel, equipment, materials and supplies necessary to conduct the event. Each department will determine the staffing and other costs necessary based on review of the information included in the application and the and charges will be calculated based on the rates included in Appendix A. The total of the costs calculated must be remitted upon receipt of the approved application. Costs will include but not be limited to:

(1) Law enforcement. The police department will estimate the personnel necessary to provide security, crowd control and traffic control based on the type, size, location and duration of the event. At the sole discretion of the chief or his/her designee, trained traffic control personnel, and/or security personnel provided by the event organizers may be substituted for police officers to assist in satisfying the law enforcement functions.

(2) Fire and EMS. The fire department will determine the need, if any, for firefighters, and fire apparatus to be on-site. Additionally, on-site emergency medical personnel, aid stations, and/or ambulance requirements will be established based on the type, size and location of the event. If ambulance(s) are required, event organizers must supply evidence from the ambulance service provider that ambulance coverage will be provided as required upon receipt of the approved permit.

(3) Public works. Public works personnel will be responsible for the closure or partial closure of any road, street, sidewalk, greenway or other right-of-way along with installing temporary fencing, marking temporary parking spaces or similar tasks as required by the particular event. Barricades, directional signs, or other re-usable in-stock items will be provided at no cost. Any additional items, materials, supplies or custom fabricated signage whether purchased or rented will be added to the event's total reimbursement charges, as well as applicable labor fees. Street sweeping and post event litter clean-up fees will also be assessed if necessary

(4) Utility departments. Charges for providing water or electric service will be calculated under the current effective schedule of charges and fees and

will be remitted in the normal course of obtaining utility service separate from the special event permit process. (as added by Ord. #15-349, April 2015)

20-806. Compliance with laws. All applicable ordinances and laws shall be complied with and all required permits and licenses shall be secured in connection with such special event.

(1) Loudspeakers, noise in general. Events requesting the use of any amplified sound must obtain a permit and comply with the restrictions under § 11-302 of the Alcoa Municipal Code. Application for a sound permit is contained within the special event permit packet.

(2) Special event vendors. Event organizers may not authorize a vendor offering any product for sale to participants or the general public to conduct business within or near the location of the special event without first referring the vendor to the city for permitting under title 9 chapter 6 of the Alcoa Municipal Code and any applicable state law.

(3) Signs. All signs shall comply with title 14 of the City of Alcoa Municipal Code. Any sign that is not specifically permitted shall be prohibited.

(4) Animals. Participants and organizers shall adhere to all requirements outlined in title 10 of the Alcoa Municipal Code.

(5) Open fires and grills. A permit must be obtained before the use of any open fire or grill as mandated by title 7 of the Alcoa Municipal Code. (as added by Ord. #15-349, April 2015)

20-807. Cancellation and refunds. Event organizers may cancel an event at any time including the day of the event. For events requiring assistance from public safety personnel, cancellations on the day of the event whether prior to or during the event must be done for good cause and in consultation with the ranking city official assigned to the event. The amount of any unused city cost reimbursements will be calculated by the city and refunded to the event applicant within thirty (30) days of the cancelled event. Cancellations just prior to or during the event may result in additional charges relating to the need for additional personnel or requiring personnel to report earlier than scheduled for barricade removal, crowd dispersal, traffic control, or other duties necessary to close the event. These costs will be assessed to the event organizers. (as added by Ord. #15-349, April 2015)

20-808. Rescheduled events (rain dates). Event organizers may request an alternate date (rain date) on the special event application form and if approved by the city, may advertise the rain date as part of the event publicity. Exercising a rain date may result in additional city cost reimbursement charges depending on whether costs were incurred by the city in preparing for or conducting the event on the originally scheduled date and those activities must be repeated on the rain date. Those additional charges will

be assessed to the event organizers and must be received by the city as soon as possible after the original event date and in any event, prior to the re-scheduled event date. (as added by Ord. #15-349, April 2015)

20-809. Permit non-transferable. Any issued permit is not transferrable. (as added by Ord. #15-349, April 2015)

20-810. Permit revocation. If it becomes apparent prior to or during an event that conditions have developed that impose a risk to maintaining the health, safety and well-being of the attendees or general public, event organizers must comply with the directives of the city to correct those conditions or in extreme cases, terminate the event. (as added by Ord. #15-349, April 2015)

Appendix A

Schedule of fee and facility use charges

	Resident	Non-Resident
Application fee	\$25.00	\$50.00
Springbrook Corporate Center Island (or other city-owned property not under the purview of the Maryville- Alcoa-Blount County Parks and Recreation Commission. Parks and recreation fees will still apply)	\$150.00/day	\$200.00/day
Alcoa Municipal Building Grounds	\$150.00/day	\$200.00/day
Alcoa City School Grounds	\$150.00/day	\$200.00/day
Use of inflatables and/or other wind- activated attractions	Certificate of insurance may be required	
Water and electric utility		
Public works		

Schedule of city personnel rates

	Staffing	Hourly Rate/Min.
Public works (traffic operations) Street closures, runs/walks, bike races and parades	Field crew (2) with vehicle	\$60/hr., 2 hr. min.
Police services (traffic control)	Officer Police cruiser	\$50/hr., 2 hr. min. first 30 min free per Mark \$25/hr.
City of Alcoa Fire-Rescue Special event emergency medical services	EMS Unit (2 people) Fire engine/fire suppression/ firefighters (2) Additional personnel	\$60/hr., 4 hr. min. \$75/hr., 4 hr. min. \$25/hr., 4 hr. min.

(as added by Ord. #15-349, April 2015)

ORDINANCE NO. 1086

AN ORDINANCE ADOPTING AND ENACTING
A CODIFICATION AND REVISION OF THE
ORDINANCES OF THE CITY OF ALCOA, TENNESSEE

WHEREAS, some of the ordinances of the City of Alcoa are obsolete; and

WHEREAS, some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate; and

WHEREAS, the Board of Commissioners of the City of Alcoa, 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 "Alcoa Municipal Code".

NOW THEREFORE, BE IT ORDAINED by the City of Alcoa, that:

SECTION 1. **Ordinances Codified.** The ordinances of the city 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 "Alcoa 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 city or authorizing the issuance of any bonds or other evidence of said city'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 city; any ordinance establishing a social security system or providing 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 city; any ordinance dedicating, naming, establishing, locating, relocating, opening, 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 city.

SECTION 3. 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 five hundred dollars (\$500.00) 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".

When a civil penalty is imposed on any person for violating any provision of the municipal code 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.¹

Each day any violation of the municipal code continues shall constitute a separate civil offense.

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 commissioners, 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 city 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

¹ State law reference

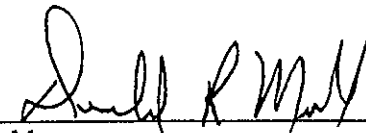
For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

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. 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.



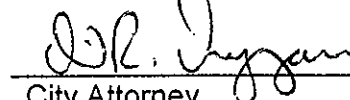
Mayor

ATTEST:



Recorder

APPROVED AS TO FORM:



City Attorney

Passed on First Reading

December 9, 1997



Recorder

Passed on Second Reading

December 23, 1997



Recorder